



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, November 21, 2013, at 9:11 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 10:10 p.m.

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

Items 1 and 5 are reported on the attached agenda.

The Board recessed for lunch at 10:40 a.m., and to take up Items 4 and 12 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 11:24 a.m. in the 3rd floor conference room, on motion of Commissioner Anderson seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and 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 a Commission purpose and matters directly related thereto.

Also present for the Closed Session were Associate General Counsels Carol Rubin and Megan Chung of the Legal Department; Director Gwen Wright, Acting Chief Robert Kronenberg, and Luis Estrada of the Planning Department; Director Mary Bradford, Deputy Director Michael Riley, Brooke Farquhar, William Gries, Rachael Newhouse, Mitra Pedoeem, and Mark Wallis of the Parks Department; and Tomasina Ellison of the Commissioners' Office.

In Closed Session the Board received an update from Parks Department and Planning Department staff regarding the proposed Montgomery County Park and Planning new headquarters building in Wheaton and received advice from counsel regarding land exchange options for the Wheaton Community Center.

The Closed Session meeting was adjourned at 1:08 p.m.

The Board reconvened in the auditorium at 1:20 p.m.

Items 11, 6, 7, 3, 2, and 8 taken up in that order, are reported on the attached agenda.

The Board recessed for dinner at 4:20 p.m. and to take up Item 14 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 5:00 p.m. in the 3rd floor conference room, on motion of Commissioner Dreyfuss, seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion. The meeting was closed under authority of Annotated Code of Maryland, State Government Article, §10-508(a)(1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of Commission appointees, employees, or officials, or to discuss any other personnel matter that affects one or more specific employees.

In Closed Session the Board discussed Personnel matters.

There was no Technical Writer present at the Closed Session meeting.

The Closed Session meeting was adjourned at 5:30 p.m.

The Board reconvened in the auditorium at 6:15 p.m. to discuss Item 9, the Mid-County Highway Alternatives Review.

There being no further business, the meeting was adjourned at 10:10 p.m. There will not be a meeting on Thursday, November 28, Thanksgiving Day. The next regular meeting of the Planning Board will be held on Thursday, December 5, 2013, in the Montgomery Regional Office in Silver Spring, Maryland.

Tomasina Ellison
Technical Writer

M. Clara Moise
Sr. Technical Writer/Editor

Montgomery County Planning Board Meeting
Thursday, November 21, 2013
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

1. DANAC Stiles Preliminary Plan 11996112B, MCPB No. 13-160
2. DANAC Stiles Site Plan 82000018E, MCPB No. 13-161

BOARD ACTION

Motion: **WELLS-HARLEY/ANDERSON**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved staff recommendation for approval of the Resolutions cited above.**

***B. Record Plats**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **There were no Record Plats submitted for approval.**

***C. Other Consent Items**

1. Bowie Mill Property: Preliminary Plan No. 120112012A

A request to revise a condition of approval related to the timing for completion of sidewalks, located on the south side of Bowie Mill Road opposite the intersection with Thornhurst Road, 32.74 acres, PD-3 Zone, Olney Master Plan Area

Staff Recommendation: Approval with Conditions and Adoption of Resolution

2. 7340 Wisconsin Avenue: Extension of Project Plan Review No. 920140010

CBD-2, 0.79 acres, 207,791 square feet of development including 15,000 square feet of retail and 225 multi-family residential units, of which 1,110, including 15% MPDUs; located on Montgomery Avenue west of the intersection with Wisconsin Avenue, Bethesda CBD

Staff Recommendation: Approval of the Extension

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Other Consent Items cited above.

***D. Approval of Minutes**

Planning Board Meeting Minutes of October 10, 2013

BOARD ACTION

Motion: WELLS-HARLEY/DREYFUSS

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved Planning Board Meeting Minutes of October 10, 2013, as submitted.

5. Public Hearing Draft Bethesda Purple Line Station Minor Master Plan Amendment – Worksession No. 1

Staff Recommendation: Discuss and Provide guidance to staff

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

Planning Department staff offered a multi-media presentation and discussed proposed text changes to the Public Hearing Draft for the Bethesda Purple Line Station Minor Master Plan Amendment, and recommended that the maximum density be allowed in the zone. Staff is encouraging combined partnerships with local municipalities, such as the Maryland Transit Administration (MTA), to reach the proposed goals of the project. Staff reviewed the timeline from July 22 to date, delineating the milestones of progress for the project. Planning staff discussed language changes in the Public Hearing Draft that would address adequate safeguards to protect Woodmont Plaza, and noted improvements at the location regarding ingress and egress from the plaza.

The Board instructed staff to ensure that the legal requirement is being fully satisfied in regards to the 8 percent grade for the Elm Street trail ramp and the Americans with Disabilities Act (ADA) requirements, and inquired about options to ensure that the ramp is ADA compliant.

Staff recommended text changes to ensure that the grade is below 5 percent, and discussed two options for the proposed Purple Line tunnel: Option 1 would elongate the length of the tunnel and include a platform elevator, while Option 2 would create an elongated tunnel that curves into the park.

The Board instructed staff to use specific language regarding the ADA compliance with the ramp and elevator access, and inquired about the surface trail route versus the tunnel route.

Staff noted that the 1994 plan states that the rail would run through the original tunnel which was designed for rail traffic.

The Board noted that the tunnel and surface options should be included in the plan, and agreed by a vote of 4 to 1 that the tunnel option is more acceptable. Commissioner Dreyfuss requested that a disclaimer be included in the transmittal letter to the County Council stating that

5. Public Hearing Draft Bethesda Purple Line Station Minor Master Plan Amendment – Worksession No. 1

CONTINUED

the cost of the surface trail is worth the benefit. The Board inquired about language in the plan that describes the current tunnel specifications, and requested that the language be clarified, and Planning staff will present the revised language at the next scheduled hearing for this item.

The Board also discussed impacts to the Master Plan should the Apex building not be demolished. The Board requested the inclusion of provisional language in the plan to address future

development, in the event the Apex building is redeveloped after the installation of the Purple Line, and the ADA compliance issues related to such a redevelopment. The Board extensively discussed the cost of the tunnel project, and the options for the project in view of the probable demolition of the Apex building. Also discussed were the density allowances and transfers of density to immediate surrounding areas in the event of the Apex building demolition.

4. Closed Session

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 directly related thereto (Wheaton)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

~~Item 10. Closed Session~~

~~Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(7) to consult with counsel to obtain legal advice~~ **MOVED TO NOVEMBER 14 AGENDA**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This Item was moved to the November 14 Planning Board Agenda.

12. Closed Session

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 directly related thereto

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

11. Request for Reconsideration of approval of PP 120040640 Ganassa Property-ADDED

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: No motion was made to reconsider.

Following a brief presentation from Legal Counsel to the Board regarding the basis for the reconsideration request for the Ganassa Property Preliminary Plan by the applicant, Planning Board members unanimously agreed not to reconsider the plan.

6. Approved Glenmont Sector Plan

Montgomery County Planning Board Resolution for Adoption

Staff Recommendation: Approve Resolution of Adoption for Transmission to M-NCPPC (Full Commission)

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to approve the submitted Resolution for the Glenmont Sector Plan for transmission to the M-NCPPC (Full) Commission for adoption at its next meeting.

Planning Department staff noted that the County Council, sitting as the District Council, approved the Glenmont Sector Plan by Resolution 17-932 on November 5, 2013. Staff is requesting the Planning Board approval of the submitted Resolution for transmission to the M-NCPPC (Full) Commission for adoption at its next meeting.

***7. Burning Tree Estates: Pre-Preliminary Plan 720120060**

Re-subdivision of a lot approved under the R-200 Density Control method of development. 7610 Carteret Road, Bethesda MD; 106,174 square feet; R-200 zone; Potomac Sub-region Master Plan
Staff Recommendation: Deny pursuant to Section 59-C-1.429 of the Zoning Ordinance

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: By consensus supported the staff recommendation to deny the proposed pre-preliminary plan for Burning Tree Estates as discussed, and provided guidance to the applicant.

Planning Department staff noted that the applicant submitted the above request to determine the Planning Board's position on Section 59-C-1.429 of the Zoning Ordinance, which provides guidance on the circumstances under which existing lots that were originally approved using the Density Control

Method (DCM) of development, may be re-subdivided. Staff noted that the applicant is proposing to re-subdivide a 2.44-acre property formerly approved under the DCM located on Carteret Road in Bethesda in the Potomac Sub-region Master Plan area. Staff is of the opinion that this section of the Zoning Ordinance prohibits re-subdivision of density-control lots if it would result in a decrease in the average net lot areas of all lots within the density-control development. The applicant contends that re-subdivision is only prohibited if it would result in a reduction in the average net lot areas of all lots to less than the minimum average lot area required by the zone. As a pre-preliminary application, the interpretation provided by the Planning Board will be a determining factor in the applicant's decision whether to proceed with a formal preliminary plan application to re-subdivide the property.

Mr. Patrick O'Neil, attorney representing Mr. and Mrs. Ed and Celia Chang, the applicants, also present, briefly discussed the proposed request and answered questions from the Board.

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

3. Sectional Map Amendment No. G-958 to Implement Chevy Chase Lake Sector Plan

Staff Recommendation: Approve and Transmit Staff Report to County Council

BOARD ACTION

Motion: **ANDERSON/DREYFUSS**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved staff recommendation to approve and transmit the Sectional Map Amendment to implement the Chevy Chase Lake Sector Plan to the County Council.**

Planning Department staff noted that the proposed Sectional Map Amendment (SMA) follows the approval and adoption of the Chevy Chase Lake Sector Plan, and will implement, through the SMA process, the Plan's recommendations for creating a mixed-use center in Chevy Chase Lake. The proposed SMA was filed on October 30, 2013, and the County Council Public Hearing is scheduled for December 10, 2013. Staff discussed a few revisions made in the report, following the Planning Board's discussion and recommendations at the last worksession.

Mr. Steve Robins, attorney representing the Chevy Chase Land Company, offered brief comments.

There followed a brief Board discussion with questions to staff.

2. Approval of Departmental Budgets

- Commissioners' Office
- Planning Department
- Parks Department
- Central Administrative Services (CAS)

BOARD ACTION

Motion: DREYFUSS/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Following a brief presentation by the Commission’s Executive Director, Secretary Treasurer, General Counsel, and other Departments Division Chiefs, approved the proposed FY15 budget for the Commissioners’ Office, the Planning Department, the Parks Department, and the Central Administrative Services (CAS), comprised of the Department of Human Resources and Management, the Finance Department, the Merit System Board, the Office of Internal Audit, CAS Support Services, and the Legal Department, as submitted.

8. Roundtable Discussion

- Planning Director’s Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by a brief Board discussion.

Planning Director’s Report – Planning Department Director Gwen Wright announced the selection of Ms. Bridget Schwiesow as the newly hired Communication Manager for the Planning Department. Ms. Schwiesow has a degree in Communications and lives in Silver Spring. She was most recently working for the City of Rockville managing the cable station for six years, and was previously

a marketing manager for COMCAST Sports Net. Ms. Wright also noted that as a member of the team working on the White Flint Implementation Program, Nkosi Yearwood, Planning Department staff member, will be recognized in an awards ceremony in Rockville on December 10 at 3:00 p.m. Ms. Wright also briefed the Board on an upcoming conference on smart growth, in collaboration with the University of Maryland, scheduled to take place in May 2014 at the University of Maryland in College Park.

14. Closed Session

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of Commission appointees, employees, or officials, or to discuss any other personnel matter that affects one or more specific employees.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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