



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, October 2, 2014, at 9:21 a.m. and adjourned at 5:20 p.m.

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

Items 1, 10, 2, 3, and 4, discussed in that order, are reported on the attached agenda.

The Board recessed for lunch at 12:00 p.m. and to take up Items 6 and 7 in Closed Session.

Commissioner Dreyfuss left for the day before the start of the Closed Session meeting.

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 12:40 p.m. in the 3rd floor conference room, on motion of Commissioner Presleys, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioner Presley 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 the acquisition of real property for Commission purposes and matters relating thereto, and Annotated Code of Maryland, State Government Article §10-508(a)(13) to comply with a specific constitutional, statutory or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.

Also present for the Closed Session were: Associate General Counsel Megan Chung of the Legal Department; Director Gwen Wright, Fred Boyd, and Josh Penn of the Planning Department; Director Michael Riley, Mitra Pedeem, Bill Gries, Brenda Sandberg, and Josh Kaye of the Parks Department; and M. Clara Moise of the Commissioners' Office.

In Closed Session the Board received briefing from Planning and Parks Departments staff on the proposed acquisition of parkland, and also approved Planning Board Closed Session Meetings Minutes for June and July 2014.

The Closed Session meeting was adjourned at 1:00 p.m.

The Planning Board reconvened in the auditorium at 2:15 p.m.

Items 5, 8, 9, and 11, are reported on the attached agenda.

Item 12 – Public Hearing for Ovid Hazen Wells Recreational Park Master Plan Update was taken up as the last item of the day, and a transcript will be available for this item.

There being no further business, the meeting was adjourned at 5:20 p.m. The next regular meeting of the Planning Board will be held on Thursday, October 9, 2014, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Sr. Technical Writer/Editor

Montgomery County Planning Board Meeting
Thursday, October 2, 2014
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. 220141010, 220141060, 220141120, Mid-Pike Plaza

CR-3, C-1.5, R-2.5, H-200 zones, 8 lots and 1 parcel;

located in the northwest quadrant of Old Georgetown Road (MD 187) and Rockville Pike (MD 355);
White Flint Sector Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220141270, West Chevy Chase Heights

R-60 zone, 1 lot; located on the north side of Highland Avenue, 100 feet west of Maryland Avenue;
Bethesda-Chevy Chase Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220141360, Preserve at Rock Creek

RNC zone, 1 parcel; located on the east side of Muncaster Mill Road (MD 115), approximately 1,400
feet south of Needwood Road; Upper Rock Creek Master Plan.

Staff Recommendation: Approval

Subdivision Plat No 220141410, Hill Farm

RE-2 zone, 1 lot; located on the northeast side of Norwood Road, 2180 feet northwest of New
Hampshire Avenue (MD 650); Cloverly Master Plan. **Staff Recommendation: Approval**

Staff Recommendation: Approval

Subdivision Plat No 220141580, Bradley Hills

R-200 zone, 1 lot; located on the south side of Armat Drive, 180 feet west of Burdette Road; Bethesda - Chevy Chase Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220141600, Chevy Chase, Section 8

R-60 zone, 1 lot; located on the west side of Oakridge Avenue, 195 feet north of Thornapple Street, Bethesda-Chevy Chase Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 4-0

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**

Planning Board Meeting Minutes of September 11, 2014

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS TEMPORARILY ABSENT

Action: Approved Planning Board Meeting Minutes of September 11, 2014, as submitted.

10. Discussion of proposed Planning Department improvements to the Development Review Process

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Action: Received briefing followed by discussion.

Planning Department Director Gwen Wright discussed the proposed improvements to the Development Review Process for Preliminary Plans, Site Plans, and Record Plats. These improvements were previously recommended in the Office of Legislative Oversight (OLO) Report No. 2014-10, and were suggested in response to new development review timeframes referenced in the new Zoning Code. In keeping with the September 30, 2014 memorandum to the Planning Board, Ms. Wright stated that these streamlining efforts are not new, and that the post-Development Review Committee (DRC) period takes the most time during the approval process. Furthermore, the Planning Board received a letter dated October 1, 2014 from Montgomery County Executive Isiah Leggett expressing his strong support for the DRC improvements as outlined in the September 30 memorandum. According to Ms. Wright, Mr. Leggett urges the Planning Board to join with the executive branch of the county government to become a full participant in the CountyStat system, which would assist in the creation of a systematic approach in providing accountability and transparency for development review processing data. In addition, Ms. Wright's memorandum suggests ePlans (Electronic Plan Review) as providing an opportunity to foster and improve inter-agency coordination. As part of the 120-day Development Review Schedule for projects, Ms. Wright introduced the idea of Concept Plans, as a complimentary service to applicants that would allow them to submit their plan in stages. Planning staff would take an application to DRC in its initial stages and discuss it beforehand, providing comments to the applicants that could assist in resolving major issues, thus allowing the application to move forward.

Development Applications and Regulatory Review Chief Mark Pfefferle concurred with Ms. Wright and provided additional comments on streamlining the DRC process. Planning Department

Deputy Director Rose Krasnow stated that staff is still in the process of integrating CountyStat into the DRC process.

Assistant Chief Administrative Officer at the County Executive's Office Diane Schwartz Jones offered comments on CountyStat, and discussed how the system would assist in creating reports at each stage of the DRC process.

2. FY16 Budget

Presentation and discussion of Parks Department Budget

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 4-0

Nay:

Other:

Action: **Approved staff recommendation for approval to prepare the Parks Department FY16 Operating Fund Budget.**

Parks Department staff offered a multi-media presentation and discussed in detail the proposed FY16 operating budget request for the Parks Department. The Department presented new initiatives in two tiers, identifying top priorities totaling \$6,672,632, which includes an increase of 7.1 percent from the FY15 adopted budget. The Parks Department proposed an overall budget increase for FY16 in numerous areas including, the Operating Budget Impact (OBI); National Pollutant Discharge Elimination System (NPDES); Contract, Seasonal, and Career Staff Increases; Community Events at Historic Sites; and Public Safety. Additional worksessions are scheduled for October 31 and November 13 to seek the Board's approval for various funds in operation during FY16.

Parks Department Director Michael Riley and Parks Budget Manager Karen Warnick, offered comments and provided clarification.

There followed extensive Board discussion with questions to staff.

3. Victory Housing Special Exception and an Amendment to the approved Final Forest Conservation Plan

A. Third District Police Station, Forest Conservation Plan Amendment MR2009742:

Request to amend the approved Final Forest Conservation Plan for Special Exception S-2873 for housing and related facilities for senior adults and persons with disabilities, 12.79 acres, R-90/TDR-6 Zone. Located in the northeast quadrant of the intersection of Milestone Drive and New Hampshire

Avenue, Silver Spring within the 1997 White Oak Master Plan area
Staff Recommendation: Approval with conditions and Adoption of Resolution

B. Special Exception S-2873 - Request for housing and related facilities for senior adults and persons with disabilities, consisting of 80 one-bedroom and 25 two-bedroom apartments, 12.79 acres, R-90/TDR-6 Zone located in the northeast quadrant of the intersection of Milestone Drive and New Hampshire Avenue, Silver Spring, within the 1997 White Oak Master Plan area

Staff Recommendation: Approval with conditions
(Action required for hearing by the Hearing Examiner on October 17, 2014)

BOARD ACTION

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

Vote:
 Yea: **A. 4-0**
 B. 4-0

Nay:

Action: **A. Approved staff recommendation for approval of the Amendment to the approved Final Forest Conservation Plan, subject to conditions, and adopted the revised attached Resolution.**
 B. Approved staff recommendation for approval of the Special Exception, subject to conditions, as stated in the attached transmittal letter.

In keeping with the September 19 technical staff report, Planning Department staff offered a multi-media presentation and discussed the Special Exception and Preliminary Forest Conservation Plan Amendment request to construct a four-story, 105-unit apartment building on 2.51 acres of undeveloped land located at the northeast quadrant of the intersection of Milestone Drive and New Hampshire Avenue in the White Oak Master Plan area for lower and moderate income elderly and handicapped individuals. Development of the site was originally planned in three phases, whereby the first approved phase of development included the construction of the Third District Police Station. The proposed Phase 2 of development is the special exception application for a senior residential facility to be constructed immediately east of the Police

3. Victory Housing Special Exception and an Amendment to the approved Final Forest Conservation Plan

CONTINUED

Station. The accompanying amendment addresses the abandonment of existing easements, and incorporates new replacement easements to be recorded by plat. Staff noted that the property lies within the Paint Branch Watershed, but is outside of the Special Protection Area. The proposed site does not contain any form of wetlands, streams, or other bodies of water.

Mr. Jody Kline, attorney representing the applicant, and Mr. Jeff Blackwell, Vice President of Victory Housing, Inc., offered comments and concurred with the staff recommendation. There followed a brief Board discussion with questions to staff.

***4. Poplar Run (formerly Indian Springs) Site Plan Amendment No. 82007002C** - Amendment of the approved Final Forest Conservation Plan. 308.3 acres, east side of Layhill Road 1900 feet north of Middlebridge Drive, R-200 Zone; Master Plan for the Communities of Kensington-Wheaton.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 4-0

Nay:

Other:

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

Planning Department staff offered a multi-media presentation and discussed the Limited Site Plan Amendment request which amends the Final Forest Conservation Plan (FFCP) for the Poplar Run (formerly known as Indian Spring) subdivision, to match the approved Site Plan. The proposed 310-acre site located at Layhill Road and Northwest Branch is a residential subdivision, formerly associated with the Indian Spring Country Club. The Planning Board previously approved a Preliminary Plan on September 21, 2006, and a Site Plan on October 11, 2007. Subsequent Limited Site Plan Amendments included changes to Stormwater Management, building setbacks, landscape, and paving. The proposed amendment will update the FFCP to reflect changes to the roadway, culvert, Stormwater Management, and associated easements, and would include 5,000 square feet of forest clearing resulting in .80 acres of forest removal.

Mr. Michael Lemon, attorney representing the applicant, offered brief comments and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff.

6. CLOSED SESSION

Pursuant to State Government Article Annotated code of Maryland, Section 10-508 (a) (3) to consider the acquisition of real property for Commission purposes and matters relating thereto

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

7. CLOSED SESSION

Pursuant to State Government Article, Annotated Code of Maryland §10-508(a)(13) to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter (Approval of Closed Session Minutes)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

5. Subdivision Staging Policy Amendment #14-02 - SSP Amendment #14-02 proposes a change in how Local Area Transportation Review (LATR) is conducted for development in the White Oak Policy area.

Staff Recommendation: Transmit comments to the District Council

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS ABSENT

Action: Received briefing from Planning Department staff, and approved staff's request to transmit comments to the District Council regarding the proposed Subdivision Staging Policy Amendment for the White Oak Policy area, as stated in the attached transmittal letter.

Planning Department staff discussed the proposed Subdivision Staging Policy Amendment, which recommends a change in how Local Area Transportation Review (LATR) is conducted for future development in the White Oak Policy area. Staff does not recommend adoption of this amendment given the concern that this action has the potential to underestimate the appropriate level of transportation facilities needed to adequately accommodate future traffic demand in the context of the LATR process. LATR seeks to ensure a balance between the traffic demand in a defined area, and the traffic capacity from available programmed infrastructure six years in the future. The proposed amendment would change the definition of background traffic to be considered for LATR to only traffic associated with previously approved, but yet unbuilt, development that has obtained a building permit. Staff noted that the proposed amendment was introduced to the County Council on September 16, and the Council's public hearing pertaining to this matter is scheduled for Tuesday, October 7.

The following speakers offered testimony: Ms. Eileen Finnegan of Sweetbriar Parkway, representing the Hillandale Citizens Association; Mr. Barry Wides of Ithica Drive, President of the North White Oak Civic Association; Ms. Stacy Silber, attorney; and Mr. William Kominers, attorney.

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

8. Sandy Spring Rural Village Plan: Worksession No. 1

Staff Recommendation: Review the public testimony and staff response

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing from Planning Department staff, including a review of the public testimony received during the public hearing held on September 11, and staff's response.

Planning Department staff discussed the general concepts of the Sandy Spring Rural Village Plan, including the vision and history, land use, density and height, transportation capacity, and implementation, and proposed business strategies to create a vibrant village/community. The testimony from residents, property owners, business owners, and the County Executive supported the recommendations in the Sandy Spring Rural Village Plan for the vision, including land use, density and building height, transportation capacity, and implementation. After a review of the testimony, staff recommends the following: include a history section in the Plan; include the design check list distributed at the meeting; re-zone the site at 617 Olney-Sandy Spring Road from R-200 to R-60, and amend the zoning map; consider adaptive reuse as part of redevelopment; retain the off-road share use bikeway along the northern portion of MD108, and eliminate the on-street bikeway; retain the designation of Bentley Road as a Rustic Road with the opportunity for safety improvements at its intersection with MD108; incorporate modifications to the Plan proposed by residents, property owners, and the County Executive, which were forwarded to the Planning Board.

Staff added that additional letters have been received, and the testimony from residents, property owners, and the County Executive's representatives at the public hearing provided a clear agreement on the following key elements: allowing mix of uses including residential uses in the Village Core; retaining the rural village character; improving the pedestrian, bicycle, and vehicular connections; and providing quality open space for public gathering in the Village Core and other areas, as indicated in the Plan.

There followed a brief Board discussion with questions to staff.

9. Special Exception S-2875, Faik and Lauren Tugberk, R-60 zone Requesting special exception for a non-residential professional office and a waiver from Section 59E-2.83(b) of the Zoning Ordinance for parking facility setbacks, located at 9400 Old Georgetown Road; Bethesda Chevy-Chase Master Plan

Staff Recommendation: Approval with Conditions and Transmit comments to the Hearing Examiner (Hearing Examiner Date: October 24, 2014)

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation for approval of the proposed Special Exception request, subject to conditions, and to transmit comments to the Hearing Examiner, as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed the proposed special exception request to approve a non-residential professional office, and a waiver from Section 59E-2.83(b) of the Zoning Ordinance for parking facility setbacks for a single-family residence located on Old Georgetown Road in the Bethesda/Chevy-Chase Master Plan area. Staff noted that the applicant is an architect who wants to open an office at home. Staff discussed the conditions of approval, and stated that the applicant is required to do additional plantings for buffering, according to the Forest Conservation requirements.

Ms. Heather Dlhopsky and Mr. Robert Dalrymple, attorneys representing the applicant, also present, offered brief comments and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff and the applicant's representatives.

***11. Our Lady of Good Counsel High School No. 12002082A: Preliminary Plan Amendment -** Request to increase the gross floor area by 17,000 square feet, increase the permitted number of students by 100, increase the number of lighted events per year by 15, revise the Transportation Management and Community Liaison Agreement; located on the southwest quadrant of the intersection of Olney-Sandy Spring Road, Doctor Bird Road and Batchellors Forest Road; 49.72 acres; RC Zone; 2005 Olney Master Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 3-0

Other: DREYFUSS ABSENT

Action: **Approved staff recommendation for approval, subject to revised conditions, as discussed during the meeting, and adopted the attached revised Resolution.**

In keeping with the September 19 technical staff report, Planning Department staff offered a multi-media presentation and briefly discussed a proposed amendment to the previously approved preliminary plan for Our Lady of Good Counsel High School, a 49.72-acre property located on the southwest quadrant of the intersection of Olney-Sandy Spring Road, Doctor Bird Road, and Batchellors Forest Road, in the Olney Master Plan area. Staff noted that the proposed amendment will increase the gross floor area of the existing school by 17,000 square feet; increase the permitted number of students by 100; increase the number of lighted events by 15 per year; revise the Transportation Management and Community Liaison Agreement to incorporate those changes, including new trip mitigation practices; increase the mitigation number to meet current Local Area Transportation Review (LATR) guidelines; and revise the on-site conservation easements to accommodate a new practice field and add a grotto. Staff discussed the need to relocate the conservation easements in order to add a practice field, and the resulting required planting on site, as per the existing Forest Conservation Plan requirements. Staff also noted that an increase in student capacity by 100 would generate 43 new morning, and 13

new evening weekday peak-hour trips, requiring only minimal modifications to meet the LATR guidelines. Staff also discussed the revised conditions of approval.

Ms. Yum Yu Cheng, attorney representing the applicant, introduced Messrs. John Paulos and Paul Barker of Our Lady of Good Counsel High School, and Ms. Lauren Ireland, the project manager. Ms. Cheng briefly discussed the proposed amendment and concurred with the staff recommendation.

Mr. Robert Cummins of Scottish Autumn Lane, a student from the school, offered testimony.

There followed a brief Board discussion, with questions to staff and the applicant's representative during which it was agreed to restrict the number of lighted events at the school to 50, with lights out at 11:00 p.m., and to revise the existing condition of approval accordingly.

12. Public Hearing: Ovid Hazen Wells Recreational Park Master Plan Update

The Master Plan Update Staff Draft was presented to the Planning Board on July 17, 2014 and is recommending new development for the western side of the park including the Ovid Hazen Wells carousel, an enhanced picnic area, play area and amenities to support the carousel. The update is also recommending a new looped trail system, uses for the historic house on site and a unique event area for the center of the park. The public will be invited to comment on the recommendations for the Ovid Hazen Wells Recreational Park Master Plan Update.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received testimony.

A VERBATIM TRANSCRIPT OF THIS ITEM IS AVAILABLE IN THE MONTGOMERY COUNTY REGIONAL OFFICE OF THE PARK AND PLANNING COMMISSION.