



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

**APPROVED  
MINUTES**

The Montgomery County Planning Board met in regular session on Thursday, November 20, 2014, at 9:02 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 1:35 p.m.

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

Items 1 through 6 are reported on the attached agenda.

Items 7 and 8 were removed from the Planning Board Agenda.

The Board convened in Closed Session at 1:10 p.m. to take up Item 9.

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 1:10 p.m. in the 3<sup>rd</sup> floor conference room on motion of Commissioner Presley, seconded by Vice Chair Marye Wells-Harley, with Chair Anderson, Vice Chair Marye Wells-Harley, and Commissioners Dreyfuss, Presley, and Natali Fani-González voting in favor of the motion. The meeting was closed under authority of Annotated Code of Maryland, State Government Article, §3-305(b)(7) and (8) to consult with staff, consultants, or other individuals about pending or potential litigation; and State Government Article, §3-305(b)(7) to consult with counsel to obtain legal advice, and §3-305(b)(8) to consult with staff, consultants, or other individuals about pending or potential litigation.

Also present for the Closed Session meeting were: General Counsel Adrian Gardner, Associate General Counsels William Dickerson, Carol Rubin, and David Lieb of the Legal Department; and M. Clara Moise of the Commissioners' Office.

In Closed Session the Board received briefing from General Counsel Adrian Gardner and legal staff regarding a complaint filed in the Circuit Court for Montgomery County by Pulte Home Corporation and Shiloh Farm Investments, LLC, against Montgomery County, Maryland, and the Maryland-National Capital Park and Planning Commission.

The Closed Session meeting was adjourned at 1:35 p.m.

There being no further business, the meeting was adjourned at 1:35 p.m. There will not be a Planning Board meeting next Thursday, November 27 in observance of the Thanksgiving Holiday. The next regular meeting of the Planning Board will be held on Thursday, December 4, 2014, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise  
Sr. Technical Writer/Editor

**Montgomery County Planning Board Meeting**  
**Thursday, November 20, 2014**  
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. 220120630, Clarksburg Village](#)**

R-200/TDR zone, 2 parcels; located on the north side of Snowden Farm Parkway, 200 feet west of Emerald Green; Clarksburg Master Plan.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: PRESLEY/WELLS-HARLEY**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

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

**\*C. Other Consent Items**

**A. Clarksburg Town Center, Extension of Project Plan Amendment No. 91994004D**

RMX-2 zone/RDT zone, 270.00 acres, Request to modify the approved plan for 1,116 dwelling units including 12.5 percent MPDUs, and 129,545 square feet of retail and 76,640 square feet of office, located at northwest quadrant of the intersection with Stringtown Road and Frederick Road; Clarksburg Master Plan and Hyattstown Special Study Area

*Staff Recommendation: Approval of the Extension Request*

**B. North Bethesda Market II Extension Request, Sketch Plan No. 32011003A**

Commercial/Residential Zone; 4.41 acres; 740,528 square feet of mixed-use development; located at the southeast corner of the intersection of Nicholson Lane and Woodglen Drive, and immediately west of Rockville Pike, in the White Flint Sector Plan area.

*Staff Recommendation: Approval*

**C. Star Pointe Plaza Consent Amendment: Site Plan 82010002A**

Request to reduce the total lot area, green area and side yard building and parking setbacks as a result of a boundary dispute, located on the south side of Sandy Spring Road (MD 198), approximately 100 feet west of Star Pointe Lane, 1.53 acres, I-1/Burtonsville Employment Area Overlay Zone; Fairland Master Plan.

*Staff Recommendation: Approval with Conditions and Adoption of Resolution*

**BOARD ACTION**

- Motion:**
- A. WELLS-HARLEY/DREYFUSS**
  - B. WELLS-HARLEY/DREYFUSS**
  - C. FANI-GONZALEZ/PRESLEY**

- Vote:**
- Yea:**
  - A. 4-0**
  - B. 5-0**
  - C. 5-0**

**Nay:**

**Other: A. PRESLEY RECUSED HERSELF**

**Action: A. Approved staff recommendation for approval of the extension request for the Clarksburg Town Center project plan amendment.**

**B. Approved staff recommendation for approval of the extension request for the North Bethesda Market II Sketch Plan.**

**C. Approved staff recommendation for approval of the Star Pointe Plaza Site Plan Amendment, subject to conditions, and adopted the submitted Resolution.**

**\*D. Approval of Minutes**

Minutes of October 30, and November 6, 2014

**BOARD ACTION**

**Motion: PRESLEY/DREYFUSS**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: WELLS-HARLEY RECUSED HERSELF**

**Action: Approved the Planning Board Meeting Minutes of October 30 and November 6, 2014, as submitted.**

**\*2. Approval of FY 16 Proposed Budgets for [Department of Parks](#), [Planning Department](#), [CAS](#), and Commissioners' Office**

**BOARD ACTION**

**Motion: FANI-GONZALEZ/DREYFUSS**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Received briefing and approved the proposed FY16 budgets for Central Administrative Services (CAS), the Planning Department, the Parks Department, and the Commissioners' Office, as submitted.**

**3. Roundtable Discussion**

- Parks Director's Report

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received briefing.**

**Parks Department Director's Report** – Parks Department Director Michael Riley briefed the Board on the following on-going and upcoming Parks Department events: Brookside Gardens Donor Event; recruitment process under way to fill the vacant Montgomery Parks Foundation Executive Director's position; inclusion of urban parks in the Bethesda Plan; maintenance of Montgomery County Public Schools' athletic fields; and the upcoming Silver Spring Thanksgiving Day Parade to be held in downtown Silver Spring.

**4. [Worksession 1: Ovid Hazen Wells Recreational Park Master Plan Update](#)**

The Master Plan Update recommends new development for the western side of the park including the Ovid Hazen Wells carousel, an enhanced picnic area, play area and amenities to support the carousel. The update is also recommending a new looped trail system, uses for the historic houses on site and a unique event area for the center area of the park. The Master Plan Update also includes a site for the future Clarksburg Recreation Center/Indoor Pool and additional park acquisition to the west of the park.

*Staff Recommendation: Approve the Master Plan Update*

**BOARD ACTION**

**Motion: PRESLEY/WELLS-HARLEY**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Received briefing followed by Board discussion and questions to staff, and approved staff recommendation for approval of the Master Plan Update.**

Parks Department staff offered a multi-media presentation and discussed proposed updates to the Master Plan for the Ovid Hazen Wells Recreational Park following the Public Hearing, as well as online comments and letters received from the public. Based on concerns raised during the planning process, staff recommended the following changes to the Plan: a traffic and noise study proposed for the Active Recreation Area should be part of the next Facility Planning Phase; the new land acquisition proposed for the Park should be used to accommodate a cricket field, if it is not chosen as the site for

the Clarksburg Recreation, Aquatics and Senior Center; the Native Reforestation Area should be labeled as such on the concept Master Plan; the central and eastern areas of the Park should be described as the Event Area, and the Home Garden and Organic Farming Area, to better articulate the type of programming proposed for those areas; and the central area of the Park should be considered as one of the sites for a Disc/Golf course, the Damascus Recreational Park is also being considered for this purpose. A feasibility study is planned for 2015.

Funding is available in the Parks Department's Capital Improvements Program to begin facility planning for Phase I of the Park's development, including the carousel with supporting infrastructure, and the expanded trail system. The facility planning will begin next year. The site selection study for the location of the Clarksburg Recreation, Aquatics and Senior Center is being conducted by the County's Department of General Services, whose staff is expected to begin the study sometime within the next two months.

5. [Aspen Hill Minor Master Plan Amendment: Worksession No. 3](#)

Possible Topics: Land Use, Zoning, Design Guidelines, and Transportation

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received briefing followed by Board discussion and questions to staff.**

Planning Department staff noted that during this worksession staff will discuss the alternative Neighborhood Retail (NR) Zoning proposed by representatives of the Lee Development Group for the Vitro/BAE property in Aspen Hill, and any concerns about the edits that have previously been made to the Draft Plan. An additional worksession has been scheduled for December 4 for final review and approval of the Planning Board draft Plan for transmittal to the County Executive and the County Council. Staff noted that when the Aspen Hill Master Plan was approved in 1994, the Vitro/BAE Corporation occupied a 265,000 square-foot office building on Aspen Hill Road and has been a long standing employer in the area. Vitro/BAE vacated the site during the past decade, and the inability of the property owners to attract office tenants after four years of marketing is indicative of the soft office market, and the decreasing demand for large scale single-tenant structure. The current trend in office uses is to move away from the suburban car-oriented sprawling campus of past decades, and to cluster more compact offices around multiple-use, mass-transit centered areas. The strong commercial market-base and land use pattern that currently surrounds the Minor Amendment area was an indication that additional retail is feasible, as noted in the "*Retail and Residential Feasibility Studies*" conducted by Planning Department staff. The Plan recognizes that there may be a phased redevelopment of the north side of Aspen Hill Road over a long period of time. It is likely that the former Vitro/BAE property will

redevelop in the short term, followed by potential redevelopment of the remaining properties over time, as the market evolves to support a moderately dense mix of land uses.

There followed extensive Board discussion with questions to staff.

**6. Briefing on updated scope of work and schedule for Master Plan of Highways and Transitways Update to be completed in FY16**

*Staff Recommendation: Briefing*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received briefing followed by Board discussion and questions to staff.**

Planning Department staff offered a multi-media presentation and discussed the revised scope of work for a comprehensive amendment to the 1955 Master Plan of Highways, which will compile the amendments to the Plan approved and adopted since then, as well as align the Plan with the County's Road Code, which was of a similar vintage until it was comprehensively updated in 2007. Staff noted that the first Master Plan of Highways was approved and adopted in 1931, shortly after the creation of the Maryland-National Park and Planning Commission in 1927. The last comprehensive update to the Master Plan was approved and adopted in 1955. Staff started work on the comprehensive amendment in July 2009 but went on a hiatus because of budget constraints and the County Council's request to undertake an amendment to incorporate Bus Rapid Transit, an effort that culminated with the adoption of the Countywide Transit Corridors Functional Master Plan in December 2013. The geography of the Plan is the entire County, less the seven municipalities that have their own planning authority: Rockville, Gaithersburg, Laytonsville, Brookeville, Poolesville, Barnesville, and Washington Grove.

The project team working on the comprehensive amendment will provide outreach to residents of the entire County because of the global nature of this Master Plan update. Where proposed recommendations would affect incorporated municipalities, elected officials will be informed and given the opportunity to comment. Civic associations will receive notice of public meetings. In addition to outreach to members of the general public, the team will also work with a technical advisory group, including representatives from the Parks Department, the Montgomery County Department of Transportation, the Maryland State Highway Administration, the Regional Services Centers, and the Rustic Roads Advisory Committee. Staff noted that the comprehensive amendment has been included in the FY15-16 Planning Department work program, with a detailed work schedule, including County Council approval and Commission adoption respectively scheduled for April and June 2016.

There followed a brief Board discussion with questions to staff.



**\*7. The Artery Building**

~~A. **Project Plan Amendment No. 91981009A**, The Artery Building, CBD-2 zone, 2.19 acres, Request to modify the public amenity by converting the internal art gallery space to a fitness center (modifies condition #17) and to relocate the art gallery to the lobby, to modify the public use space by removing an exterior architectural arch and converting 1425 sf of public use space to outdoor restaurant seating, and to make minor modifications to the exterior architecture at the Bethesda Avenue and Wisconsin Avenue building entrances, located at northwest quadrant of the intersection with Bethesda Avenue and Wisconsin Avenue; Bethesda CBD Sector Plan~~

~~Staff Recommendation: Approval with Conditions and Adoption of Resolution~~

~~B. **Limited Site Plan Amendment No. 81984002A**, The Artery Building, CBD-2 zone, 2.19 acres, Request to modify the public amenity by converting the internal art gallery space to a fitness center and to relocate the art gallery to the lobby, to modify the public use space by removing an exterior architectural arch and converting 1,425 sf of public use space to outdoor restaurant seating, and to make minor modifications to the exterior architecture at the Bethesda Avenue and Wisconsin Avenue building entrances, located at northwest quadrant of the intersection with Bethesda Avenue and Wisconsin Avenue; Bethesda CBD Sector Plan~~

~~Staff Recommendation: Approval with Conditions and Adoption of Resolutions~~

**REMOVED**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**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: Wheaton Headquarters~~

**REMOVED**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

---

**9. Closed Session**

According to MD ANN Code, General Provisions Article, §3-305(b)(7) to consult with counsel to obtain legal advice, and (8) to consult with staff, consultants, or other individuals about pending or potential litigation.

The topic to be discussed is Pulte Home Corporation and Shiloh Farm Investments v. M-NCPPC

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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