



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**APPROVED
MINUTES**

The Montgomery County Planning Board met in regular session on Thursday, October 10, 2013, at 9:17 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 6:10 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 3 are reported on the attached agenda.

The Board recessed for lunch at 1:20 p.m. and to take up Items 4 and 11 in Closed Session.

Commissioner Amy Presley left for the day at 1:20 p.m.

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 1:40 p.m. in the 3rd floor conference room, on motion of Vice Chair Wells-Harley seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Dreyfuss, voting in favor of the motion, and Commissioner Presley absent. The meeting was closed under authority of Annotated Code of Maryland, State Government Article, §10-508(a)(13) to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosure about a particular proceeding or matter; and 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 all or part of the Closed Session meeting were Associate General Counsels Carol Rubin and Nicholas Dumeis of the Legal Department; Director Gwen Wright, Acting Deputy Director Rose Krasnow, and Luis Estrada of the Planning Department; Deputy Director Mike Riley, Mitra Pedoeem, Daniel Hertz, and Judie Lai of the Parks Department; and M. Clara Moise of the Commissioners' Office.

In Closed Session the Board received an update from Parks Department staff regarding the proposed Montgomery County Park and Planning new headquarters building in Wheaton, and approved Closed Session Meeting Minutes for June and July 2013.

The Closed Session meeting was adjourned at 2:25 p.m.

The Planning Board reconvened in the auditorium at 2:44 p.m.

Items 5, 6, 7, and 8 are reported on the attached agenda.

Commissioner Dreyfuss left the meeting at 5:51 p.m. and returned at 6:01 p.m.

Items 9 and 10 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 6:10 p.m. The next regular meeting of the Planning Board will be held on Thursday, October 17, 2013, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Sr. Technical Writer/Editor

Tomasina Ellison
Technical Writer

Montgomery County Planning Board Meeting
Thursday, October 10, 2013
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

1. Darcars at Montgomery Industrial Park 81994026B MCPB No. 13-128

BOARD ACTION

Motion: PRESLEY/DREYFUSS

Vote:

Yea: 4-0

Nay:

Other: ANDERSON TEMPORARILY ABSENT

Action: Adopted the Resolution cited above.

***B. Record Plats**

Subdivision Plat No. 220110690, Kilmarnock Farm (Revision)

R-200 zone; 3 lots; located on the north side of Barnesville Road (MD 117), 800 feet west of Ganley Road; Boyds Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220120740-220120750, Clarksburg Village

R-200/TDR zone; 24 lots, 4 parcels; located at the intersection of Newcut Road and Winding Woods Way; Clarksburg Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220131370, Sonoma

R-60 zone; 2 lots; located in the northwest quadrant of the intersection of Sonoma Road and Seneca Lane; Bethesda-Chevy Chase Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220140020, Bedfordshire

R-200 zone; 2 lots; located on the south side of Wilden Lane, 300 feet east of Bedfordshire Avenue; Potomac Subregion Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220140090, Ridgewood Village

R-60 zone; 1 lot; located on the north side of Wyndale Lane, 200 feet west of Wyndale Road; Bethesda-Chevy Chase Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220140130, Bradley Woods

R-90 zone; 1 lot; located at the eastern corner of the intersection of Wilson Lane (MD 188) and Oldchester Road; Bethesda - Chevy Chase Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: ANDERSON TEMPORARILY ABSENT

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

***C. Other Consent Items**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Other Consent Items submitted for approval.

***D. Approval of Minutes**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **There were no Planning Board Meeting Minutes submitted for approval.**

**3. Clarksburg Limited Master Plan for the Ten Mile Creek Watershed--Worksession 2 -
TIME CHANGED**

Staff Recommendation: Discuss and provide direction to staff

BOARD ACTION

Motion:

Vote:

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

Planning Department staff noted that during this worksession staff will discuss issues related to land use and zoning raised by speakers who testified during the public hearing meetings held on September 10 and September 12. The previous worksession held on September 26 addressed issues related to water quality, analytical work, and the rationale for protection of the Ten Mile Creek area. This will be the last worksession before the Planning Board Draft is transmitted to the County Executive and the County Council on October 24, with a County Council Public Hearing to take place in December.

Staff offered a multi-media presentation and gave a brief overview of issues discussed during the first worksession. Staff discussed recommendations for the Pulte-King properties located west of I-270 , and noted that option one proposes that it adheres to the 1994 Master Plan objectives for housing and Transferrable Development Rights (TDRs). The plan also proposes substantial Legacy Open Space designation. Option two proposes a maximum of ten percent imperviousness, and eight percent imperviousness for the overall watershed, a Rural Neighborhood Cluster (RNC) Zone with maximum allowed Moderately Priced Dwelling Units, a minimum of 65 percent rural open space, including 175-foot buffers, preservation of all forest and slopes in accordance with the Environmental Guidelines and the RNC guidelines to minimize the size of the footprint and consolidate development.

For County properties west of I-270 the Plan proposes to allow planned expansion of the existing Detention Facility resulting in 4.5 percent imperviousness, and limit imperviousness on the former County Depot site properties to eight percent. The Great Seneca Science Corridor and the

Germantown Employment Area plans propose space for biotech and office activities and a broader mix of uses, including residential, destination retail, and office space. Staff noted that the Public Hearing Draft recommendations further support the 1994 Master Plan objectives, with the creation of a town center, historic district, and the development of the Miles-Coppola and the Egan-Mattlyn properties, and discussed the Plan proposed development plans for these properties. Staff also addressed transportation issues raised by a number of speakers who expressed concerns that the current road network is barely able to support current traffic and additional traffic will overwhelm the system and make for dangerous conditions. Staff also discussed environmental issues raised related to ephemeral streams, groundwater, water and sewer service damage to streams, climate change, effective impervious cover, and treatment trains.

There followed considerable Board discussion with questions to staff. The Board instructed staff to finalize the Draft Plan as discussed during the meeting and to bring it back for the Planning Board's approval on October 24.

4. Closed Session

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

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

11. Closed Session - **ADDED**

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.

2. Roundtable Discussion - TIME CHANGED

A. Planning Director's Report- **POSTPONED**

B. Status of White Oak Science Gateway Master Plan—**ADDED REMOVED**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This Item was postponed.

5. Parks' FY15-20 Capital Improvements Program – Adoption Session - TIME CHANGED

Staff Recommendation: Approve for submission to County Executive

BOARD ACTION

Motion: WELLS-HARLEY/ANDERSON

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Approved staff recommendation for approval and to transmit to the County Executive as stated in the attached transmittal letter.

Parks Department staff offered a multi-media presentation and discussed the inflation costs associated with the planning, design, supervision, and construction of proposed projects for the FY15-20 Parks Capital Improvements Program (CIP). Staff noted that projects funded by the County General Obligation (GO) Bonds, are not included in the FY15-18 budget. Inflation projections have been factored into Parks funded GO Bonds beyond FY18 and include Little Bennett Regional Park Day Use Area, Magruder Branch Trail Extension, Rock Creek Maintenance Facility, and Warner Circle Special Park. Inflation projections have also been factored into Park and Planning funded Bond for the parks which include Battery Lane Urban Park, Elm Street Urban Park, Kemp Mill Urban Park, Seneca Crossing Local Park, and Woodside Urban Park. Staff discussed the Planned Lifecycle Asset Replacement (PLAR) project, which will be used to fund renovation or replacement of aging, unsafe, or obsolete local park facilities and/or components of the facilities. Staff also discussed the Greenbriar Local Park, a 25-acre parcel of undeveloped parkland to be added to the list. Amenities for Greenbriar will include a soccer/football field, basketball/multi-use court, grass volleyball court, playground, paths and walkways, entrance feature, seating and tables, parking areas, and bio-retention stormwater management facilities. Staff noted the County Council decision to keep the Spending Affordability Guidelines (SAG) at current levels and the County Executive's request to reduce \$4.7 million in GO Bonds. Staff also discussed the Planning Board approval to reduce \$3.1 million in GO Bonds. The FY15-20 CIP total funding is \$194,521 million with a majority of the source funding, 67 percent, provided by GO Bonds and Park and Planning Bonds. CIP Expenditure Categories include Environmental Stewardship, Historical and Cultural Stewardship, Land Acquisition, New Parks and Park Facilities, and Infrastructure Maintenance/Renovation. A transmittal memorandum that will summarize the Parks Department proposals will be sent to the County Executive and County Council by November 1, 2013.

The Planning Board discussed the CIP Expenditure Categories, as outlined in the staff presentation, and instructed staff to provide more detail explaining how funds are distributed and used within each category.

6. FY15 Budget - TIME CHANGED

Discussion of Planning Department and ~~Commissioners' Office~~ Budget
(Commissioners' Office Budget moved to the October 17 agenda)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

Planning Department Director Gwen Wright discussed the preliminary Planning Department FY15 Operating budget request and noted that the base budget has increased by \$54,016. A number of factors, which includes Americans with Disabilities Act (ADA) and personnel considerations and requirements, have impacted the requested increase from the FY14 budget. Staff noted that FY15 essential needs include limited changes to the organizational structure which will include the Information Technology (IT) and Geographic Information Systems (GIS) divisions being combined to create a new division. Staff also discussed proposed changes in municipalities to address the aging population of the County. Staff discussed proposed development plans that include the Bethesda Central Business District (CBD) and Aspen Hill and Vicinity, noting that the Planning Department is already committed to these plans.

The Planning Board discussed the projected budget and proposed projects for FY15-20 and advised staff regarding deferred project funding. The Board suggested that staff consider the redevelopment of corridors rather than focusing on strip mall development.

Staff noted that corridor study findings were factored into the proposed development and discussed the proposed update of the IT strategic plan which will provide guidance in projecting technological initiatives for the Planning and Parks Departments. Staff also discussed the request for funding of \$125,000 for a one-time consultant fee related to travel demand forecasting as well as funding for the proposed creation of a new Transportation Modeler position.

The Board discussed the proposed projects in terms of the distribution of funds and concurred with the proposed budget.

***7. Limited Site Plan Amendment No. 82003029E: The Estates at Greenbriar Preserve - TIME CHANGED**

A request to remove a portion of Category I forest conservation easement and to relocate the easement on an adjacent property (P99) Lots 4 and 5, Block A, located on the south side of Wood Thrush Lane; RNC Zone; Parcel 99 is zoned RE-2, Potomac Sub-region Master Plan.

Staff Recommendation: Approval with conditions

BOARD ACTION

Motion: DREYFUSS/ANDERSON

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Approved staff recommendation for approval, subject to revised conditions, as stated in the attached Board Resolution.

Planning Department staff discussed the limited site plan amendment for the Estates at Greenbriar Preserve. Staff offered a multi-media presentation delineating the applicant's request to remove 8,486 square feet of a Category I forest conservation easement and to relocate the easement on an adjacent property, which the applicant owns, for the purpose of expanding their living space. The new easement will be recorded by deed because it will not require platting.

The Planning Board briefly discussed the applicant's request and concurred with the staff recommendation.

***8. Pike and Rose Phase 2 - TIME CHANGED**

A. Preliminary Plan No. 12012002A

B. Site Plan No. 820130120

Second phase of the redevelopment of Pike and Rose shopping center with a maximum of 1.50 million square feet of mixed use development in seven buildings in the CR3 C1.5 R2.5 H-200 and CR4 C3.5 R3.5 H-300 zones; at the intersection of Grand Park Avenue and Rose Avenue; 19.85 net acres; White Flint Sector Plan area.

Staff Recommendation: Approval with conditions

BOARD ACTION

**Motion: A. DREYFUSS/ANDERSON
 B. DREYFUSS/ANDERSON**

Vote:

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

Nay:

Other: PRESLEY ABSENT

Action: A. Approved staff recommendation for approval, subject to revised conditions, as stated in the attached Board Resolution.

B. Approved staff recommendation for approval, subject to revised conditions, as stated in the attached Board Resolution.

Planning Department staff offered a multi-media presentation which illustrated the preliminary plan amendment and site plan for Pike & Rose-Phase 2. The subject 24-acre property is zoned commercial/residential and is located in the northwest quadrant of Rockville Pike. The subject property has been previously approved for a maximum total density of 3,442,888 square feet, including a maximum of 1,716,246 square feet of non-residential development. Staff noted that this project will be built in three phases with a variety of heights proposed for Phase 2. The buildings will contain architectural features that mimic existing historical buildings and, as such, varying heights are

incorporated into the building designs. The varied heights will also allow more light to flow between buildings as well as allow some light casting on the streets. Staff discussed the applicant’s proposal to include a number of interactive elements as part of the project such as. Staff noted that public-use space for the project totals a minimum of one acre and recommends that the applicant plant a number of trees as required for compliance with the Forest Conservation Plan. Staff noted slight modifications to the language in the Preliminary Plan conditions and also recommended modification of the Sketch Plan binding element.

***8. Pike and Rose Phase 2 - TIME CHANGED**

CONTINUED

The Planning Board discussed the windows, building façades, and perception of depths in relation to the flatness of some of the finished buildings. The Board also discussed the heights of the buildings, as represented on the slide, and inquired about the accuracy of height measurements.

Mr. Evan Goldman, the applicant, offered a multi-media presentation. Mr. Goldman noted that the project is currently leased at 67 percent with 20 percent based on letters of intent upon completion of Phase 1, which is still one year away.

The Board briefly discussed the proposed project and concurred with the staff recommendation.

9. Zoning Text Amendment No. 13-08 - TIME CHANGED

To revise the TMX zone as follows: allow dry cleaning and laundry establishments; allow a veterinary hospital without a special exception under certain circumstances; and allow day care for seniors and disabled people with an unlimited number of people.

Staff Recommendation: Transmit Comments to County Council
(Action required for County Council public hearing of 10/15/13)

BOARD ACTION

Motion: ANDERSON/WELLS-HARLEY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS TEMPORARILY, PRESLEY ABSENT

Action: Approved staff recommendation to transmit comments to the County Council.

Planning Department staff discussed the proposed zoning text amendment for transit mixed-use zones to allow development of dry cleaning and laundry facilities, veterinary hospitals, and day care facilities for seniors and disabled people within such zoned areas. Staff discussed the current

allowances for commercial use in transit mixed-use zones which includes laundry and dry cleaning pick-up stations. Staff noted that the zoning text amendment will allow smaller laundry and dry cleaning establishments, up to 3,000 square feet, to locate in the transit mixed use zone. Staff also noted that, in regards to veterinary hospitals, the proposed zoning amendment has been extensively vetted when the commercial residential zoning was instituted and that transit mixed-use zoning is consistent with the commercial residential zoning.

Ms. Barbara Sears, attorney, offered comments.

***10. Preliminary Plan Amendment Review No. 120120070, Bethesda Center - TIME CHANGED**

CBD-2 zone, 2.14 acres, amendment to modify condition no. 18(b) related to the Policy Area Mobility Review (PAMR) requirement based upon the Board’s reconsideration of the adopted resolution; located at between Woodmont Avenue and Wisconsin Avenue directly south of Norfolk Avenue, Bethesda CBD

Staff Recommendation: Approval with conditions

BOARD ACTION

Motion: DREYFUSS/ANDERSON

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Approved staff recommendation for approval, subject to revised conditions, as stated in the attached Board Resolution.

Planning Department staff offered a multi-media presentation which delineated the Bethesda Center Policy Area Mobility Review (PAMR) for calculation purposes. Staff recommended that the PAMR calculations be modified to factor in and ensure that this retail calculation will not impact the credit to the site, and thereby reduce the PAMR payment.

Legal counsel to the Planning Board noted that the modified language in the proposed Resolution for Bethesda Center voids all previous conditions.

The Planning Board briefly discussed the proposed PAMR modification and concurred with the staff recommendation.

Ms. Anne Meade, attorney representing the applicant, concurred with the staff recommendation.