



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

APPROVED
MINUTES

The Montgomery County Planning Board met in regular session on Thursday, March 3, 2016, at 1:27 p.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 4:35 p.m.

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

Items 1 through 3 and Item 5 are reported on the attached agenda.

Item 4 was postponed.

Commissioner Dreyfuss left for the day at 2:13 p.m. during discussion of Item 5.

The Board recessed at 3:08 p.m. and reconvened in the auditorium at 4:00 p.m. to take up Item 6 – Public Hearing for Countywide Park Trails Plan Amendment.

There being no further business, the meeting was adjourned at 4:35 p.m. The next regular meeting of the Planning Board will be held on Thursday, March 10, 2016, in the Montgomery Regional Office in Silver Spring, Maryland.

James J. Parsons
Technical Writer

Montgomery County Planning Board Meeting
Thursday, March 3, 2016
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

1. Mount Prospect Preliminary Plan 120150090-MCPB No. 16-014

BOARD ACTION

Motion: WELLS-HARLEY/FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

Action: Adopted the Resolution cited above, as submitted.

***B. Record Plats**

Subdivision Plat No. 220160570, Edgemoor

R-90 zone; 1 lot; located on the west side of Hampden Lane opposite Edgemoor lane; Bethesda-Chevy Chase Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220160670, Rosedale Park

R-60 zone; 2 lots; located in the northeast quadrant of the intersection of Rosedale Avenue and Tilbury Street; Bethesda-Chevy Chase Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: FANI-GONZÁLEZ/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

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

***C. Other Consent Items**

Pike & Rose Phase II --- Limited Site Plan Amendment No. 82013012B: Request to add 17,018 square feet of floor to the current approval of 1,603, 831 square feet for a total floor area of 1,620,831 square feet for Phase II; add planters and wooden trellis structure in Building 8; Remove a part of level 3 in Building 1A; and change loading to an on-street configuration in Block 1A. 10.32 acres zoned CR 3, C 1.5, R 2.5, H200 and CR 4, C 3.5, R 3.5, H300, located in the northwest quadrant of the intersection of Old Georgetown Road and Rockville Pike, within the 2010 White Flint Sector Plan area.

Staff Recommendation: Approval and Adoption of Resolution

BOARD ACTION

Motion: FANI-GONZÁLEZ/DREYFUSS

Vote:

Yea: 5-0

Nay:

Other:

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

***D. Approval of Minutes**

Planning Board Meeting Minutes of February 18, 2016

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved Planning Board Meeting Minutes of February 18, 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 success of Black History Month events, including the *One Commission Luncheon* on February 5, *Wisdom Martin Speaks* on February 12, *Remembering Linden: Embracing Lyttonsville* on February 19, a February 23 County Council event at which Councilmember George Leventhal introduced interactive Geographic Information System maps created by Historic Preservation staff that present photos and information about historic African American sites in the County, and the *Voices in the Dark* stage production by one of our staff members on February 26; Governor Hogan's recent announcement of the selection of Purple Line Transit Partners as the project concessionaire, who will build, operate, and maintain the light rail system; a recent memo to the County Council from County Executive Ike Leggett regarding his transportation priorities, called Moving Forward on Better Transit for Montgomery County, which re-affirms the Executive's commitment to Bus Rapid Transit on Rockville Pike, Colesville Road, Veirs Mill Road, and his support for the Corridor Cities Transitway; the status of the Westbard Plan, the first Planning, Housing, and Economic Development (PHED) Committee worksession held on February 29, which focused on transportation and schools, and the second PHED worksession, which will focus on land use, zoning, park recommendations, and the naturalization of Willett Branch, scheduled for March 7; the status of the Bethesda Downtown Sector Plan and the ninth worksession, which will focus on parks, environmental issues, affordable housing, and land use, scheduled for March 10; the status of the Lyttonsville Sector Plan and the first worksession scheduled for March 24; the status of the MARC Rail Communities Plan and community charrettes to be held in Boyds and Germantown scheduled for March 7, 14, 15, and 16; the continuing work on the Subdivision Staging Policy, Rock Spring Master Plan, the White Flint 2 Sector Plan, and the Bicycle Master Plan; the status of the Semi Annual Report, which will be presented to the County Council on April 5; the status of work on the FY17 Budget, including recent meetings with members from the Office of Management and Budget and the County Executive; the third and final session of the Winter Speakers Series,

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2. Roundtable Discussion

CONTINUED

which will focus on transportation design and modeling, scheduled for March 16; the status of the Makeover Montgomery 3 conference scheduled for May 4, 5, and 6 at the University of Maryland in College Park; and upcoming briefings regarding the buildable lot termination and transferable density rights programs.

There followed a brief Board discussion with questions to Ms. Wright.

***3. Colesville Senior Living Facility Preliminary Plan No. 120160110** --- Request to create one lot for the construction of a three-story domiciliary care facility for seniors consisting of a maximum of 113 units (136 beds), R-200 Zone; 5.9 acres; located at 13908 New Hampshire Avenue, within the 1997 White Oak Master Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

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

Planning Department staff offered a multi-media presentation and discussed a proposed Preliminary Plan request to create one lot in order to construct a senior living facility. The 5.9-acre property, parcel P305, is located on the western side of New Hampshire Avenue, between Colesville Manor Drive to the north, Notley Road to the south, and zoned residential in the White Oak Master Plan area within both the Paint Branch watershed and the Northwest Branch watershed, though not within any Special Protection Areas. The partially wooded site is currently unimproved. Staff noted that Special Exception S-2881 for this project was reviewed by the Board in June 2015 and granted approval with conditions by the Hearing Examiner in October 2015. Staff added that the project is being reviewed under the previous Zoning Code.

The applicant proposes to construct an approximately 99,485-square foot, three-story domiciliary senior care facility to accommodate 136 beds in 113 suites, 71 parking spaces with associated drive aisles, loading and delivery areas, and a refuse enclosure, all on one lot. Staff stated that the proposed development is in conformance with the Master Plan and is supported by adequate public facilities. Because the proposed land use will generate fewer than 30 peak-hour trips, no Local Area Transportation Review is required, and a payment of 50 percent of the development impact tax will satisfy the Transportation Policy Area Review requirements. Staff added that the proposed setbacks and landscaping will provide the required noise mitigation.

Staff also stated that the Forest Conservation Plan proposes to remove 0.38 acres of forest and retain 0.22 acres of forest in a Category I Conservation Easement, resulting in a 1.08 acre planting requirement. The applicant proposes to meet that planting requirement by planting 0.65 acres of forest on-site, with the remaining 0.43 acres to be planted off-site.

Mr. Jody Kline, attorney representing the applicant, offered comments and concurred with the staff recommendations.

There followed a brief Board discussion.

MCPB, 3-3-16, APPROVED

~~4. Draft Status Report on General Land Use Conditions & Forecast~~ **REMOVED**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

5. Zoning Text Amendment No. 16-03 --- Allow a Bed and Breakfast as a limited use in all Residential and all Commercial/Residential zones; revise the definition and requirements for a Bed and Breakfast; and delete the requirements for a Bed and Breakfast as a conditional use.

Staff Recommendation: Transmit Comments to County Council

(NOTE: Action required for County Council public hearing of March 8, 2016)

BOARD ACTION

Motion: PRESLEY/FANI-GONZÁLEZ

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

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

Planning Department staff offered a multi-media presentation and discussed a proposed Zoning Text Amendment (ZTA) that would amend the definition of a Bed and Breakfast and allow it as a limited use in all Residential (R) and Commercial/Residential (CR) zones in order to expand the opportunities for short-term tenancy in the County. Staff stated that a Bed and Breakfast currently requires a conditional use approval in the R-90 and R-60 zones and is not permitted at all in the R-40 zone, Residential Townhouse zone, Residential Multi-Unit zone, and CR zone. ZTA 16-03 also proposes to eliminate minimum lot size requirements, allow Bed and Breakfast as a limited use in most zones, implement a new standard that limits the number of allowable guests to five unrelated people or one family of any size, implement a new standard that requires that a dwelling used as a Bed and Breakfast be the primary residence of the licensee, and extend the allowable time period that a guest can remain in a Bed and Breakfast in one visit from a maximum of 14 to 30 days.

Staff stated that the sponsor of the ZTA is attempting to combine Bed and Breakfast use with short-term tenancy use into one use, a concept and approach with which staff does not agree. Staff discussed comments to be transmitted to the County Council, including concern that relaxation of the duration of tenancy requirements for a Bed and Breakfast use could impact the character of existing residential neighborhoods. Other staff comments recommended separate regulation for short-term rental and Bed and Breakfast use, retaining the conditional use approval requirement for the R-90 and R-60 zones, considering other forms of short-term rental as accessory to the primary residential use of the property, restricting short-term occupancy of a dwelling or room that is not within a Bed and Breakfast to a maximum of 14 days per month and

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5. Zoning Text Amendment No. 16-03

CONTINUED

90 days per year, and requiring the permanent resident, property owner, or tenant who hosts the short-term rental of the unit to reside in the dwelling unit for a minimum of six months per calendar year.

The following speakers offered testimony: Ms. Harriet Quinn of the Woodmore-Pinecrest Citizens Association; Mr. Dan Wilhelm of the Greater Colesville Citizens Association; Ms. Jean Cavanagh of Worth Avenue; and Mr. Christopher Ruhlen, attorney from Lerch, Early, & Brewer.

Following extensive Board discussion with questions to staff and the speakers, the Board recommended that Planning Department staff organize and sponsor a community forum to discuss and receive feedback regarding the proposed ZTA if the County Council does not provide a means for citizen comments. The Board also recommended requesting that the County Council refrain from acting on the ZTA until issues such as parking, number of allowable vehicles, occupancy limits, licensing, and insurance are addressed. However, should the County Council choose to move forward with the ZTA, the Board supported transmission of the staff comments.

6. Public Hearing, Countywide Park Trails Plan Amendment

Staff Recommendation: Public Hearing: Countywide Park Trails Plan Amendment - The Staff Draft was presented to the Planning Board on January 21, 2016. The amendment proposes a new plan framework called "Loops and Links", along with updated methods and tools for park trail planning and analysis. The proposed plan amendment aims to: be more achievable and sustainable overall; ensure all trails are built as sustainably as possible; serve as many trail users as is feasible and possible; and achieve maximum levels of service based on trail user needs and desires, and population density calculations. The public will be invited to comment on the recommendations for the Countywide Park Trails Plan Amendment.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received testimony.

A VERBATIM TRANSCRIPT OF THIS ITEM IS AVAILABLE IN THE MONTGOMERY COUNTY REGIONAL OFFICE OF THE PARK AND PLANNING COMMISSION.