



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, July 21, 2016, at 9:01 a.m. in the Montgomery Regional Office (MRO) in Silver Spring, Maryland, and adjourned at 11:55 a.m.

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

Items 5, 1, 2, 4, and Items 6 through 9, discussed in that order, are reported on the attached agenda.

Item 3 was removed from the Planning Board agenda.

There being no further business, the meeting was adjourned at 11:55 a.m. A farewell party is scheduled for 2:00 p.m. this afternoon for Commissioner Presley, who has served two terms on the Planning Board and is ineligible for a third term.

The next regular meeting of the Planning Board will be held on Thursday, July 28, 2016, in the Montgomery Regional Office in Silver Spring, Maryland.

James J. Parsons
Technical Writer

Montgomery County Planning Board Meeting
Thursday, July 21, 2016
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

5. Subdivision Staging Policy: Approval of the 2016 Subdivision Staging Policy Planning Board Draft

Staff Recommendation: Approval to transmit the 2016 Subdivision Staging Policy Planning Board Draft to the County Council

BOARD ACTION

Motion: PRESLEY/FANI-GONZÁLEZ

Vote:

Yea: 4-0-1

Nay: DREYFUSS

Other:

Action: **Approved staff recommendation for approval to transmit the Planning Board Draft of the 2016 Subdivision Staging Policy to the County Council.**

Planning Department staff offered a multi-media presentation and briefly discussed the Planning Board Draft of the 2016 Subdivision Staging Policy (SSP). Following a brief overview of the SSP, staff noted one revision to the school portion of the SSP, which was due to updated data that was recently received from Montgomery County Public Schools. Staff stated that a school that had previously been identified as requiring a School Facility Payment had since been reclassified to moratorium, for a total of two elementary schools requiring School Facility Payments and six elementary schools in moratorium.

Following a brief Board discussion with questions to staff, Commissioner Dreyfuss read a prepared statement in which he stated his opposition to the SSP, specifically the proposed increase to Transportation Impact Tax rates and mitigation costs for commercial development.

1. Consent Agenda

***A. Adoption of Resolutions**

1. Glen Echo Heights Preliminary Plan 120061120 - MCPB No. 16-077

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

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

***B. Record Plats**

Subdivision Plat No. 220160790, Old Georgetown Estates

R-200 zone; 1 lot; located on the east side of Danville drive opposite Danville Place; North Bethesda - Garrett Park Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220161100, Homewood

R-60 zone; 2 lots; located on the south side of Plyers Mill Road, 275 feet west of Drumm Road; Kensington - Wheaton Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HARLEY/FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

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

***C. Other Consent Items**

Griffith Local Park --- Resolution Authorizing the Exchange of Land with Paul Trevey and Kimberly Young as Mitigation for a Park Property Encroachment.

Staff Recommendation: Approval

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Land Exchange cited above and adopted the attached Resolution.

***D. Approval of Minutes**

Planning Board Meeting Minutes of June 30, 2016

BOARD ACTION

Motion: FANI-GONZÁLEZ/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved Planning Board Meeting Minutes of June 30, 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 status of the Westbard Sector Plan, including the hearing for the Sectional Map Amendment scheduled for today, ongoing work with the Parks Department, Equity One, and the Little Falls Watershed Alliance on the Willett Branch restoration project, and a July 6 briefing to the County Council's Planning, Housing, and Economic Development (PHED) Committee on the proposed restoration project; the status of the Greater Lyttonsville Sector Plan and a County Council public hearing scheduled for September 27; the status of the Subdivision Staging Policy and a County Council public hearing scheduled for September; the status of the Bethesda Downtown Plan, with the hearing for its transmittal to the County Council scheduled for today and a Council public hearing scheduled for October; the status of ongoing work on the White Flint 2 Sector Plan, Rock Spring Master Plan, and the MARC Rails Community Plan, and the community meetings on the White Flint 2 and Rock Spring Plans held on July 11 and June 6 respectively; the status of the Bicycle Master Plan, with a briefing scheduled for July 28; the recent public kick-off meeting for the Grosvenor-Strathmore Metro Area Minor Master Plan held on July 7, which was attended by representatives from Washington Metropolitan Area Transit Authority and the development team; the status of ongoing Subdivision Regulations work, with the PHED Committee scheduled to review revisions on September 12; ongoing work by the Research and Special Projects Division staff, who have coordinated with representatives from Montgomery County Department of General Services, Montgomery County Public Schools, Washington Suburban Sanitary Commission, and Montgomery College on a colocation study; recent and upcoming briefings on the Rental Housing study, the Master Plan Reality Check study, with a briefing scheduled for July 28, and a retail trends study; the Council's recent honoring of the 2015 Design Excellence Award winners with Resolutions at a ceremony held on July 12, and the 2016 Design Excellence Award ceremony scheduled for October; the recent Smart Growth America Local

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2. Roundtable Discussion

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Leaders Forum conference held on July 18 and 19, which focused on the implementation of exclusion-free economic development; and the status of the new Commission Wheaton Headquarters building, with ground breaking scheduled tentatively for winter 2017 and move-in tentatively scheduled for summer 2019.

There followed extensive Board discussion with questions to Ms. Wright.

3. ~~Recreation Guidelines 2016: Working Draft Presentation~~ **REMOVED**

Staff Recommendation: Approval

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

***4. Stella’s Dream Farm, No. 720150170** --- Pre-Preliminary Plan No. 720150170: Request to create one, 4.2-acre lot and 141.58-acre farm remainder, located on the south side of Barnesville Road, approximately one mile west of West Harris Road, 145.48 total acres, AR zone; Preservation of Agriculture and Rural Open Master Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: PRESLEY/DREYFUSS

Vote:

Yea: 5-0

Nay:

Other:

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

Planning Department staff offered a multi-media presentation and discussed a proposed Pre-Preliminary Plan request to subdivide an existing lot, which is currently used for agricultural purposes, in order to create two lots, one with frontage and the other without. The approximately 145.78-acre site is located on the south side of Barnesville Road, bounded to the south by the CSX and MARC train tracks, and is zoned Agricultural Reserve (AR) within the Agricultural and Rural Open Space Master Plan area, as well as the Monocacy River Watershed. The property is currently developed with an existing main house, two tenant houses, one of which is located on the proposed lot without frontage and will be used as a single-family dwelling unit, and a partially-paved shared driveway.

The applicant proposes to subdivide the existing lot and create a 4.2-acre lot without frontage for a single-family detached dwelling unit, with a 141.58-acre farm remainder. Access to Barnesville Road from the proposed lot and the farm remainder is provided via an existing shared driveway. The application is being submitted under the minor subdivision process outlined in Section 50-35A(a)(8) of the Subdivision Regulations, which allows for the creation of up to five lots in the AR zone with a pre-preliminary plan that has been approved either administratively or by the Planning Board. Staff noted that the lot has had a proposed septic area approved by the Montgomery County Department of Permitting Services, requires no street dedication, and does not exceed five acres. However, because the proposed lot does not front a public street, the proposed subdivision cannot be approved administratively and must be approved by the Board, as per Section 50-29(a)(2). Staff noted that existing access to the proposed lot is currently adequate to allow emergency vehicle service, the installation of public utilities, and access by other public services. Staff added that the proposed lot is not detrimental to the future subdivision of the adjacent properties. Staff did explore potential

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***4. Stella's Dream Farm, No. 720150170**

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alternative pipestem lot configurations to give the proposed lot frontage to Barnesville Road, but stated that creating the additional square footage required for a pipestem lot is unnecessary. As a condition of approval, a shared use and access agreement must be finalized and referenced on the record plat. Staff added that because both the grantor and grantee have filed a declaration of intent, and because the transfer of the lot does not involve a change in land use, the applicant is exempt from Forest Conservation requirements.

Mr. James Clifford, attorney representing the applicant, offered comments and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff.

***6. Sligo ArtSpace**

A. Mandatory Referral, MR2016031, Sligo ArtSpace, CRNF 1.25 C 0.25 R 1.0 H 65 Zone, 2.31 acres, Request for 12 lots to construct up to 139,000 square feet of development, including up to 110,000 square feet of residential uses, with up to 68 multi-family dwelling units and 11 townhomes, and up to 29,000 square feet of non-residential uses, with up to 30 artist studios and 1,500 square feet of retail; located in the northeast quadrant of the intersection with Sligo Avenue and Grove Street, East Silver Spring Master Plan.

Staff Recommendation: Approval to Transmit Comments to the County Executive

B. Preliminary Plan No. 120160270, Sligo ArtSpace, CRNF 1.25 C 0.25 R 1.0 H 65 Zone, 2.31 acres, Request for 12 lots to construct up to 139,000 square feet of development, including up to 110,000 square feet of residential uses, with up to 68 multi-family dwelling units and 11 townhomes, and up to 29,000 square feet of non-residential uses, with up to 30 artist studios and 1,500 square feet of retail; located in the northeast quadrant of the intersection with Sligo Avenue and Grove Street, East Silver Spring Master Plan.

Staff Recommendation: Approval with Conditions

C. Site Plan No. 820160140, Sligo ArtSpace, CRNF 1.25 C 0.25 R 1.0 H 65 Zone, 2.31 acres, Request for 12 lots to construct up to 139,000 square feet of development, including up to 110,000 square feet of residential uses, with up to 68 multi-family dwelling units and 11 townhomes, and up to 29,000 square feet of non-residential uses, with up to 30 artist studios and 1,500 square feet of retail; located in the northeast quadrant of the intersection with Sligo Avenue and Grove Street, East Silver Spring Master Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: **A & C. PRESLEY/WELLS-HARLEY**
 B. PRESLEY/FANI-GONZÁLEZ

Vote:
Yea: **A, B, & C. 5-0**

Nay:

Action: **A. Approved staff recommendation to transmit comments to the County Executive, as stated in the attached transmittal letter.**

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

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

Planning Department staff offered a multi-media presentation and discussed the proposed Mandatory Referral, Preliminary Plan, and Site Plan requests to create 12 lots for up to 130,000

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***6. Sligo ArtSpace**

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square feet of development. The 2.24-acre seven-lot site is located on the northeast quadrant of the intersection of Sligo Avenue and Grove Street and is zoned Commercial/Residential/Neighborhood/Floating within the Silver Spring Central Business District (CBD) and the East Silver Spring Master Plan area. The site is currently developed with a vacant three-story building, which previously served as the Montgomery County District 3 Police Station, and surface parking.

The applicant proposes to redevelop the site for up to 130,000 square feet of mixed-use development, 110,000 square feet of which will be residential, by constructing two three-story buildings to accommodate 68 affordable multi-family units, 11 townhouses, a below-grade parking garage, and surface parking. The applicant also proposes up to 20,000 square feet of non-residential use, with up to 30 artist studios and up to 1,500 square feet of retail. All 68 multi-family units, which will be located on the northwest portion of the property, will be voluntary Workforce Housing units. The for-sale townhouses, which will be located on the east side of the property along Grove Street, will include four voluntary Workforce Housing units. Building heights will be limited to 60 feet. The applicant proposes 12,510 square feet of public open space for the multi-family and artist studio portion of the development, and 11,870 square feet of common open space for the townhouse portion.

In order to address safety concerns along the Grove Street frontage, the Montgomery County Department of Transportation (MCDOT) has recommended that the applicant either reduce the pavement width of the street by extending the existing curb an additional two feet, or relocate the existing utility poles along the frontage onto the site. Staff noted that the current conditions along Grove Street have existed for decades without significant incident, and recommended that the Board not accept the MCDOT recommendation on this issue and instead encourage MCDOT to evaluate the street in a more holistic manner. Staff then briefly reviewed minor corrections to the proposed Preliminary Plan and Site Plan.

Ms. Patricia Harris, attorney representing the applicant, offered comments, and concurred with the staff recommendation.

Ms. Becky Carlson St. Clair, member of the applicant's team, offered comments.

Ms. Karen Roper, representing the East Silver Spring Citizens Association, also offered comments.

There followed extensive Board discussion with questions to staff and Ms. Harris, during which Chair Anderson instructed staff to state in a letter to MCDOT that any contributions required from the applicant for Grove Street improvements should not exceed the cost that would have been incurred by having to extend the curb or relocate the existing utility poles.

***7. Chelsea Court, Site Plan Amendment No. 82013004B (deferred from February 25) --- RT-12.5 Zone, 0.85 acres, Request to make minor modifications to hardscape (addition of one pedestrian walkway and removal of one pedestrian walkway); located on the west side of Pershing Drive, approximately 200 feet north of Cedar Street, North and West Silver Spring Master Plan.**

Staff Recommendation: Approval with Conditions and Adoption of Resolutions

BOARD ACTION

Motion: FANI-GONZÁLEZ/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Site Plan Amendment cited above, subject to revised conditions discussed during the meeting, and adopted the attached Resolution.

Planning Department staff offered a multi-media presentation and discussed a proposed Site Plan Amendment request to make minor modifications to the existing hardscape of a historic residence. The 0.85-acre property, identified as platted Lot 64 of the Chelsea Heights subdivision, is located on the west side of Pershing Drive, approximately 200 feet north of its intersection with Cedar Street, and is zoned Residential/Townhouse within the North and West Silver Spring Master Plan area. The site is currently developed with the historic Riggs-Thompson House and is subject to a restrictive covenant that requires a portion of the property that is adjacent to the environmental setting of the house to remain open space. An initial version of the application was presented to the Board on February 25 of this year, in which the applicant proposed to build a 930-square foot detached two-story garage on the lot. Issues raised during the hearing regarding the restrictive covenant led the Board to defer action on the application to allow the applicant time to submit a revised site design.

The applicant proposes to construct an eight-foot wide paved pedestrian walkway from an existing paved driveway to the side of the house. The walkway will be ramped in order to provide access to a basement door. Retaining walls will also be constructed. An existing paved walkway located nearby will be removed. In order to limit the amount of impervious surface and to preserve green space, staff recommended limiting the walkway to a maximum width of seven feet.

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***7. Chelsea Court, Site Plan Amendment No. 82013004B (deferred from February 25)**

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Legal Counsel then recommended that the existing restrictive covenant on the applicant's property be amended to be identical to an existing restrictive covenant on the adjacent homeowners association property in order to reflect the binding element for the current zone. Counsel stated that the resolution has been revised to reflect the new condition of approval.

Mr. Sam Fleming, the applicant, offered comments regarding the proposed hardscape improvements, and proposed the removal of hardscape on other areas of the property as offsets in order to preserve green space and allow for an eight-foot wide walkway.

There followed extensive Board discussion with questions to staff and Mr. Fleming, during which staff stated that condition 6 on the certified Site Plan would be modified to reflect the eight-foot wide paved walkway and reductions in hardscape surface to achieve a net addition of not more than 300 square feet of impervious surface.

8. Westbard Sector Plan

Staff Recommendation: Approval to file Sectional Map Amendment (SMA) H-116 with the District Council, implementing the recommendations of the Approved and Adopted Westbard Sector Plan, and implement a corrective amendment.

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Received briefing and approved staff recommendation for approval to file a Sectional Map Amendment for the Adopted Westbard Sector Plan with the District Council.

9. Bethesda Downtown Sector Plan, Worksession #17 (VOTE OUT)

Staff Recommendation: Approval to transmit Planning Board Draft to County Council, and to Establish the Bethesda Overlay Zone.

BOARD ACTION

Motion: A & B. PRESLEY/WELLS-HARLEY

Vote:

Yea: A & B. 5-0

Nay:

Other:

Action: A. Approved staff recommendation for approval to transmit the Planning Board Draft of the Bethesda Downtown Sector Plan to the County Council.

B. Approved staff recommendation to establish the Bethesda Overlay Zone, with additional recommendations, as discussed during the meeting.

Planning Department staff offered a multi-media presentation and discussed the Planning Board Draft of the Bethesda Downtown Sector Plan and the proposed Bethesda Overlay Zone (BOZ), specifically the recommended offset options for Park Impact Payments (PIP) within the proposed zone. Staff noted that a complete fold-out zoning map with mapped densities and heights will be added to the Plan as an insert. Staff reviewed and briefly discussed minor corrections to the draft, including a revised legend for Figure 2.02, the inclusion of the recommended land use for Figure 2.03, the inclusion of the recommended zoning for Figure 3.07, corrected zoning for Figure 3.11, and the addition of clarifying language regarding priority sending sites.

As per a request made by the Board during the June 30 worksession, staff discussed five recommendations for PIP offset options, which include reducing the public use space requirement, reducing the development application fee on bonus density, eliminating the PIP if land is dedicated to the Parks Department for a master plan designated public open space or park space, implementing green tape plans that receive BOZ bonus density points and pay into the PIP for projects that provide a minimum 20 percent Moderately Priced Dwelling Units (MPDUs), and providing 12.5 percent MPDUs in lieu of the 15 percent BOZ requirement. Staff added that the specific offsets would not be included in the Sector Plan text but would be included and evaluated in the zoning text amendment (ZTA) that would create the BOZ.

There followed extensive Board discussion with questions to staff, during which the Board agreed with the first, third, and fourth options for offsets, with Chair Anderson recommending the inclusion of language in the BOZ ZTA that clearly establishes that any dedicated land must be found to be substantive enough to warrant the offset. The Board also agreed that the PIP rate should be \$10 per square foot of development and be used only to fund land acquisition.