



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, June 18, 2015, at 9:08 a.m. in the Montgomery Regional Office (MRO) in Silver Spring, Maryland, and adjourned at 5:50 p.m.

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

Items 1 through 6 are reported on the attached agenda.

The Board recessed for lunch at 11:09 a.m. to meet with representatives from the Office of Zoning and Administrative Hearings in the 3rd floor conference room at MRO.

The Board reconvened in the auditorium at 2:05 p.m.

Items 7 through 9 are reported on the attached agenda.

Commissioner Presley left the meeting at 3:05 p.m. following discussion of Item 7.

There being no further business, the meeting was adjourned at 5:50 p.m.

On Wednesday June 24, following a tour of downtown Bethesda by Planning Board Commissioners, accompanied by Planning Department and Parks Department staff, from 11:30 a.m. through 2:00 p.m., including a lunch break, the Planning Board will hold a Public Hearing for the Bethesda Downtown Sector Plan at the Bethesda/Chevy Chase Regional Services Center in Bethesda from 2:00 p.m. to 5:30 p.m., with a dinner break, and from 7:00 p.m. through 9:30 p.m.

The next regular meeting of the Planning Board will be held on Thursday, June 25, 2015, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Sr. Technical Writer/Editor

James J. Parsons
Technical Writer

Montgomery County Planning Board Meeting
Thursday, June 18, 2015
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**

Subdivision Plat No. 220141570, Hardings Subdivision

R-200 zone, 1 lot; located on the north side of Sagebrush Terrace, 400 feet east of Wildwood Drive;
Fairland Master Plan

Staff Recommendation: Approval

Subdivision Plat No. 220150440, Chandlee Estates

RE-2, 2 lots; located on the west side of Chandlee Mill Road, 1,850 feet south of the intersection with
Gold Mine Road; Sandy Spring - Ashton Master Plan

Staff Recommendation: Approval

Subdivision Plat No. 220150450, Spring Arbor

RNC zone, 1 lot and 1 parcel; located on the east side of Georgia Avenue (MD 97), 1,500 feet north of
the intersection with Emory Church Road; Olney Master Plan

Staff Recommendation: Approval

Subdivision Plat No. 220151030, West Side at Shady Grove Metro

TOMX-2.0/TDR zone, 1 lot; located on the west side of Crabbs Branch Way, 1,500 feet north of the
intersection with Redland Road; Shady Grove Sector Plan

Staff Recommendation: Approval

BOARD ACTION

Motion: FANI-GONZÁLEZ/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**

Allanwood, Preliminary Plan Amendment No. 12014015A --- Minor Preliminary Plan Amendment to modify a condition of approval for the required road dedication of 39 feet (instead of 19 feet) from the centerline along Woods Center Road, to be consistent with the approved preliminary plan. Located in the southeast quadrant of the intersection of Norbeck Road and Woods Center Road; 5.6 acres zoned R-200 in the 1994 Aspen Hill Master Plan area.

Staff Recommendation: Approval and Adoption of Resolution

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

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

***D. Approval of Minutes**

Planning Board Meeting Minutes of May 28, 2015

BOARD ACTION

Motion: FANI-GONZÁLEZ/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved Planning Board Meeting Minutes of May 28, 2015, as submitted.

2. Roundtable Discussion

- Parks Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing.

Parks Director's Report – Acting Parks Department Deputy Director Mitra Pedoeem introduced Shuchi Vera, the newly hired Management Services Division Chief, and Arie Baker, the newly hired primary assistant in the Director's Office, and briefed the Board and discussed the following Parks Department events and activities: the recent awarding of a best historic documentary Emmy to an episode of the Public Broadcasting System program [Time Team America](#) featuring Josiah Henson Special Park; the recent dedication of Evans Parkway Neighborhood Park; the recent dedication of the Little Bennett Day Use Area and inaugural viewing of the Eco Sculpture *Big Burr*; the recent Dig & Draw event at Ellsworth Urban Park; the recent Neighborhood Cookout and Picnic event at Wall Urban Park; the recent senior leadership retreat, which focused on responsiveness, customer service, and development of advocacy for parks and park programs; the opening of the 2015 summer camp season, scheduled for Monday, June 22, and a reported 15 percent increase in camp registration over 2014 registration totals; the status of the FY17-22 Capital Improvements Program budget and a strategy session scheduled for July; the status of a LGBT Pride Awareness webinar scheduled for Friday, June 26; and the success of the 2015 Planning Board Parks Tour on Thursday, June 11.

There followed a brief Board discussion.

***3. 8008 Wisconsin Avenue**

A. Project Plan No. 920150020, 8008 Wisconsin Avenue --- CBD-1 zone, 0.32 acres, Mixed-use project with up to 151,953 sf. of residential uses, with up to 140 multi-family dwelling units (including 15% MPDUs), and up to 4,500 sf. of non-residential uses, located in the southwest quadrant of the intersection of Wisconsin Avenue and Cordell Avenue; Woodmont Triangle Amendment to the Bethesda CBD Sector Plan

Staff Recommendation: Approval with Conditions and Adoption of Resolution

B. Pre-Preliminary Plan No. 720150160, 8008 Wisconsin Avenue --- CBD-1 zone, 0.32 acres, Mixed-use project with up to 151,953 sf. of residential uses, with up to 140 multi-family dwelling units (including 15% MPDUs), and up to 4,500 sf. of non-residential uses, located in the southwest quadrant of the intersection of Wisconsin Avenue and Cordell Avenue; Woodmont Triangle Amendment to the Bethesda CBD Sector Plan

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

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

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

Nay:

Other:

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

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

Planning Department staff offered a multi-media presentation and discussed a proposed Project Plan request and concurrent Pre-Preliminary Plan request to construct a mixed-use building for up to 156,453 square feet of residential and non-residential use. The 13,962-net square foot site, which consists of five platted lots, is located in the southwest quadrant of the intersection of Wisconsin Avenue and Cordell Avenue, and zoned Commercial/Residential in the Woodmont Triangle Amendment to the Bethesda Central Business District (CBD) Sector Plan, Bethesda CBD Sector Plan, and Countywide Transit Corridors Functional Master Plan areas within the Lower Rock Creek watershed. The site is currently developed with low-scale retail buildings, several of which are currently vacant. Staff noted that the project is being developed under optional method and reviewed under the previous CBD zone. Staff added that the application includes a requested density transfer of 47,821 square feet of additional floor area

***3. 8008 Wisconsin Avenue**

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acquired from five other nearby properties. The applicant proposes to construct a 143-foot, 14-floor building to accommodate 151,953 square feet of residential use for no more than 140 multi-family residential units, 15 percent of which will be Moderately Priced Dwelling Units (MDPUs), and up to 4,500 square feet of ground-floor retail, restaurant, or office use. Pedestrian access will be from Wisconsin Avenue, and vehicular access to below-grade parking and loading dock will be provided via a driveway from Cordell Avenue. A total of 2,812 square feet of on-site public use space is proposed for the property's Woodmont Avenue, Cordell Avenue, and Wisconsin Avenue frontages, including landscaping, decorative paving, benches, and lighting. The applicant also agrees to provide 3,828 square feet of public amenity space through a fee-in-lieu payment to a public amenity fund. Staff noted that a Bus Rapid Transit (BRT) route proposed for Wisconsin Avenue along the property's frontage requires a right-of-way width of 61 feet from the centerline of Wisconsin Avenue. The applicant is also required to dedicate an additional 10 feet of right-of-way to accommodate a proposed BRT station. While the applicant agrees to the required dedication of 61 feet for the proposed BRT route, due to the property's size constraints, the applicant proposes to place the 10 feet required for the BRT station into a public improvement easement (PIE) rather than dedicating it as right-of-way. Both staff and the Maryland State Highway Administration are amenable to the applicant's proposal to utilize a PIE.

Ms. Emily Vaias, attorney representing the applicant, offered comments and concurred with the staff recommendation.

Mr. Norman Jemal, Ms. Siti Abdul-Rahman, and Mr. Craig McClure, members of the applicant's team, offered and discussed density transfers, project design, and landscaping and hardscaping plans.

Mr. Bob Dalrymple, attorney representing Linowes and Blocher, offered comments regarding right-of-way requirements and the use of public improvement easements for the proposed BRT.

Mr. Greg Rooney, representing Bernstein Companies, offered testimony.

There followed extensive Board discussion with questions to staff.

4. Frederick Road Bike Path

A. Mandatory Referral 201525, Frederick Road Bike Path --- Construction of a ten-foot-wide shared use path along 2.5 miles of Frederick Road (MD 355) on the west side from the intersection of Stringtown Road/Frederick Road in Clarksburg to 300 feet south of the intersection of Milestone Manor Lane/Frederick Road in Germantown. Clarksburg and Germantown Master Plans

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

***B. Preliminary/Final Water Quality Plan MR2015025: Clarksburg Special Protection Area ---** Construction of a ten-foot-wide shared use path along 2.5 miles of Frederick Road (MD 355) on the west side from the intersection of Stringtown/Frederick Road in Clarksburg to 300 feet south of the intersection of Milestone Manor Lane/Frederick Road in Germantown. Clarksburg and Germantown Master Plans

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

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

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

Nay:

Other:

Action: **A. Approved staff recommendation for approval to transmit comments for the Mandatory Referral request cited above, as stated in the attached transmittal letter to the Montgomery County Department of Transportation.**

B. Approved staff recommendation for approval of the Preliminary/Final Water Quality Plan cited above, subject to conditions, and adopted the attached Resolution.

Planning Department staff offered a multi-media presentation and discussed a proposed Mandatory Referral request and an associated Preliminary/Final Water Quality Plan request to construct a 10-foot wide shared use path. The proposed 2.5-mile project site is located along the west side of Frederick Road (MD 355) in the Clarksburg Master Plan and Germantown Master Plan areas. The proposed path will extend south from the intersection of Stringtown Road and MD 355 to approximately 300 feet south of the intersection of Milestone Manor Lane and MD 355. The purpose of the proposed project is to fill in major gaps where either the path does not exist or has not been funded or built by other agencies or developments. According to staff, any

4. Frederick Road Bike Path

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existing portion of the path that is less than eight feet wide will be replaced with a ten-foot wide path. Staff added that in order to minimize environmental impact, a segment of the path that is proposed to cross Little Seneca Creek will be limited to 8 feet wide.

Staff noted that the proposed project has been granted a Forest Conservation Plan exemption, but because the site is located in the Clarksburg Special Protection Area within the Little Seneca Creek watershed, the applicant must obtain approval of a water quality plan. Staff also noted that the Planning Board must take action on the proposed Preliminary/Final Water Quality Plan prior to taking action on the proposed Mandatory Referral.

There followed a brief Board discussion with questions to staff.

***5. Solomon-Simpson, Lot 11: Preliminary Plan Amendment 11998086B (In Response to a Forest Conservation Violation) --- Request to amend the forest conservation plan to remove and replace existing Category I conservation easements.**

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: **WELLS-HARLEY/PRESLEY**

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 modify existing Category I conservation easements in response to a Forest Conservation Easement violation on Solomon-Simpson lot 11. The 90.3-acre property is located on Beallsville Road, 1,100 feet south of its intersection with Lyndenwood Avenue, and zoned Agricultural Reserve within the Agricultural and Rural Open Space Master Plan area. The lot includes 44.26 acres of active agriculture, 33.57 acres that make up the W. T. Jones House and Historical Setting, and is improved with an existing farmhouse and outbuilding. In addition to existing forest, Lot 11 contains three Upper Broad Run stream tributaries, one located on the western portion of the lot, one located in the middle of the property, and the other located along the eastern property line. Staff noted that all forested areas and stream buffers are protected by the current Forest Conservation Plan in 34.7 acres of Category I conservation easements.

As a result of a February 2010 on-site easement inspection, staff issued a Notice of Violation to the applicant for mowing, farming, and pasturing horses within the easement. In order to continue agricultural activities, the applicant proposes to remove 3.88 acres of unforested Category I conservation easement and replace it with 3.88 acres of new on-site conservation easement. Staff noted that 3.72 acres of the requested easement removal is located within the W. T. Jones House and Historical Setting limits, with the remaining 0.16 acres located at the southeast corner of a large section of existing forest on the western portion of the site. The applicant is also requesting to permanently remove without penalty 6.63 acres of Category I conservation easement that was erroneously placed on the lower southwest corner of the lot. To meet the on-site requirement for the replacement of portions of the 3.88 acres of easement requested for removal, the applicant proposes to add 2.77 acres of conservation easement back to the area that was recorded in error.

There followed a brief Board discussion.

6. Presentation of Annual Land Use Report to Maryland Department of Planning (MDP) ---
As per the requirements established recently by State legislation, each local jurisdiction must submit an annual land use report to MDP. The objective of this request is to monitor growth statewide and to determine if State smart growth policies are having beneficial or unanticipated effects. This report for Calendar Year 2014 is the fifth such report prepared by the Montgomery County Planning Department for Board approval of transmission to our County Council President and the State of Maryland Department of Planning.

Staff Recommendation: Approve Report and Transmit to County Council President and the Director of the State of Maryland Department of Planning

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation of approval of the Annual Land Use Report and transmittal to the County Council President and the Director of the State of Maryland Department of Planning, as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed the Maryland Department of Planning (MDP) Local Jurisdiction 2014 Annual Land Use Report. Under the Maryland Smart and Sustainable Growth Act of 2009, over 150 different jurisdictions, including Montgomery County, are required to complete a land use questionnaire and submit the results, as well as maps and planning data to MDP. Staff noted that this year the State has refined and clarified the required metrics by providing jurisdictions with a new report submittal template. The information submitted is collected from various sources, including zoning and subdivision approval data from the HANSEN Development Tracking System, permit data from the Department of Permitting Services, and Capital Improvements Program and Adequate Public Facilities Ordinance data from Montgomery County Public Schools. The information is then utilized to monitor State Smart Growth policies and determine if those policies are having beneficial or unanticipated effects, particularly in the County's Priority Funding Areas.

There followed a brief Board discussion.

10. Office of the General Counsel

Request to reallocate FY2015 salary lapse for use in non-personnel expenditures

Staff Recommendation: Approval

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Following a brief presentation by the Commission General Counsel, approved the request from the Legal Department to reallocate funds from the FY2015 salary category for use in non-personnel expenditures categories.

7. [Water and Sewer Category Amendment Requests](#) --- Montgomery County Comprehensive Water Supply and Sewerage Systems Plan Proposed Category Map Amendment – County Executive’s April 2015 Amendment – Nine Water/Sewer Service Category Change requests
Staff Recommendation: Transmit Comments and recommendations to County Council

Motion: **PRESLEY/DREYFUSS**

Vote:

Yea: **5-0**

Nay:

Other:

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

In keeping with the June 11 technical staff report, Planning Department staff discussed nine proposed water/sewer service category change requests for which the Planning Board’s recommendations will be transmitted to the County Council for a scheduled public hearing on June 23. The Council’s Transportation, Infrastructure, Energy & Environment (T&E) Committee will also deliberate on these requests at their June 29 meeting.

The following are the proposed requests and staff recommendations:

- 1) WSCCR 13-GWC-01A – 8617 Warfield Road, Peter Huyser– Approval
- 2) WSCCR 13-GWC-02A – 9311 Warfield Road, Cheryl Gearhart Trust – Denial
- 3) WSCCR 14-GWC-02A – 23501 Ridge Road, Montrose Baptist Church – Denial
- 4) WSCCR 13-PTX-01A – Canaan Christian Church – Approval
- 5) WSCCR 13-PTX-02A – Sarem - Approval
- 6) WSCCR 13-PTX-03A – Sarem - Approval
- 7) WSCCR 13-PTX-04A – Burtonsville Association - Approval
- 8) WSCCR 13-POT-03A-10121 Norton Road, Sunny & Ruben Bajaj Trust – Denial
- 9) WSCCR 13-POT-03A, 10201 Norton Road – Ken & Kevelle Bajaj - Denial

Staff noted that all the recommendations are in agreement with the County Executive’s recommendations. A final action and decision by the County Council will be made in July.

Mr. Bob Harris, attorney representing Montrose Baptist Church, offered comments and did not agree with the staff recommendation of denial.

Pastor Ken Fentress of Montrose Baptist Church also offered comments.

At the Board’s request, Mr. Alan Soukup representing Montgomery County Department of Environmental Planning offered comments and clarifications.

Mr. William Askinazi, attorney representing Mr. and Mrs. Frank & Debbie Islam, adjacent property owners to Montrose Baptist Church, offered testimony in support of staff recommendation of denial of water and sewer service.

Mr. James Putman of Dustin Road offered testimony in support of staff recommendation of approval of water and sewer service for Canaan Christian Church.

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

8. [Needwood Road Bike Path, Mandatory Referral MR2015021](#) --- Construction of an eight-foot-wide bike path along 1.9 miles of Needwood Road Bike Path between Deer Lake Road and Muncaster Mill Road (MD115).

Staff Recommendation: Approval to transmit comments and recommendations to Montgomery County Department of Transportation

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

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

The Planning Department Transportation Planning Division staff discussed a proposed Mandatory Referral request from the Montgomery County Department of Transportation (MCDOT) for the construction of an eight-foot wide bike path along 1.9 miles of Needwood Road between Deer Lake Road and Muncaster Mill Road (MD 115), as discussed in detail in the June 11 technical staff report. Staff noted that in addition to providing a significant part of the connection between the Inter County Connector (ICC) Trail and the Shady Grove Metrorail station, the shared use path along Needwood Road between Beach Drive and the western side of Lake Needwood would serve as an important link in a Blue Heron loop park trail experience. The proposed project is located within the Upper Rock Creek Sector Plan area. The proposed shared use path would be built at a width of eight feet, which is less than the recommended minimum ten feet recommended by the American Association of State Highway and Transportation Officials (AASHTO) in their “*Guide for the Development of Bicycle Facilities.*” However, AASHTO allows the path width to be reduced to eight feet under certain circumstances, which this project meets.

The project will be carried out in two phases. Phase I, which would take place between Equestrian Lane and just west of the ICC, includes a 900-foot segment of trail that was already constructed as part of the ICC project and is funded by the State. The remainder of the shared-use path would be constructed as Phase II, which originally included a 700-foot segment of sidewalk along Muncaster Mill Road from Needwood Road to Colonel Zadok Magruder High School, but since a water quality plan has not yet been prepared, MCDOT requested that the sidewalk be dropped from the project.

There followed a brief Board discussion with questions to staff.

9. [Subdivision Regulations Rewrite – Worksession No. 1](#)

Staff Recommendation: Discuss and Provide Guidance to Staff

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing from Planning Department staff regarding the Subdivision Regulations Rewrite and provided guidance to staff.

Planning Department staff discussed the proposed comprehensive revision of Chapter 50, the Subdivision Regulations, as discussed in detail in the June 11 draft report. Staff noted that the organization and layout of the revised regulations have significantly changed, and the language of most provisions has been updated. The draft report contains a combined summary of the changes that resulted from the Planning Board's public hearing, and additional changes that have been made since the hearing, in response to public comments received in writing.

Staff reviewed in detail the Chapters, Articles, Sections, and Divisions that were revised and updated, and answered questions from the Board. Staff noted that another worksession will be scheduled with the Planning Board to complete the review.

At the Board's request, Messrs. William Kominers, Steve Crum, Steve Orens, and Tim Dugan, attorneys, offered comments.