



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 23, 2016, at 9:07 a.m. in the Montgomery Regional Office (MRO) in Silver Spring, Maryland, and adjourned at 8:07 p.m.

Present were Chair Casey Anderson, Vice Chair Marye Wells-Harley, and Commissioner Natali Fani-González. Commissioner Amy Presley joined the meeting at 9:34 a.m. during discussion of Item 2, and Commissioner Norman Dreyfuss joined at 3:03 p.m. during discussion of Item 7.

Item 1 is reported on the attached agenda.

Item 1.C.1. was removed from the Planning Board agenda.

The Board convened in Closed Session at 9:09 p.m. to take up Items 13 and 14, 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 in the auditorium at 9:09 a.m. on motion of Vice Chair Wells-Harley, seconded by Commissioner Fani-González, with Chair Anderson, Vice Chair Wells-Harley, and Commissioner Fani-González voting in favor of the motion, and Commissioners Dreyfuss and Presley temporarily absent. The meeting was closed under authority of Annotated Code of Maryland §3-305(b)(7), to consult with counsel to obtain legal advice.

Also present for the meeting were Deputy Director Rose Krasnow, Glenn Kreger, Catherine Coello, Khalid Afzal, Ed Axler, and Michael Bello of the Planning Department; Principal Counsel Carol Rubin, Senior Counsel Megan Chung, and Associate General Counsel Nick Dumais of the Legal Department; and James Parsons of the Commissioners' Office.

In Closed Session the Board discussed the proposed Johnson properties annexation and the Rockwood Manor special park feasibility study and driveway alignment alternatives.

The Closed Session meeting was adjourned at 9:21 p.m.

Items 2, 6, 9, and 10 are reported on the attached agenda.

The Board recessed for lunch at 1:14 p.m. and reconvened in the auditorium at 2:13 p.m.

Items 7, 8, 4, 5, and 11, discussed in that order, are reported on the attached agenda.

The Board recessed for dinner at 6:20 p.m. and reconvened in the auditorium at 7:30 p.m. to take up Item 12, a worksession for the Bethesda Downtown Sector Plan.

There being no further business, the meeting was adjourned at 8:07 p.m. The Planning Board will meet on Tuesday, June 28 for a special session on the Public Hearing Draft of 2016 Subdivision Staging Policy. The next regular meeting of the Planning Board will be held on Thursday, June 30, 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, June 23, 2016
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. 220151340, Cabin Branch

CRT zone; 33 lots and 3 parcels; located along of Bufflehead Street extended southward; Clarksburg Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220160870, Westmoreland Hills

R-60 zone; 1 lot; located immediately west of the intersection of Westmoreland Circle and Massachusetts Avenue (MD -396) Bethesda - Chevy Chase Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HARLEY/FANI-GONZÁLEZ

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS & PRESLEY TEMPORARILY ABSENT

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

***C. Other Consent Items**

~~1. 8008 Wisconsin Avenue, Project Plan Amendment No. 92015002A --- CBD-1 Zone, 0.32 acres, Extension Request for Amendment proposes a reallocation of approved residential square footage to increase the total of non-residential uses from 4,500 square feet to 5,793 square feet, located in the southwest quadrant of the intersection with Wisconsin Avenue and Cordell Avenue; 1994 Bethesda Master Plan and 2006 Woodmont Triangle Amendment. — **REMOVED**~~
Staff Recommendation: Approval of the Extension

2. Correction of Resolution for Walnut Hill Shopping Center Adequate Public Facilities finding, MCPB No. 15-78
Staff Recommendation: Adoption of Resolution

BOARD ACTION

Motion: 2. FANI-GONZÁLEZ/WELLS-HARLEY

Vote:

Yea: 2. 3-0

Nay:

Other: DREYFUSS & PRESLEY TEMPORARILY ABSENT

**Action: 1. This Item was removed from the Planning Board Agenda.
2. Adopted the corrected Resolution cited above, as submitted.**

MCPB, 6-23-16, APPROVED

***D. Approval of Minutes**

Planning Board Meeting Minutes of June 9, 2016

BOARD ACTION

Motion: WELLS-HARLEY/FANI-GONZÁLEZ

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS & PRESLEY TEMPORARILY ABSENT

Action: Approved Planning Board Meeting Minutes of June 9, 2016, as submitted.

13. 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 the proposed Johnson properties annexation No. X-7067-2015.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

14. 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 the Rockwood Manor special park feasibility study and driveway alignment alternatives.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

2. Roundtable Discussion

- Parks Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing.

Parks Department Director's Report – Parks Department Deputy Director of Operations John Nissel and new Deputy Director of Administration Mitra Pedoeem briefed the Board on the following ongoing and upcoming Parks Department events and activities: the status of work being done by the Rules and Regulations Committee, with public comment being accepted through July 1, and presentation to the Full Commission scheduled for July 7; the status of work being done by the Trails Working Group, which includes bringing unsanctioned trails into the sanctioned trail network, and including a more comprehensive evaluation of pedestrian and bicycle access to parks at the design stage; the status of the Fields Working Group, the recent granting of \$500,000 to the Parks Department by the Interagency Coordinating Board for the renovation of ten school ballfields, with a decision regarding which fields are to be renovated scheduled for July, and the integration of the Rainout Line online rainout notification system into the Parks Department website scheduled for August 1; the status of the Maintenance Standards Manual; the status of the Goose Removal Program to be implemented at Martin Luther King, Jr. Recreational Park and Rock Creek Regional Park; the status of the proposed permanent closure of the south entrance gate at Olney Recreational Park, with a public meeting held last evening; the recent soft opening of the Ellsworth Dog Park held on June 22, with the grand opening scheduled for September 24; the success of the recent Fitness Week, held the week of May 23, with over 200 staff members participating in more than 30 activities; the recent opening of the final two fields at Maryland SoccerPlex on June 18; the recent grand opening of the Woodlawn Barn and Visitor Center held on June 11; and the status of the new Wheaton headquarters building, with a Montgomery County Government hosted public meeting held last evening.

There followed a brief Board discussion.

3. Rockwood Manor Special Park Feasibility Study and Driveway Alignment Alternatives --- Driveway alignment alternatives and recommendation for a first phase of site improvements to address safety, circulation, environmental and site utilization issues within the 30-acre park located on the north side of MacArthur Boulevard, just west of Belfast Road; Potomac Sub-region Master Plan area.

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS TEMPORARILY ABSENT

Action: Approved staff recommendation for approval of the feasibility study cited above, and the staff recommended driveway alignment.

At the outset of the meeting, Chair Anderson stated that any request for a deferral or cross examination would be denied.

Parks Department staff offered a multi-media presentation and discussed a feasibility study regarding the proposed re-alignment of the driveway at Rockwood Manor Special Park. The approximately 45-acre public park and event center is located on the east side of MacArthur Boulevard and bisected by Belfast Road within the Potomac Sub-Region Master Plan area. The event center portion of the park, which is located northwest of Belfast Road, consists of structures identified as the Manor House, the Skyview Lodge, and the French House. Also located on the site are a maintenance garage, a caretaker's cottage, bunk houses, and several parking areas, with the main parking area located near the rear of the site. The sole vehicular access to the park is from MacArthur Boulevard via a driveway that is currently inadequate for large emergency vehicles, maintenance vehicles, catering trucks, and buses. Vehicle access to and circulation within the site is comprised of a network of asphalt driveways, some as narrow as 12 feet wide, which at some points require one vehicle to pull off the edge of the pavement to allow an oncoming vehicle to pass. Staff noted that the existing handicapped parking is not Americans with Disabilities Act (ADA) compliant, and that the main parking lot is inefficiently striped and could be reconfigured to accommodate additional vehicles. Staff added that existing mature trees, brick walls, and brick piers constrain the ability to widen the existing driveway.

Staff stated that in the spring of 2014, a project to address the long-standing issues with site access and circulation was initiated, which led to a comprehensive feasibility study. Following the presentation of the study and staff recommendations for future phased improvements to the site at the

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3. Rockwood Manor Special Park Feasibility Study and Driveway Alignment Alternatives

CONTINUED

July 30, 2015 meeting, the Board requested that staff conduct further study for additional alternatives to improve site access and circulation. Staff then conducted a Driveway Alignments Alternatives study, which focused on safety, space efficiency, environmental concerns, and customer service. Staff also re-examined the field investigations completed as part of the initial feasibility study, including a turn study, tree assessment, and traffic study, though staff noted that none was required because no increase to the existing use of the facility is proposed. Staff also examined County Code requirements and Fire Code compliance. Staff then compiled this information and developed a total of five alternatives for the proposed driveway alignment.

The current staff-recommended alternative proposes to create a one-way driveway loop that enters the site at the existing driveway on MacArthur Boulevard and exits at the southwest edge of the site via a right-turn only onto Belfast Road. Staff stated that the current recommendation is a refinement of the original recommendation, identified as Alternative 1 in the staff report. The current recommendation proposes to shift the exit to Belfast Road approximately 60 feet to the northwest in order to increase the stopping site distance to 250 feet. The plan also proposes to reconfigure the existing accessible parking spaces at the front entrance to meet ADA requirements, consolidate the remainder of the site parking in a reconfigured main parking area at the rear of the site, relocate existing dumpsters from the loading dock area to an enclosure adjacent to the parking lot, and construct a sidewalk from the main parking area to the Manor House. Staff noted that their preliminary assessment of the re-alignment will require the removal of six trees larger than 18 inches in diameter. The next steps for the project include the design of Phase I, scheduled for FY17-18, and the construction of Phase I, scheduled for FY18-20. Staff also plans to seek Capital Improvements Program funding for the design and construction of future phases of the project.

The following speakers offered testimony: Ms. Michele Rosenfeld, attorney representing the Woodrock Citizens Committee; Ms. Judith Moore representing the Woodrock Homeowners Association; Mr. Harold Segall of Laurel Leaf Drive; Ms. Nancy Altman representing the Woodrock Residents Committee; Ms. Ginny Barnes representing the West Montgomery County Citizens Association; and Mr. Mark Moadel representing the Woodrock Homeowners Association.

There followed extensive Board discussion with questions to staff and some of the speakers, during which the Board approved the staff recommended driveway alignment. The Board also recommended the study of additional safety measures along Belfast Road, particularly near a playground proposed for the southeast corner of Belfast Road and MacArthur Boulevard.

6. Briefing on a Countywide Green Infrastructure Network Map

Staff Recommendation: Adding the Green Infrastructure Network Map to the Department's GIS system for staff use, and posting an interactive version of the map on the Department's web site

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing.

Planning Department staff offered a multi-media presentation and briefed the Board on the Green Infrastructure Network Map and its proposed inclusion on the department Geographic Information System (GIS) and website. Staff stated that green infrastructure includes natural areas such as waterways, forests, meadows, and wetlands. The Green Infrastructure Network Map shows a conceptual network of natural areas throughout the County, including regulated areas, protected lands, evaluation areas, and any gaps between those areas, revealing potential opportunities to enhance environmental health and connectivity. The purpose of the network map is to aid in meeting Maryland State Land Preservation, Parks and Recreation Plan (LPPRP) green infrastructure guidance for local jurisdictions, and continuing to qualify for the highest eligibility rating for State Program Open Space (POS) funding. The map is also intended to enhance the ongoing work in implementing the green infrastructure objectives and strategies of the General Plan; Parks, Recreation, and Open Space (PROS) Plan; County Climate Protection Plan; and State Water Quality Standards. The map was developed in coordination with Parks Department staff to create a map that supports existing processes and programs, park planning and management, and addresses State LPPRP guidance. Staff noted that although the map is currently not part of the PROS Plan, the 2017 revision of the Plan can refer to the map just as it does with other Commission tools and information sources. The map, which shows such features as forests, park trails, parkland, water areas, contours, and tree canopy, may be used as an overlay to support existing planning, review, and programming processes that identify natural areas recommended for protection, conservation, mitigation, restoration, enhancement, and acquisition. It can also provide contexts for the evaluation of green connectivity values associated with urban areas and recreational facilities, such as locating urban parks and green streets in order to increase connectivity within and between urban areas, and nearby parkland trails. Staff added that the map can be linked to the existing Planning Department GIS and web site.

There followed a brief Board discussion.

9. Johnson Properties Annexation No. X-7067-2015 --- Revised request for annexation into the corporate boundaries of the City of Gaithersburg. 23.45 acres zoned R-200 and NR 0.75 H 45, located at 12201, 12251, 12301, and 12311 Darnestown Road (MD Route 28) at the northwest corner of Darnestown Road (MD Route 28) and Quince Orchard Road (MD Route 124) in Gaithersburg, Maryland, within the 2010 Great Seneca Science Corridor Master Plan.

Staff Recommendation: Approval to transmit comments to the Montgomery County Council

BOARD ACTION

Motion: FANI-GONZÁLEZ/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS TEMPORARILY ABSENT

Action: Approved staff recommendation to transmit comments to Montgomery County Council, as discussed during the meeting, and as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed the revised request to annex a split-zoned property into the City of Gaithersburg and rezone the parcels from the current County Residential and Neighborhood/Retail zones to the City of Gaithersburg Mixed-Use Development zone. The 23.45-acre site is located on Darnestown Road (MD28) within the Great Seneca Science Corridor Master Plan area. The site is comprised of four separate adjoining parcels: 0.6-acre parcel B, 5.45-acre parcel C, and 3.0-acre parcel D, all zoned Neighborhood/Retail; and 13.99-acre parcel E, zoned Residential. Staff stated that Maryland State law gives the County very limited authority over annexation, noting that requests to annex a property into a city cannot be denied by the County. However, Maryland State Annotated Code, subtitle 4-416(b) states that the County may evaluate the proposed development as part of the annexation, and if it proposes density that is 150 percent or greater than permitted, or uses that are deemed substantially different than those permitted in the current zoning, the County may place a five-year moratorium on the development.

The applicant proposes to build 110 residential units on parcel E, and 100,000 square feet of non-residential use, which includes 90,000 square feet of existing commercial use. The residential portion of the proposed development will consist of up to 28 single-family dwellings and up to 82 townhouse units, including Moderately Priced Dwelling Units (MPDUs) and Workforce Housing Units (WFHUs) that comply with the requirements of the City of Gaithersburg. The applicant also proposes a minimum of one acre of multi-use open space.

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9. Johnson Properties Annexation No. X-7067-2015

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To date, staff has received approximately 180 letters and emails in opposition to the annexation request. Also, approximately 165 residents submitted signed petitions in opposition to the development, stating concerns regarding traffic, safety, school capacity, and increased residential density.

Mr. Bob Harris, attorney representing the applicant, introduced Mr. Russell Johnson, the applicant, and Mr. Joshua Sloan, member of the applicant's team. Mr. Harris offered comments and recommendations.

Mr. Johnson also offered comments.

Mr. Sloan offered comments regarding the revised proposal.

The following speakers offered testimony: Mr. David Lee of Bayswater Court; Ms. Carol Scott representing the Willow Ridge Civic Association; Mr. Jeff Silva of Fostoria Way; Ms. Karen Dillon Woolery of Carrington Drive; and Mr. Steve Gammarino representing the Hidden Ponds Homeowners Association.

There followed extensive Board discussion with questions to staff, during which the Board requested that the comments to the County Council include a statement recommending the preservation of as much open space at the site as possible. The Board also recommended that comments not include an interpretation of the State statute regarding different land use or density.

10. Lucy V. Barnsley Elementary School Mandatory Referral No. MR2016027 --- Request by Montgomery County Public Schools (MCPS) to add 28,200 square feet of classroom and support space; expand the bus loading and drop-off loop; and add a turnaround circle, approximately 27 new parking spaces, and new play areas. 10 acres zoned R-200, located at 14516 Nadine Drive in the 1994 Aspen Hill Master Plan area.

Staff Recommendation: Approval to Transmit Comments to MCPS

BOARD ACTION

Motion: WELLS-HARLEY/FANI-GONZÁLEZ

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS TEMPORARILY ABSENT

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

Planning Department staff offered a multi-media presentation and discussed the proposed Mandatory Referral request to build an addition to an existing elementary school. The 10-acre site is located on the west side of Nadine Drive, bounded by Myer Terrace to the west, Woodcrest Drive to the north, Yosemite Drive to the south, and is zoned Residential in the Aspen Hill Master Plan area. The site is currently developed with the two-story 72,024-square foot Lucy V. Barnsley Elementary School, bus parking area, a 53-space parking area, and nine portable classroom units, which will be removed with the proposed addition. Though the core capacity is 399 students, 691 students are currently enrolled the school.

The applicant proposes to build a three-story, 28,200-square foot addition for 11 new classrooms and additional support space to accommodate a total of 740 students. The applicant also proposes to build an additional 27 parking spaces, including three Americans with Disabilities Act (ADA) van accessible parking spaces; reduce bus parking from 14 to 12 spaces; construct a more defined athletic field; provide additional recreational spaces; and extend the turn-around area within parent drop-off and pick-up area. Staff noted that due to the topography of the site and a proposed 120-foot setback from Nadine Drive, the proposed 40-foot addition will be approximately the same height as the existing building, mitigating any neighborhood compatibility issues.

There followed a brief Board discussion.

7. Recreation Guidelines 2016: Progress Report

Staff Recommendation: Briefing

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing.

Planning Department staff offered a multi-media presentation and briefed the Board on the progress of the 2016 Recreation Guidelines update. The briefing focused on the goals of the guidelines, outreach efforts, the method used for recreation assessment, and the development of a web-based Recreational Facilities Calculator. Staff stated that the new Zoning Ordinance requires that the Board adopt new recreation guidelines. To develop these guidelines, staff evaluated demographics and market forces, the needs and standards of urban areas, the recreation needs for particular locations and age groups, and recreation trends and opportunities. To aid in the development of new guidelines, staff coordinated with the Parks Department, the Countywide Recreational Advisory Board, and the Maryland Building Industry Association to re-assess the existing 1992 guidelines. Staff also conducted worksessions with developers, builders, and design professionals. Recommendations from these outreach efforts include the ability to provide alternative facility types, to receive credit for recreation facilities that allow both private and public access, and to retain the existing method for determining recreation demand. Staff offered a brief overview and demonstration of the Recreation Facilities Calculator, an interactive web-based application that allows applicants the ability to determine recreation demand based on the type of development, project location, existing off-site recreation facilities within ½ mile of the site, and the proposed on-site recreation facilities. Staff noted that the application also includes a Custom Recreation Facility tool, which enables applicants to determine the demand points for recreation facilities not currently on the facility list. The application then calculates total demand points, total supply points, and adequacy. The applicant can then print a report of the results, which can be submitted with the development application.

Staff then discussed recommendations for the guidelines, including the standardization of the age-group category exemption process; incentives for proposed on-site facilities that are accessible to the public; a standard method for evaluating proposed custom recreation facilities that are not offered on the standard list; permitted dual-use of a stormwater management system as a recreation facility, provided that it meets specific requirements; a reduction of the radius distance from which a project

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7. Recreation Guidelines 2016: Progress Report

CONTINUED

may receive credit for existing off-site public facilities from one mile to ½ mile in urban areas and ¼ mile in Central Business Districts (CBDs); and recreation supply credits for facilities constructed within public open space under optional method development.

The proposed new features and changes to the guidelines include the inclusion of 45 new types of recreational facilities on the Recreational Supply list, inclusion of a recreational elements category, the elimination of credit for sidewalks along site frontages; the elimination of the designation of picnic tables and benches as recreation facilities, the integration of the 2010-2014 census data, and the expansion of age groups from five categories to six.

The next steps for the guidelines include a worksession and approval of the Working Draft scheduled for July 21, the presentation of the Public Hearing Draft to the Board scheduled for September, and the adoption scheduled for September 2016.

There followed extensive Board discussion with questions to staff, during which the Board recommended that the guidelines provide incentives and flexibility for providing public access to recreation facilities, require that recreation space be usable for as wide a range of recreational activities as possible, offer credit for providing public-use open recreation space without the need to build a facility; and provide flexibility to approve acceptable recreational facilities even if one or more age group categories are not satisfied with the proposed project.

***8. Williamsburg Village: Preliminary Plan No.120140070** --- Request to re-subdivide an existing lot (17812 Princess Anne Drive) to create two lots; 1.59 acres; R-200 zone; located at the southwest corner of Princess Anne Drive and Queen Mary Drive, approximately 800 feet west of Georgia Avenue in Olney, MD; Olney Master Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: WELLS-HARLEY/DREYFUSS

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval, subject to conditions, and adopted the attached Resolution.

Planning Department staff offered a multi-media presentation and discussed the preliminary plan request to re-subdivide an existing lot to create two lots, one for an existing house and one for the construction of one new single-family detached home. The 1.59-acre property is located at the southwest corner of Princess Anne Drive and Queen Mary Drive, approximately 800 feet west of Georgia Avenue in the Olney Master Plan area. Staff noted that the existing house and circular driveway will remain on one lot, and a driveway accessing Queen Mary Drive will be constructed to serve the other lot. The utilities associated with the existing house will also remain and the lot will continue to be accessed from Princess Anne Drive. Staff also noted that the request is consistent with the recommendations of the 2005 Olney Master Plan and the proposed two lots meet the Residential (R-200) zone development standards. Staff also noted that the request includes a variance request for the impact to one tree that is 30 inches in diameter at breast height.

Mr. Larry Hinman of Brookeville Lakes Court representing the applicant, Mr. Don Rohrbaugh, also present, offered brief comments and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff.

4. Subdivision Staging Policy: FY17 Annual School Test

Staff Recommendation: Approval of the FY17 Annual School Test Results effective July 1, 2016

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the FY17 Annual School Test Results effective July 1, 2016.

Planning Department staff offered a multi-media presentation and discussed the FY17 Annual School Test Results. Staff noted that every spring, following the adoption of the Capital Budget by the County Executive and County Council, the Planning Board adopts the annual school test for the upcoming fiscal year. The annual school test determines if new residential subdivisions in any school cluster should be subject to either a school facility payment or a moratorium, based on the estimated utilization of school facilities.

Under the current Subdivision Staging Policy (SSP), school capacity is monitored by means of an annual school test. The school test compares projected enrollment five years into the future with projected capacity for each of the 25 high school clusters at the elementary, middle, and high school levels. The school test results are finalized every year in May upon the County Council's adoption of the Capital Budget and amendments to the Capital Improvements Program (CIP). If projected enrollment at any level exceeds 105 percent of program capacity, new residential subdivisions in the affected cluster will be required to make a school facility payment. If projected enrollment at any level exceeds 120 percent of program capacity, new residential subdivisions in the affected cluster will be under moratorium.

Staff added that the annual school test analysis is prepared by Montgomery County Public Schools (MCPS) staff. Planning staff has reviewed MCPS analysis and recommends that the Planning Board accept the FY17 school test results, as calculated by MCPS staff.

There followed a brief Board discussion with questions to staff.

5. Worksession #3 on the Public Hearing Draft of the 2016 Subdivision Staging Policy

Staff Recommendation: Briefing and discussion

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by discussion.

Planning Department staff offered a multi-media presentation and discussed the annual school test in the context of the Subdivision Staging Policy (SSP). Staff noted that the current policy is that the annual school test is a cluster level utilization test, meaning that capacity utilization is calculated and evaluated at each school level, elementary, middle, and high school, across the entire cluster. Staff recommendation is to implement a hybrid annual school test that combines cluster utilization tests with individual school capacity deficit tests. The rationale for the proposed change is that the current cluster-wide test does not recognize significant overutilization at individual schools. The assumption underlying the current policy is that if capacity is adequate across a cluster, but not for an individual school, Montgomery County Public Schools (MCPS) can and will redraw service area boundaries to alleviate any inadequacies that might exist. For a variety of reasons, i.e., the cost of conducting boundary studies, the distance between schools with excess capacity and schools in need of additional capacity, such actions are not easy to implement and therefore not frequently used to address capacity issues at individual schools. The recommended change will maintain the current cluster utilization test and thresholds and add a component that evaluates the adequacy of individual schools against new seat deficit thresholds. The new test will align the funding of solutions through the SSP with MCPS thresholds used to identify schools in need of a capacity solution.

Staff noted that the hybrid annual school test proposal was very well received by the community. Montgomery County Cluster of Parents/Teachers Association (MCCPTA) representatives have been asking for an individual school test for quite some time. The hybrid approach also received the support of the director of MCPS Division of Long Range Planning and members of the Board of Education Fiscal Management Committee. The City of Gaithersburg and the City of Rockville were also highly supportive. Staff feels that an SSP that recognizes infrastructure inadequacies at the individual school level helps to highlight these areas, and may potentially help fund a solution to the overcrowding better than the current policy of only evaluating cluster adequacy. Currently, School Facility Payments (SFP) must be used to fund capital improvements within the cluster and school level

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5. Worksession #3 on the Public Hearing Draft of the 2016 Subdivision Staging Policy

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for which they are collected. Under the hybrid set of tests, when an individual school triggers a SFP in a cluster that does not trigger the payments cluster-wide, should the payments collected be restricted for use only on that school or within that cluster/school level? The argument in favor of allowing the funds to be used throughout the cluster, but within the school level, is that often times the solution for relieving an enrollment burden at an individual school may not involve an increase in capacity at the school specifically.

There is currently no formal policy as it relates to placeholders. Placeholder projects have been the County Council's way of taking quick action to reserve funds for needed school capacity, while also ensuring a cluster's service area does not fall into moratorium. Placeholders allow development to move forward and for SFPs to continue to be collected. Lacking a thorough capacity study, the placeholder project adds a minimum projection of the capital cost required to address facility needs, and serves as a reminder that capital programming should be forthcoming. Staff recommended that placeholder capacity for a particular cluster level or school can be counted as capacity in the annual school test for two years. Staff believes this recommended policy would help ensure the integrity and clarity of the SSP.

Staff also discussed the calculation of SFP and the School Impact Tax (SIP) using student generation rates associated with residential structures built over the prior ten years. Prior to 2014, MCPS used survey data to estimate student generation rates and only households that had moved within the last five years were counted. The current policy calculates the student generation rates by using actual student enrollment data, and for single-family homes, generation rates are based on homes built in the last ten years, and for multi-family structures, they are based on units built during any year. The SFP and the SIP are intended to mitigate the school construction costs associated with new development. Staff also recommended removing the 0.9 Impact Tax Multiplier in the SIP to capture the full cost of school construction associated with a new residential unit. By removing the multiplier, the County is ensured to receive 100 percent of the calculated construction cost impact of new development on school infrastructure. Feedback from the community has been very positive. The Board of Education Fiscal Management Committee suggested increasing the multiplier to a number larger than 1.0, and dedicating the revenue generated beyond the 100 percent to land acquisition.

Staff noted that there is currently no policy that requires any portion of the collected SFPs or SIPs to be dedicated to land acquisition for new schools. Given that the cost of acquiring land for new schools has become prohibitively expensive, dedicating funds for land acquisition will help ensure that MCPS has more options available in their quest to provide adequate school infrastructure. MCCPTA representatives supported the concept but felt that pulling funds from the SFPs or the SIPs would not generate enough money for land acquisition, and recommended having a separate land acquisition tax, equivalent to 10 percent of the school construction cost impact.

Staff also discussed the Facility Payment Multiplier, which staff recommended lowering from 0.6 to 0.5, and the exemptions from the SIP and SFP for former Enterprise Zones through a phased approach. Staff noted that this will be further discussed at the next worksession.

There followed extensive Board discussion with questions to staff.

11. Greater Lyttonsville Sector Plan, Worksession #5

Staff Recommendation: Approval to Transmit to Montgomery County Council

BOARD ACTION

Motion: FANI-GONZÁLEZ/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: **Approved staff recommendation for approval of the Greater Lyttonsville Sector Plan, with transmittal to the County Council pending final Planning Board review.**

Planning Department staff offered a multi-media presentation and discussed revised language requested by the Planning Board at prior worksessions. These revisions, both in text and graphics, pertain to general and site specific recommendations in the Sector Plan. Staff was instructed by the Planning Board at the June 9 worksession to review the request for zoning changes to sites 7 and 11 in the Public Hearing Draft. This request by EYA Development was accompanied by letters of support from Washington Suburban Sanitary Commission (WSSC), owner of site 7, and also from the Housing Opportunities Commission (HOC). An additional letter of support was received from Leonor Chaves, on behalf of the Brookeville Road Industrial District. A community meeting was held on June 21, during which EYA presented a comprehensive overview of their proposed redevelopment to area residents and other stakeholders. Staff also discussed recommendations addressing EYA's request for zoning and height changes.

The following speakers offered testimony: Ms. Valarie Barr of Richland Place and representing the Rosemary Hills Neighborhood Association; Mr. Joel Teitelbaum of Richard Street and representing the Lyttonsville Civic Association; Ms. Pnina Laric of Mark Court; Ms. Leonor Chaves of Richland Street; Mr. Peter Tomao of Colesville Road; Mr. Roger Paden of Richland Place; and Ms. Elmorita Stewart of Albert Stewart Lane.

At the Board's request, Mr. Evan Goldman of Hampden Lane, and representing EYA, offered comments and answered questions.

There followed a brief Board discussion with questions to staff, Mr. Goldman, and some of the speakers.

12. Bethesda Downtown Sector Plan, Worksession #15 (Continuation of worksession #14)

Staff Recommendation: Briefing and discussion

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by Board discussion.

Planning Department staff offered a multi-media presentation and discussed Option Three of the Bethesda Overlay Zone requirements as recommended by the Planning Board, and continued discussion on the Priority Sending Site incentives as requested by the Planning Board and the Design Review Advisory Panel. At the May 19 worksession, staff provided the Planning Board with an overview of the recommended incentives as outlined in the May 2015 Public Hearing Draft, and also provided recommendations for additional incentives to be added to the Plan, including removing the Building Lot Termination (BLT) requirement for priority sending sites, eliminating the 15 percent Moderately Priced Dwelling Unit (MPDU) requirement for priority sending site density, and removing the Park Impact Payment. The Planning Board requested further discussion on how to balance the priority sending site incentives with the amenities in option three of the density pool, as well as staff recommendation for other sites that may be added to the priority sending site designation and those that should be removed. Staff briefed the Board on added incentives for the priority sending sites provided by the land use bar and others, and staff provided the Board with a breakdown of the possible options.

Staff noted that an important goal of the Bethesda Downtown Sector Plan is to heighten design excellence and improve the quality of architecture, urban and landscape designs. High-quality designed building and the public realm are key to reflecting Bethesda's community identity and improving economic competitiveness, livability, and environmental quality. As outlined at the last worksession on May 19, a key requirement for projects seeking additional density through the Bethesda Overlay Zone, Option three, is the Design Review Advisory Panel. The Planning Board requested that staff provide a more detailed overview as to how the advisory panel would work and staff has provided the Board with the requested information. Staff recommended including additional recommendations in the Urban Design Section of the Plan that outline the expectations for building design and further refining these recommendations in the Urban Design Guidelines document.

Staff added that at the next worksession scheduled for June 30 staff will discuss the Park Impact Payment, the Bethesda Overlay Zone, and language edits to the Sector Plan.

There followed a brief Board discussion with questions to staff.