



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 31, 2016, at 10:06 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 5:01 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.

Items 1 through 4 are reported on the attached agenda.

Item 7 was removed from the Planning Board agenda.

The Board recessed for lunch at 12:10 p.m. and convened in Closed Session at 12:24 p.m. to take up Items 8 and 9, Closed Session Items.

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

The Board convened in Closed Session at 12:24 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 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, General Provisions Article, §3-305(b)(3), to consider the acquisition of real property for a public purpose and matters directly related to the acquisition, and §3-305(b)(7), to consult with counsel to obtain legal advice.

Also present for the meeting were Director Gwen Wright, Deputy Director Rose Krasnow, Khalid Afzal, and Kipling Reynolds of the Planning Department; Principal Counsel Carol Rubin of the Legal Department; Acting Deputy Director Mitra Pedoeem, Bill Gries, and Doug Ludwig of the Parks Department; and James Parsons of the Commissioners' Office.

In Closed Session the Board received briefing regarding a proposed land acquisition as an addition to Olney Manor Recreational Park and legal advice regarding Mandatory Referrals.

The Closed Session meeting was adjourned at 1:04 p.m.

The Board reconvened in the auditorium at 1:18 p.m.

MCPB, 3-31-16, APPROVED

Items 5 and 6 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 5:01 p.m. The next regular meeting of the Planning Board will be held on Thursday, April 7, 2016, 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, March 31, 2016
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

1. Chelsea Court Site Plan 82013004A - MCPB No. 16-020

BOARD ACTION

Motion: FANI-GONZÁLEZ/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Adopted the Resolution cited above, as submitted.

***B. Record Plats**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Record Plats submitted for approval.

***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 17, 2016

BOARD ACTION

Motion: PRESLEY/FANI-GONZÁLEZ

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved Planning Board Meeting Minutes of March 17, 2016, as submitted.

2. Roundtable Discussion

- Planning Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing.

Planning Department Director's Report – Planning Department Director Gwen Wright briefed the Board on the following ongoing and upcoming Planning Department events and activities: the recent County Council approval of the Westbard Sector Plan by a unanimous straw vote, with the final version of the Resolution scheduled to be completed later this month; the status of the Bethesda Downtown Sector Plan, with worksessions scheduled for April 7 and 28; the status of the Lyttonsville Sector Plan, with the next worksession scheduled for April 14; the continuing work on the MARC Rail Communities Plan, the White Flint 2 Sector Plan, the Rock Spring Sector Plan, and the Bicycle Master Plan; the continuing work on the Subdivision Staging Policy, with staff recommendations coming at future worksessions; the recent Urban Land Institute Technical Assistance Panel presentation, “Branding the Pike District,” held on March 29 and 30; the recent honoring of the Planning Department by Montgomery Preservation Inc. for its work on the book *Montgomery Modern*; the upcoming presentation of development review timelines to the County Council scheduled for April 4, with the presentation of the SemiAnnual Report scheduled for April 5; the status of the Planning Department sponsored Women’s History Month event, “Working to Form a More Perfect Union: Honoring Women in Public Service and Government,” featuring former Secretary of the Maryland Department of Planning and Historical Trust, Audrey Scott, scheduled for April 6; and the status of the Bring Your Child to Work Day event scheduled for April 28.

There followed a brief Board discussion.

MCPB, 3-31-16, APPROVED

~~7. — **FY17 Operating Budget Additional Discussion** --- Follow up from County Executive Recommendation — **REMOVED**~~

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **This Item was removed from the Planning Board agenda.**

***3. Creekside**

A. Preliminary Plan 120160130: Request to subdivide the property into 16 lots for townhouses and associated Home Owner Association parcel(s), TF-12 Zone; 1.41 acres; located at 9213 Kensington Parkway and 3619- 3623 Glenmoor Drive, Chevy Chase, within the 1989 Master Plan for The Communities of Kensington-Wheaton.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

B. Site Plan 820160050: Request for up to 16 townhouses on 1.41 acres, TF-12, located at 9213 Kensington Parkway and 3619- 3623 Glenmoor Drive, Chevy Chase, within the 1989 Master Plan for The Communities of Kensington-Wheaton.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: A & B. PRESLEY/WELLS-HARLEY

Vote:

Yea: A & B. 3-0-1

Nay: A & B. FANI-GONZÁLEZ

Other: DREYFUSS ABSENT

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

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

Planning Department staff offered a multi-media presentation and discussed proposed Preliminary and Site Plan requests to subdivide four lots to accommodate 16 townhouses. The 1.41-acre property, consisting of lots 1 through 4, is located on the east side of Kensington Parkway, just north of Interstate 495 (I-495), bounded by Rock Creek Park to the northeast, and is zoned Townhouse Floating in the Communities of Kensington-Wheaton Master Plan area within the Lower Rock Creek watershed. The site is currently developed with four existing single-family dwelling units and contains an existing Washington Suburban Sanitary Commission right-of-way. Staff noted that the site was originally platted as part of the Rolling Hills neighborhood that was accessed via Glenmoor Drive, but the construction of I-495 severed the site from the remaining Rolling Hills community. The applicant submitted a petition for the abandonment of the entire 13,789 square feet of Glenmoor Drive located on the property to allow the development of the proposed project, which the County Council approved on July 14, 2015.

The applicant proposes to subdivide the four existing lots into 16 lots, replace the four existing single-family houses with 16 townhouse units, construct a private road that will provide access to Kensington Parkway, and provide a total of 6,530 square feet of common open space.

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***3. Creekside**

CONTINUED

Because the proposed development will generate fewer than 30 total peak-hour weekday morning and evening trips, no Local Area Transportation Review is required. The applicant will be required to make the Transportation Policy Area Review payment equal to 25 percent of the impact tax for the area. Staff noted that because utilization levels are acceptable, no school facilities payment is required.

Staff stated that an existing active floodplain from the adjacent Rock Creek Park extends onto 0.11 acres of the northern portion of the property, requiring a streamvalley buffer and a 25-foot building restriction line. The entire streamvalley buffer will be protected by a Category I Conservation Easement. Approximately 0.03 acres of floodplain forest, located within the streamvalley buffer, also extends onto the site. The applicant proposes to remove 0.01 acres of forest for stormwater management outfall, requiring 0.22 acres of mitigation planting, which the applicant proposes to meet with 0.12 acres of onsite planting and 0.1 acres of offsite planting. The applicant is also requesting a variance to remove nine trees and impact 12.

Staff then addressed issues regarding the proposed common open space, stating that existing constraints, such as the shape, topography, size, and location of the site, as well as existing environmental issues, make meeting the common open space requirements difficult, limiting the usable on-site open space. The applicant proposes that the 6,530 square feet common open space be located in three non-contiguous areas, with 2,800 square feet of open space to be located on the northwestern portion of the site, 1,630 square feet on the southwestern portion of the site, and 2,100 square feet on the southeastern portion of the site. All three areas of proposed open space are triangular in shape, with micro-bioretenction stormwater management features to be located within the proposed northwest and southwest areas. A third stormwater management feature will be located between proposed lots 5 and 6.

Ms. Francoise Carrier, attorney representing the applicant, offered comments and concurred with the staff recommendations.

Messrs. Edward Novak and Damon Orobona, members of the applicant's team, also offered comments.

Mr. Bill Musico from Montgomery County Department of Permitting Services offered comments regarding the proposed stormwater management features.

There followed extensive Board discussion with questions to staff, during which Commissioner Fani-González noted her opposition to the proposed plan for not doing enough on stormwater management and active spaces.

4. 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

BOARD ACTION

Motion: WELLS-HARLEY/FANI-GONZÁLEZ

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation to transmit Forest Conservation Program 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 Fiscal Year 2015 (FY15) Forest Conservation Program Annual Report. Staff noted that 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 stated that since 1994, the County has lost an average of 187 acres of forest each year to development, and averages 100 acres of forest planted each year. Protection of existing forest, primarily in forest mitigation banks, averages approximately 470 acres per year, exceeding cleared and planted forest totals. Staff stated that in FY15, 700 acres of forest were placed in permanent conservation within 11,706 acres of forest conservation easement areas, and five new forest mitigation banks were established, two of them within the sensitive Ten Mile Creek watershed, preserving 26 percent of forest within the Ten Mile Creek Master Plan area.

Staff then detailed Planning Department and Parks Department reforestation efforts, particularly the forest conservation fund, in which in-lieu fees are paid by developers when on-site planting is impractical or when no forest mitigation banks are available. The forest conservation fund is then used to fund planting in unforested streamvalleys. Since 2008, approximately 32 acres of forest have been planted in six different parks, including seven-acres planted in FY15 at Oak Ridge Stream Valley Park. The same fund is also used as a resource for volunteer events; the Leaves for Neighborhoods program, which offers \$40.00 coupons that are redeemable at participating County nurseries solely for the purchase of trees; and the Shades of Green program, which provides free trees for urban road code areas and has been expanded to include 22 central business districts and urban/village centers.

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4. Forest Conservation Program Annual Report

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Staff stated that the Geographic Information System Division has utilized the recently updated Tree Canopy Layer assessment to develop an online tool, Tree Canopy Explorer, to allow both staff and residents to track and print out the change in area tree canopy cover from 2009 to 2014. Staff then noted ongoing work to update the Forest Cover analysis, which in 2008 showed 29 percent forest cover in the County. Staff added that although only half of the current analysis is complete, trends indicate a slight increase in forest in all areas of the County.

There followed a brief Board discussion with questions to staff.

8. CLOSED SESSION

According to MD ANN Code, General Provisions Article, §3-305(b)(3), to consider the acquisition of real property for a public purpose and matters directly related to the acquisition.

The topic to be discussed is the proposed acquisition of land as an addition to Olney Manor Recreational Park.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

9. CLOSED SESSION

According to MD ANN Code, General Provisions Article, §3-305(b)(7), to consult with counsel to obtain legal advice.

The topic to be discussed is Mandatory Referrals.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

***5. Mateny Hill Road Property - Preliminary Plan 120150070, and Site Plan 820160020**

A. Preliminary Plan 120150070: Application to create 46 lots for 44 one-family attached dwellings (townhomes) and 2 one-family detached dwellings, a parcel for private streets and parcels for open space, located on the north/east side of Mateny Hill Road, approximately 200 feet north of the intersection with Dawson Farm Road; 5.86 acres, R-200 and RT-12.5 Zones; 1989 Germantown Master Plan.

Staff Recommendation: Approval with conditions

B. Site Plan 820160020: Application to construct 44 one-family attached dwellings (townhomes) and 2 one-family detached dwellings, located on the north/east side of Mateny Hill Road, approximately 200 feet north of the intersection with Dawson Farm Road; 5.86 acres, R-200 and RT-12.5 Zones; 1989 Germantown Master Plan.

Staff Recommendation: Approval with conditions

BOARD ACTION

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

Vote:

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

Nay:

Other: **DREYFUSS ABSENT**

Action: **A. Approved staff recommendation for approval, subject to revised conditions discussed at the meeting, and as stated in the attached Resolution.**

B. Approved staff recommendation for approval, subject to revised conditions discussed at the meeting, and as stated in the attached Resolution.

In keeping with the March 18 technical staff report, Planning Department staff offered a multi-media presentation and discussed the preliminary and site plans requests to create 46 lots for 44 one-family attached dwelling units or townhomes, and two one-family detached dwellings, a parcel dedicated for private streets, and parcels for open space. The 5.86-acre property is located on the north/east side of Mateny Hill Road, approximately 200 feet north of the intersection with Dawson Farm Road in the Germantown Master Plan area. Staff noted that the proposed plans were reviewed under the Zoning Ordinance in effect on October 29, 2014, because the preliminary plan was submitted prior to October 30, as allowed by Section 59-7.7.1.8.1 of the Zoning Ordinance. The applicant is requesting approval to build more than 40 percent as townhouses in the R-200 Moderately Priced Dwelling Unit development by meeting the findings of increased environmental protection and equal or better compatibility allowed by the Zoning Ordinance. The Forest Conservation Plan calls for 0.51 acres of Category I easement

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***5. Mateny Hill Road Property - Preliminary Plan 120150070, and Site Plan 820160020**

CONTINUED

over an area of newly planted forest, and the applicant is requesting relief from the Forest Conservation Law Section 22A-12(f)(2)(B) by asking the Board to find the proposed use appropriate for the site. The applicant intends to meet the 2.53 acres planting requirement by providing 0.55 acres of on-site planting and 1.98 acres of planting at an off-site forest conservation mitigation bank. The applicant will also provide off-site sidewalk improvements along Mateny Hill Road to complete missing sections of sidewalk. The proposed lots meet all the requirements established in the Subdivision Regulations and the Zoning Ordinance, and substantially conform to the recommendations of the 2009 Germantown Master Plan.

Mr. Bob Harris, attorney representing the applicant, introduced Ms. Kate Kubit and Mr. Les Powell, members of the applicant's team, offered comments and concurred with the staff recommendation.

Ms. Kate Kubit offered a multi-media presentation and discussed the proposed project.

The following speakers offered testimony: Mr. Paul Steimel of Summit Ridge Court representing the Germantown Homeowners Association who also offered a multi-media presentation; Ms. Ping Steimel of Summit Ridge Court, an adjacent property owner; Mr. Clayton Townsend of Mateny Hill Road; and Ms. Toni Brown of Mateny Hill Road.

There followed extensive Board discussion with questions to staff and Mr. Harris and his team.

At the Board's request, legal Counsel to the Board offered clarification regarding the R-200 zoning requirements.

Chair Anderson instructed staff to add a condition of approval requiring the applicant to provide a public access easement, or a 5-foot paved sidewalk on the north side of the proposed development, to the nearby MARC train station.

6. Subdivision Staging Policy --- Draft Transportation Recommendations

Staff Recommendation: Briefing and discussion

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by discussion.

Planning Department staff and Mr. Dan Hardy, consultant from Renaissance Planning Group, offered a multi-media presentation and discussed staff draft transportation recommendations for the Subdivision Staging Policy (SSP). Staff noted that two key transportation related elements of the 2016 SSP, concurrently under review by the Planning Board, are the update and refinement of the Local Area Transportation Review (LATR) procedures used in support of subdivision regulations, and a proposed new framework for testing transportation adequacy in the context of the SSP. This presentation is a continuation of two recent Planning Board discussions held in February regarding a proposed new framework for the testing of transportation adequacy, which serves to consolidate to one payment system in the down-county Central Business District (CBD) areas, a streamlining to require a traffic study/payment system in areas where the Road Code stresses an enhanced pedestrian and cyclist environment, and retaining the current requirement for a traffic study/mitigate payment system in the low-density residential areas of the County. Staff also discussed a refined set of draft LATR-related recommendations developed by the Transportation Impact Study Technical Working Group (TISTWG) in support of the 2013 LATR/TPAR (Transportation Policy Area Review) Guidelines update, and the 2012 Subdivision Staging Policy.

Staff noted that the TISTWG spent considerable effort on the development of additional pro-rata share districts, such as exists in White Flint and is under development in White Oak, wherein LATR and TPAR would be replaced by a district-wide payment system, and the consideration of the Vehicle Miles of Travel (VMT) metric as an element within the LATR process. Staff noted that the intent is to develop a new process that is less auto-centric in character in appropriate locations, more robust in reflecting travel delays and more streamlined with respect to the development review process. Staff also discussed how the draft transportation recommendations developed by the TISTWG would fit within the context of the proposed new SSP transportation adequacy testing framework under consideration by the Board.

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6. Subdivision Staging Policy --- Draft Transportation Recommendations

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Staff also briefed the Board on comments received from the public at a March 15 community meeting, at which roughly 30 to 35 residents were in attendance. A key topic of discussion at this event was the proposed new framework for testing transportation adequacy. A follow-up community meeting is scheduled for April 12, 2016.

Chair Anderson expressed concerns about some of the recommendations, especially those regarding the trip generation calculations, and instructed staff to come back to the Board with clearer recommendations.

There followed considerable Board discussion with questions to staff.