



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, January 12, 2017, at 9:09 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 8:30 p.m.

Present were Chair Casey Anderson, Vice Chair Marye Wells-Harley, and Commissioners Norman Dreyfuss, Natali Fani-González and Gerald R. Cichy.

The Board convened at 9:09 a.m. in the auditorium with the Prince George's County Planning Board, as the Maryland-National Capital Park and Planning Commission (Full Commission), via telephone conference, to take up Item 15 to make a decision on the status of Inauguration Day, January 20, 2017. An open session report will be included in the Full Commission Meeting Minutes.

The Board attended the Montgomery County Planning Department Service Awards at 9:11 a.m. and convened in Closed Session at 9:41 a.m. to take up Items 16 and 17.

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 9:41 a.m. in Chair Anderson's office on motion of Commissioner Fani-González, seconded by Commissioner Dreyfuss, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Fani-González, and Cichy voting in favor of the motion. The meeting was closed under authority of Annotated Code of Maryland, General Provisions Article, §3-305(b)(7) and (8), to consult with counsel to obtain legal advice about pending or potential litigation, and §3-305(b)(3), to consider the acquisition of real property for a public purpose and matters directly related to the acquisition.

Also present for the meeting were Principal Counsel Carol Rubin and Associate General Counsel Nick Dumais of the Legal Department; Director Gwen Wright, Deputy Director Rose Krasnow, Bridget Schwiesow, and Deborah Dietsch of the Planning Department; Director Mike Riley, Deputy Director Mitra Pedoem, and Judy Lai of the Parks Department; and Joyce Garcia and James Parsons of the Commissioners' Office.

In Closed Session, the Board received briefing and legal advice regarding a Maryland Public Information Act request, and an update on the Wheaton Headquarters building.

The Closed Session meeting was adjourned at 10:33 a.m.

The Board reconvened in the auditorium at 10:38 a.m.

Items 2, 1, and Items 3 through 5, discussed in that order, are reported on the attached agenda.

The Board recessed for lunch at 12:18 p.m. and reconvened in the auditorium at 2:00 p.m.

Items 6 through 13 are reported on the attached agenda.

The Board recessed for dinner at 3:55 p.m. and reconvened in the auditorium at 6:10 p.m. to take up Item 14 – Public Hearing for the White Flint 2 Sector Plan.

The Board took a short break at 7:10 p.m. and reconvened in the auditorium at 7:20 p.m.

There being no further business, the meeting was adjourned at 8:30 p.m. The next regular meeting of the Planning Board will be held on Thursday, January 19, 2017, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Sr. Technical Writer/Editor

James J. Parsons
Sr. Technical Writer/Editor

Montgomery County Planning Board Meeting
Thursday, January 12, 2017
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

15. Teleconference Meeting of the Maryland-National Capital Park and Planning Commission (Full Commission) --- Resolution #17-01 - Handling of Inauguration Day

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: See State citation and open session report in narrative Meeting Minutes of the Maryland-National Capital Park and Planning Commission.

16. CLOSED SESSION

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

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

17. 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 is the new Wheaton Headquarters

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 Director Mike Riley briefed the Board on the following ongoing and upcoming Parks Department events and activities: the recent meeting with representatives from the National Center for Smart Growth at the University of Maryland regarding the Partnership for Action in Learning in Sustainability (PALS) program, which allows local government agencies to work with the University of Maryland faculty and students on mutually agreed upon sustainability projects; the status of a recent Parks Department staff meeting with Commissioner Dreyfuss regarding the restoration, re-use, and occupancy of historic buildings maintained by the Parks Department; the status of the County Executive's five public forums regarding the proposed FY18 Operating Budget, with the first meeting held earlier this week; the status of recent meetings with stakeholders and the public regarding the Park Rules and Regulations update, with changes scheduled to be presented to the Board on January 19; the status of interim safety improvements to the Capital Crescent Trail (CCT) crossing at Little Falls Parkway, which include reducing the number of vehicle lanes from four to two; and the status of the replacement of the synthetic athletic field at Montgomery Blair High School, with work scheduled to begin this week and completed in March.

There followed a brief Board discussion with questions to Mr. Riley, during which the Board requested that Parks Department staff return with a more in-depth briefing regarding the CCT crossing at Veirs Mill Road.

1. Consent Agenda

***A. Adoption of Resolutions**

1. Bradford's Landing Preliminary Plan 120170060 – MCPB No. 16-138
2. CVS Derwood Site Plan 820160150 – MCPB No. 16-139
3. Sandy Spring Friends House Forest Conservation Plan CBA-1855 – MCPB No. 16-131

BOARD ACTION

Motion: WELLS-HARLEY/FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

Action: Adopted the Resolutions cited above, as submitted.

***B. Record Plats**

Subdivision Plat No. 220160950, Somerset Heights

R-60 zone, 1 lot; located on the south side of Cumberland Avenue 470 feet west of Surrey Street; Bethesda-Chevy Chase Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220170310, Williamsburg Village - Section One

R-200 zone, 2 lots; located in the southwest quadrant of the intersection of Queen Mary Drive and Princess Anne Drive; Olney Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HARLEY/DREYFUSS

Vote:

Yea: 5-0

Nay:

Other:

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. The Bullis School (a.k.a. Blenheim) Parcel A, Block E, Limited Preliminary Plan Amendment No. 12008003B (In response to a Forest Conservation violation)** --- Request to release 11,875 square feet of existing Category I Conservation Easement and mitigate offsite. Proposed offsite mitigation consists of the acquisition of either 23,750 square feet of forest planting or 47,500 square feet of existing forest retention from an M-NCPPC-approved forest conservation bank. Located in northeast quadrant of the intersection of Falls Road (MD 189) and Democracy Boulevard; Potomac Sub-Region Master Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: CICHY/FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

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

Planning Department staff offered a multi-media presentation and discussed a proposed Limited Preliminary Plan Amendment request to remove a portion of an existing Category I Conservation Easement from a property. The 77.63-acre site, identified as Blenheim Parcel A, Block E, is located on the northeast quadrant of the intersection of Democracy Boulevard and Falls Road, and is zoned Rural Estate and Residential Estate in the Potomac Sub-Region Master Plan area, within the Cabin John Creek, Watts Branch, and Rock Run watersheds. The site is currently developed with the Bullis School and associated buildings, including the headmaster’s house and a maintenance facility. Approximately 18 acres of the existing forest on the property is protected within five Category I Conservation Easements. The portion of the site that is subject to the proposed Amendment is a section Category I Conservation Easement adjacent to the headmaster’s house and maintenance facility, southwest of an existing stormwater management pond along the eastern property line.

In March 2016, a representative from the school contacted Planning Department staff and reported that the construction of an addition to the headmaster’s house had encroached onto the existing easement, for which staff issued an Administrative Citation for 2,000 square feet of cutting and clearing, and for 4,800 square feet of grading and soil disturbance within the existing Category I Conservation Easement located behind the house. In addition to a fine, the citation required the school to restore the graded and cleared area by planting 20 trees and 10 shrubs within a 4,900-square foot area of disturbed easement. Currently, the only unresolved portion of that encroachment is a portion of a concrete slab located within the easement directly behind the headmaster’s house. On a subsequent visit

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***3. The Bullis School (a.k.a. Blenheim) Parcel A, Block E, Limited Preliminary Plan Amendment No. 12008003B (In response to a Forest Conservation violation)**

CONTINUED

to the site, staff discovered two additional encroachments within the easement area that include a maintenance shed with a concrete base and a gravel access driveway adjacent to the existing maintenance facility. Though both structures existed at the time of approval of the existing Forest Conservation Plan (FCP), neither is shown on the Plan. In June 2016, staff issued a second Notice of Violation for the encroachments, which require either the complete removal of all impervious structures and the driveway, or the submittal of a request to amend the existing conservation easement.

The applicant proposes to remove 11,875 square feet of conservation easement, consisting of 1,910 square feet of easement associated with the improvements to the headmaster's house, and 9,965 square feet associated with the maintenance facility violations. As mitigation, the applicant will provide 23,750 square feet of mitigation credit through an approved forest mitigation bank, which will consist of either 23,750 square feet of forest planting or the protection of 47,500 square feet of existing forest. The applicant will also install a split rail fence along the easement boundary adjacent to the maintenance area, and permanent forest conservation easement signs along the easement boundary behind the headmaster's house.

Mr. Patrick LeVay, attorney representing the applicant, offered comments and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff.

4. Recreation Guidelines Planning Board Worksession --- Planning Board Work Session to review Public Hearing comments and discussion issues from the November 17, 2016 public hearing.
Staff Recommendation: Review 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 proposed 2016 Recreation Guidelines. Since a November 17, 2016 public hearing on the Guidelines, during which two speakers testified, the Planning Board has received additional correspondence from three development community professionals, including representatives from the Maryland Building Industry Association, as part of the public hearing record. Staff stated that the worksession today is intended to seek Planning Board guidance in order to address comments and issues raised at the June 23, 2106 Board meeting, the November 17 public hearing, and comments received since the public hearing.

Staff then discussed each issue along with the staff recommendations, including the recommended addition of a young adults age category; the retention of optional bonuses for developers who offer public access to recreation facilities; the integration of stormwater management facilities and recreational amenities; the designation of seating areas as recreation elements rather than full recreation facilities; the reduction of the one-mile maximum walkshed distance in order to receive credit for providing access to offsite, publicly-owned recreation facilities to a half mile maximum distance; the increase of the number of allowable recreation elements designated specifically for the tot age group that may be used in urban open spaces; the addition of inclusive recreation facilities, including an outdoor recreation center for the adult age group, an indoor sensibility gymnasium, and a Bank shot sports court for the children, teens, and adults age groups; the revision of the heading/description of nature trail to incorporate pedestrian connections and trail extensions; the addition of a pedestrian bridge as an active connection facility; the retention of aggregate bonus points for developers who provide a combination or sequence of linked linear public open space; and the revision of the Facilities Guidelines to address the Americans with Disabilities Act (ADA) language for each facility type.

The next steps for the Guidelines include additional Board worksessions as needed, with the adoption tentatively scheduled for no later than spring 2017.

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4. Recreation Guidelines Planning Board Work Session

CONTINUED

There followed extensive Board discussion with questions to staff, during which the Board approved the staff recommendations for the Guidelines with some minor modifications, including the use of a 15-minute accessible walkshed distance rather than a half mile distance for all three planning areas.

***5. Eco Estates including Preliminary/Final Water Quality Plan, Preliminary Plan, 120080430**

--- Request to create eight (8) lots from two (2) unplatted parcels; located 0.25 miles west of the Good Hope Road and Briggs Chaney Road intersection: 12.5 acres; RE-1 zone; Upper Paint Branch Overlay Zone; Upper Paint Branch Special Protection Area; 1997 Cloverly Master Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 5-0

Nay:

Other:

Action: **Approved staff recommendation for approval of the Preliminary Plan 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 Preliminary Plan request to subdivide a property in order to construct eight single-family detached dwelling units using the cluster development option. The 12.5-acre site, which consists of two unplatted parcels, is located on the north side of Briggs Chaney Road, approximately 0.25 miles west of its intersection with Good Hope Road, and is zoned Rural Estate within the Cloverly Master Plan area. The site is currently developed with a detached single family home, a barn, several small accessory buildings, and an access driveway from Briggs Chaney Road, all of which will be demolished. The property is located within the Upper Paint Branch watershed, the Upper Paint Branch Special Protection Area (SPA) and the Upper Paint Branch Environmental Overlay Zone, which limits impervious surfaces for new development to 8 percent. There is no existing forest on the property, but there are numerous large trees located throughout the site.

The applicant proposes to subdivide the two parcels into eight lots ranging in size from approximately 15,100 to 22,000 square feet for the construction of eight single-family detached homes. Seven of the lots will be served by a public street, identified as Public Street A, which will be constructed as part of this project, and one lot, identified as lot 2, will be served with a direct driveway access to existing Briggs Chaney Road. All lots will be served by public water and sewer. A 7.7-acre open space area is proposed for the northern portion of the site. The applicant also proposes 3.13 acres of forest planting within the onsite environmental buffer, an additional 2.26 acres of afforestation within the proposed open space area, and 1.98 acres of additional forest planting as an environmental benefit that sewer service and cluster development provides, for a total of 7.37 acres, all of which will be protected by a Category I Conservation Easement. The applicant has also submitted a tree variance

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***5. Eco Estates including Preliminary/Final Water Quality Plan, Preliminary Plan, 120080430**

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request to remove six specimen trees, which staff supports. Staff added that there will be some temporary impacts within an environmental buffer during the removal of existing impervious surfaces associated with the existing structures.

Staff then briefly discussed minor revisions to the conditions of approval, which are the result of staff receiving updated information since posting the staff report. The revisions include: The inclusion of an outlot and a proposed open space parcel to Condition 1; an additional condition regarding the revised limits of disturbance associated with the removal of impervious surfaces; an additional condition requiring the applicant to demonstrate conformance with the 8 percent impervious surface requirement prior to the Certified Preliminary Plan stage; and other minor revisions to language.

Legal staff noted that if the Board approves the proposed Plan with the revisions discussed during the meeting, the Resolution will be revised prior to being signed by the Chair, and can be adopted today without the need to be re-submitted as a Consent Agenda Item.

Mr. David McKee, member of the applicant's team, offered comments and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff.

6. Burtonsville Starbucks Drive-Thru: CU-17-06 --- Request to approve a Conditional Use for a drive-thru restaurant at a new Starbucks restaurant, located at the Burtonsville Town Square, 15600 Old Columbia Pike, Burtonsville, MD 20866, within the Burtonsville Crossroads Neighborhood Plan.

Staff Recommendation: Approval with conditions

(NOTE: Action required for hearing by the Hearing Examiner on February 3, 2017)

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval, subject to conditions, and to transmit comments to the Hearing Examiner, as stated in the attached transmittal.

In keeping with the December 30 technical staff report, Planning Department staff offered a multi-media presentation and discussed a request to approve a Conditional Use for a drive-thru restaurant at a new Starbucks restaurant located at the Burtonsville Town Square on Old Columbia Pike in Maryland, within the Burtonsville Crossroads Neighborhood Plan area. Staff noted that pursuant to Section 59-3.1.6 of the Montgomery County Zoning Ordinance, a drive-thru use is allowed in the Commercial/Residential zone with an approved conditional use. Staff noted that the project will feature an existing single drive-thru that will accommodate six vehicles at one time and will be located within the existing paved driveway aisle located to the north and east of the new building. Staff also noted that there are no significant land use or environmental impacts associated with this request.

Ms. Stacy Silber, attorney representing the applicant, offered brief comments and concurred with the staff recommendation.

There followed a brief Board discussion.

7. Zoning Text Amendment No. 16-15 --- Separate the standards for senior and disabled independent living facilities; and revised the standards for senior and disabled independent living facilities.

Staff Recommendation: Transmit Comments to the County Council

(NOTE: Action required for County Council public hearing of January 17, 2017)

BOARD ACTION

Motion: CICHY/DREYFUSS

Vote:

Yea: 5-0

Nay:

Other:

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

Planning Department staff discussed a proposed Zoning Text Amendment (ZTA) to separate the standards for senior and disabled independent living facilities, and revise the standards for senior and disabled independent living facilities, as discussed in detail in the January 5 technical staff report. Under the Independent Living Facility for Persons with Disabilities provisions, staff suggested language changes pertaining to the restriction on occupancy of a unit to read “*Any parent, daughter, son, brother or person related by blood, marriage, adoption or guardianship of a handicapped resident regardless of age or disability.*” Staff noted that as proposed, if one has an elderly relative or grandparent that does not have a surviving sibling or child, it is not clear that other family members would be allowed to live with the handicapped resident.

The following speakers offered testimony: Mr. William Kominers, attorney; and Mr. Zach Marks of Detrick Avenue and representing the Housing Opportunities Commission.

There followed a brief board discussion with questions to staff.

8. Zoning Text Amendment No. 16-16 --- Amend provisions governing OZAH's decisions in conditional use cases; amend provisions governing requests for oral argument before the Board of Appeals in conditional use cases; permit applicants with conditional uses approved by the Hearing Examiner to implement a conditional use when a request for oral argument before the Board of Appeals is pending; authorize the Board of Appeals to stay the Hearing Examiner's decision upon motion of any party; and authorize the Board of Appeals to place conditions on the approval or denial of requests for a stay.

Staff Recommendation: Transmit Comments to the County Council

(NOTE: Action required for County Council public hearing of January 17, 2017)

BOARD ACTION

Motion: WELLS-HARLEY/DREYFUSS

Vote:

Yea: 5-0

Nay:

Other:

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

In keeping with the January 5 technical staff report, Planning Department staff discussed a proposed Zoning Text Amendment (ZTA) to: 1) amend the provisions governing the Office of Zoning and Administrative Hearings (OZAH) decisions regarding conditional use cases; 2) amend provisions governing requests for oral argument before the Board of Appeals in conditional use cases; 3) permit applicants with conditional uses approved by the Board of Appeals to implement a conditional use when a request for oral argument before the Board of Appeals is pending; 4) authorize the Board of Appeals to stay the Hearing Examiner's decision upon motion of any party; 5) authorize the Board of Appeals to place conditions on the approval or denial of requests for a stay; and 6) generally amend provisions concerning conditional use appeals. Staff noted that the Hearing Examiner believes that the current provisions for appeals of conditional use decisions is causing confusion on who may appeal a decision and cause unintended delays in reaching a final decision. Staff then discussed the current conditional use decision process and noted that staff recommends approval of the ZTA to modify the provisions for appeals of conditional use decisions by clarifying who may appeal a decision.

There followed a brief Board discussion with questions to staff.

9. Zoning Text Amendment No. 16-17 --- Revise the allowable height encroachments for townhouses.

Staff Recommendation: Transmit Comments to the County Council

(NOTE: Action required for County Council public hearing of January 17, 2017)

BOARD ACTION

Motion: WELLS-HARLEY/FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

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

In keeping with the January 5 technical staff report, Planning Department staff discussed a proposed Zoning Text Amendment (ZTA) to revise the allowable height encroachments for townhouses located in the Commercial/Residential Transit (CRT), Commercial/Retail (CR), and Employment and Industrial zones. Staff noted that currently, a number of structures, i.e., rooftop decks, patios, parapet walls, etc., may exceed the established height limit by up to eight feet for properties located outside of an airport approach area. The proposed ZTA would eliminate these height encroachments for townhouses in those zones. Staff also added that the issue of townhouse height was brought up during the public testimony for the Westbard Master Plan. The testimony noted two concerns: 1) a parapet wall has a perception of exceeding the height allowed in the townhouse zones; and 2) the creation of an outdoor living space that can accompany parapet walls on townhouse rooftops may affect the privacy of adjacent single-family homes.

Staff added that the townhouse building type is allowed in all CRT, CR, and Employment zones but not in Industrial zones. Also allowed in these zones are the detached house, duplex, apartment, multi-use and general building types. Under the proposed ZTA, all building types, except a townhouse, would be allowed to exceed the established height limit by up to eight feet for the specified rooftop structures. Staff believes that the current height encroachment exemptions are consistent with the anticipated character and intent of these zones.

The following speakers offered testimony: Ms. Lynne Battle of Westbard Avenue and representing the Citizens Coordinating Committee on Friendship Heights; Mr. Peter Salinger of Ridgefield Road and representing the Springfield Civic Association; and Mr. Aakash Thakkar of Hampden Lane, and representing EYA Development Company.

There followed a brief Board discussion with questions to staff and the speakers.

10. Zoning Text Amendment No. 16-18 --- Amend the development standards for the Sandy Spring/Ashton Rural Village Overlay zone.

Staff Recommendation: Transmit Comments to the County Council

(NOTE: Action required for County Council public hearing of January 17, 2017)

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

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

In keeping with the January 5 technical staff report, Planning Department staff discussed a proposed Zoning Text Amendment (ZTA) to amend the development standards for the Sandy Spring/Ashton Rural Village Overlay Zone and would lower the minimum size lot for townhouse and duplex buildings and allow building height to be increased by five feet with a Planning Board finding of compatibility during the site plan process. Staff noted that the minimum lot size in the Sandy Spring/Ashton Rural Village Overlay Zone is currently 3,000 square feet for all buildings. The sponsor of this ZTA agrees that this limit is appropriate for single-family detached buildings but could be excessive for townhouses and duplexes. The proposed ZTA would allow a minimum lot size of 900 and 2,000 square feet respectively for those uses. The sponsor also believes that the current 35-foot building height limit is too low in situations where more height may be compatible. Staff added that any potential compatibility concerns with surrounding properties would be addressed during the site plan review process.

Ms. Francoise Carrier attorney representing the Nichols Development Group offered testimony. There followed a brief Board discussion with questions to staff.

11. Zoning Text Amendment No. 16-19 --- Exclude from the calculation of gross floor area any space exclusively used for mechanical equipment for any Medical/Scientific Manufacturing and Production use.

Staff Recommendation: Transmit Comments to the County Council

(NOTE: Action required for County Council public hearing of January 17, 2017)

BOARD ACTION

Motion: CICHY/ FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

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

In accordance with the January 5 technical staff report, Planning Department staff discussed a proposed Zoning Text Amendment (ZTA) to exclude from the calculation of gross floor area, any space exclusively used for mechanical equipment for any Medical/Scientific Manufacturing and Production use. Staff noted that the floor area used for mechanical equipment is currently excluded from the calculation of gross floor area in the Life Sciences Commercial (LSC) and Industrial zones. This exclusion applies to any use in those zones. The sponsor of this bill was made aware that Medical/Scientific Manufacturing and Production may also include an inordinate amount of mechanical equipment space within a building. The proposed ZTA would exclude the floor area used for mechanical equipment needed for Medical/Scientific Manufacturing and Production in any zone in which the use is allowed. The ZTA would specifically extend the exemption of mechanical equipment from the calculation of gross floor area in the Commercial/Residential Transit (CRT), Commercial/Retail (CR), and Employment Office (EOF) zones, exclusively for Medical/Scientific Manufacturing and Production.

Mr. William Kominers attorney representing United Therapeutics Corporation, and Mr. Thomas Kaufman of United Therapeutics offered testimony.

There followed a brief Board discussion with questions to staff.

12 Zoning Text Amendment No. 16-21 --- Exempt County-owned historic buildings from use and development standards.

Staff Recommendation: Transmit Comments to the County Council

(NOTE: Action required for County Council public hearing of January 17, 2017)

BOARD ACTION

Motion: WELLS-HARLEY/FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

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

In keeping with the January 5 technical staff report, Planning Department staff discussed a proposed Zoning Text Amendment (ZTA) to exempt County-owned historic buildings from use and development standards. Staff noted that a building designated as a historic resource in the Master Plan for Historic Preservation and located on County-owned property would be exempt from the use and development standards of Chapter 59 of the Zoning Code. Staff noted that in 1976, the Maryland - National Capital Park and Planning Commission (M-NCPPC) created the Locational Atlas & Index of Historic Sites, which identifies resources that are potentially historic. Resources listed on the Atlas are protected from demolition or substantial alteration under Chapter 24A of the County Code. In 1979, the County Council adopted the Master Plan for Historic Preservation and the Historic Preservation Ordinance. The Master Plan includes the list of all officially designated historic sites and districts, which have been added and have been found to be of special historic or architectural significance and merit protection under the Ordinance.

Staff noted that these properties merit special attention to ensure their preservation and recommended that buildings designated as historic resources and located on M-NCPPC-owned property also be exempt from the use and development standards of the Zoning Code. Staff further recommended clarifying that his provision does not exempt an historic structure from complying with the requirements of Chapter 24A of the Historic Preservation Ordinance.

Mr. Neil Cullen of Wisconsin Avenue offered testimony.

There followed a brief Board discussion with questions to staff and Legal Counsel to the Board.

***13. Vien An Buddhist Temple Preliminary Plan No. 120160310** --- Request to create one lot for the construction of a 13,000-square foot place of worship; RE-1 Zone; 1.31 acres; located on the east side of New Hampshire Avenue, 500 feet north of Orchard Way, within the 1997 White Oak Master Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: WELLS-HARLEY/FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

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

In accordance with the December 30 detailed technical staff report, Planning Department staff offered a multi-media presentation and discussed a request to create one lot for the construction of a 13,00-square foot place of worship, the Vien An Buddhist Temple, located on the east side of New Hampshire Avenue, 500 feet north of Orchard Way, within the White Oak Master Plan area. The property lies in both the Paint Branch watershed and Northwest Branch watershed, but outside any Special Protection Areas. There are no streams, wetlands, floodplains or environmental buffers on the site, and the property is served by public water and sewer. The applicant proposed 40 parking spaces with adequate landscaping to provide screening from the adjacent properties as well as to enhance the property's appearance. Staff noted that the proposed project qualifies for a Forest Conservation exemption.

Staff also noted that an email of support for the proposed project was received from Mr. Dan Wilhelm, President of the Greater Colesville Citizens Association.

There followed a brief Board discussion with questions to staff.

14. White Flint 2 Sector Plan - Public Hearing

Staff Recommendation: Planning Board will receive public testimony on the Public Hearing Draft of the White Flint 2 Sector Plan

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.