



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 2, 2017, at 8:59 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 4:15 p.m.

Present were Chair Casey Anderson, Vice Chair Marye Wells-Harley, and Commissioner Natali Fani-González. Commissioner Gerald R. Cichy joined the meeting at 9:02 a.m., and Commissioner Norman Dreyfuss joined at 9:05 a.m.

The Board convened in Closed Session at 9:06 a.m. to take up Item 10, a Closed Session Item.

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 Planning Board convened in Closed Session at 9:06 a.m. in the 3rd floor conference room with the Prince George's County Planning Board, as the Maryland-National Capital Park and Planning Commission (Full Commission), via telephone conference. The meeting was closed under authority of Annotated Code of Maryland §3-305(b)(7) and (b)(9), to conduct collective bargaining negotiations or consider matters that relate to the negotiations, and consult with counsel to obtain legal advice.

Also present for the meeting in Montgomery County were the Commission Executive Director Patricia Barney; Montgomery County Park Police Chief Antonio DeVaul; Montgomery County Parks Department Director Michael Riley; the Commission General Counsel Adrian Gardner; Jennifer McDonald of the Department of Human Resources and Management; David Boomershine of the Boomershine Consulting Group; and James Parsons of the Commissioners' Office.

In Closed Session, the Full Commission received briefing and discussed collective bargaining negotiations with the Fraternal Order of Police. An open session report will be included in the Full Commission Meeting Minutes.

The Closed Session meeting was adjourned at 9:55 a.m.

The Board reconvened in the auditorium at 10:09 a.m.

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

Item 2 was removed from the Planning Board agenda.

Chair Anderson left for the day at 12:08 p.m. during discussion of Item 5 to attend a Montgomery County Council Committee meeting.

The Board recessed for lunch at 12:20 p.m. and reconvened in the auditorium at 1:25 p.m.

Items 4, 3, and Items 7 through 9, discussed in that order, are reported on the attached agenda.

There being no further business, the meeting was adjourned at 4:15 p.m. The next regular meeting of the Planning Board will be held on Thursday, March 9, 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, March 2, 2017
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

10. CLOSED SESSION – Teleconference Meeting of the Maryland-National Capital Park and Planning Commission (Full Commission)

Pursuant to Section 3-305(b)(7) and (b)(9) of the General Provisions Article of the Annotated Code of Maryland, a closed session is proposed to consult with counsel to obtain legal advice, and to conduct collective bargaining negotiations or consider matters that relate to the negotiations.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

1. Consent Agenda

***A. Adoption of Resolutions**

1. Laurel Hill Preliminary Plan 120160300 - MCPB No. 17-007

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. 220141470, 220141480 & 220160160, Glenmont Metrocenter
CR zone, 82 lots, 13 parcels; located in the northern quadrant of the intersection of Layhill Road (MD 182) and Glenallan Avenue; Glenmont Sector Plan.
Staff Recommendation: Approval

Subdivision Plat No. 220170220, Mateny Hill
RT-12.5 zone, 16 lots and 3 parcels; located on the east side of Mateny Hill Road, 230 feet north of Dawson Farm Road; Germantown Master Plan.
Staff Recommendation: Approval

Subdivision Plat No. 220170320, Clarksburg Town Center
CRT zone, 6 parcels; located in the northwest quadrant of the intersection of Overlook Park Drive and Burdette Forest Road; Clarksburg Master Plan.
Staff Recommendation: Approval

Subdivision Plat No. 220170490, Glen Echo Heights - Section 1
R-90 zone, 1 lot; located on the west side of Dahlonga Road, 475 feet south of Mohican Road; 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**

1. Offutt Estates: Regulatory Plan Extension Request: Site Plan No. 820150140 --- Request to extend the regulatory review period for Site Plan No. 820150140 by three months to June 1, 2017; RT-12.5 Zone; 0.5 acres; for a residential development consisting of 6 townhouse units; located on Hillery Way approximately 450 feet west of Rockville Pike (MD 355) within the White Flint Sector Plan area.

Staff Recommendation: Approval

2. Chevy Chase Lake – Block B, Extension Request for Site Plan No. 820160190 --- CRT 2.0 C 2.0 R 2.0 H 80 and CRT 2.0 C 1.0 R 1.75 H 120 Zone, 6.19 acres, Request to extend review period for a maximum of 792,284 square feet of development including 683,014 square feet of residential development for a maximum of 534 multi-family dwelling units and up to 109,270 square feet of non-residential development; located on Connecticut Avenue in the southeast quadrant of the intersection with Manor Road, Chevy Chase Lake Sector Plan.

Staff Recommendation: Approval of the Extension

BOARD ACTION

Motion: **A. WELLS-HARLEY/DREYFUSS**
 B. FANI-GONZÁLEZ/WELLS-HARLEY

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

Nay:

Other:

Action: **A & B. Approved staff recommendation for approval of the Site Plan Extensions cited above.**

***D. Approval of Minutes**

Planning Board Meeting Minutes of February 16, 2017

BOARD ACTION

Motion: **WELLS-HARLEY/DREYFUSS**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved Planning Board Meeting Minutes of February 16, 2017, as submitted.**

~~2. Roundtable Discussion~~ — REMOVED

~~— Planning Director's Report~~

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

6. Rock Spring Master Plan - Worksession #5

Staff Recommendation: Discuss and provide guidance to staff

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing, followed by discussion.

Planning Department staff offered a multi-media presentation and discussed the public hearing draft of the Rock Spring Master Plan, specifically the final revised zoning recommendations for the Plan area, a proposed Zoning Text Amendment, and requested text changes. Staff recommends rezoning the majority of properties along the central spine of the Plan area that are currently zoned Employment/Office (EOF) to Commercial/Residential (CR), with a maximum overall Floor Area Ratio (FAR) of 1.5 and a maximum height of 275 feet. Staff then discussed recommendations for individual properties, including the Westfield Montgomery Mall site on Democracy Boulevard, for which staff recommends retaining the existing General Retail Zone, revising the existing Regional Shopping Center (RSC) Overlay Zone to clarify that residential uses are allowed, and allowing additional height of up to 150 feet in the Overlay Zone to accommodate development of multi-family building of up to 328 residential units; the Democracy Center site on Rockledge Drive, for which staff recommended rezoning the current EOF Zone to CR with an FAR of 1.25 and a maximum height of 150 feet for up to 400 dwelling units; the Rockledge Executive Plaza on Rockledge Drive, for which staff recommends rezoning the current EOF Zone to CR with an FAR of 1.5 and a maximum height of 100 feet for up to 116 dwelling units; and the adjacent Rockledge Executive Plaza along Rock Spring Drive, for which staff recommends rezoning the current EOF Zone to CR with an FAR of 1.5 and a maximum height of 100 feet for up to 120 dwelling units.

The following speakers offered comments: Ms. Francoise Carrier, attorney from Bregman, Berbert, Schwartz, and Gilday representing Democracy Associates; Mr. Steve Robins, attorney from Lerch, Early, and Brewer representing the Camalier Davis properties; Mr. Steve Silverman of SSGovRELATIONS Services; and Ms. Soo Lee-Cho, attorney from Miller, Miller, and Canby.

There followed extensive Board discussion with questions to staff and some of the speakers, during which the Board instructed staff to maintain the recommended 1.5 maximum FAR for properties zoned CR, to explore the feasibility of a floating zone to allow increased height and density for development that meets a public benefit requirement for the dedication of substantial public open space, and to further explore ways to make the commercial density in the Plan area more consistent.

5. Veirs Mill Corridor Master Plan Scope of Work

Staff Recommendation: approval of the proposed Scope of Work

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing, followed by discussion.

Planning Department staff offered a multi-media presentation and discussed the Scope of Work for the proposed Veirs Mill Corridor Master Plan. The approximately four linear-mile Plan area extends along Veirs Mill Road from the City of Rockville southeast to the Wheaton Central Business District and Vicinity Sector Plan area boundary. It includes the quarter mile area around the proposed Bus Rapid Transit (BRT) stations identified in the Countywide Transit Corridors Functional Master Plan, properties abutting Veirs Mill Road, and the Halpine View property adjacent to Twinbrook Parkway; and is located within the existing Aspen Hill, North Bethesda/Garrett Park, and Kensington Wheaton Master Plan areas, for which the proposed Plan will act as an Amendment. The 2013 Countywide Transit Corridors Functional Master Plan recommends a network of ten BRT corridors, including in the Plan area, which is currently under study. The purpose of the Plan is to evaluate land use elements that define neighborhoods along the corridor, identify opportunities to reinforce existing community patterns, focus on new land uses at strategic locations, and protect and enhance the environmental resources of the corridor. Issues to be evaluated include land use, specifically existing low-density residential development, market affordable units, commercial centers, and medium-density residential development; access and connectivity, specifically between neighborhoods and community uses; bicycle and pedestrian infrastructure and connectivity; placemaking and streetscape design; transportation; promotion of healthy and sustainable communities; and community facilities.

Staff then discussed community outreach efforts, including a kick-off meeting held on February 22 at the Sargent Shriver Elementary School. Other proposed strategies include community meetings and workshops; promotional tools, including videos, press releases and printed materials; an engaging website; social media; and an interactive map. Staff proposes to accommodate stakeholders from the various ethnic backgrounds residing within the Plan area with translation and interpretation services, community partnerships, media outreach, events customized to specific audiences, and collaboration with local religious institutions. The next steps for the Plan include outreach, analysis, and Plan development to continue through September; Planning Board review, worksessions, and a public hearing scheduled for September

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5. Veirs Mill Corridor Master Plan Scope of Work

CONTINUED

through December; review by the County Executive scheduled for January 2018; review by the County Council, worksessions, and a public hearing; and approval of a Sectional Map Amendment scheduled for no later than October 2018.

There followed extensive Board discussion with questions to staff, during which the Board offered comments, including incentives for commercial property owners to landscape and maintain additional green space along the corridor to create more of a boulevard; assuring safe connectivity, particularly from Rockville Center; preserving existing affordable housing; utilizing the Montgomery County Renters Alliance organization for outreach efforts; and requesting that the County Council establish a streetscape fund.

4. **R&SP Briefing: Rental Housing Study Findings and Recommendations** --- Briefing on the key findings and recommendations from the Rental Housing Study by consultant RKG Associates and team.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **Received briefing followed by Board discussion.**

Planning Department staff introduced Mr. Kyle S. Talente, Vice President and Principal of RKG Associates and Ms. Lisa Sturtevant of Sturtevant & Associates, LLC, who offered a multi-media presentation and discussed key findings and recommendations for the countywide Rental Housing Study conducted on behalf of the Montgomery County Planning Department and the Montgomery County Department of Housing and Community Affairs (MCDHCA). Mr. Talente noted that since the first presentation to the Planning Board in July 2016, the consultant team has prepared and will discuss an analysis of best practices in local and state affordable housing policy, a financial feasibility model, and a cost/benefit assessment, which have been used to develop a set of recommended tools for further consideration. Mr. Talente noted that recognizing the importance of rental housing to the future of the County, a comprehensive two-year Rental Housing Study was approved as a joint effort in the FY15 work program for the Montgomery County Planning Department and MCDHA. An interdepartmental Technical Advisory Committee and an Advisory Group representing public, private, and non-private organizations have been working closely with the consultant team to provide guidance.

Mr. Talente stated that the consultant team explored rental needs and trends at the sub-county level for a range of demographic groups. The team also explored policies to promote a rental market that addresses local needs by analyzing best practices in rental housing policies at the local and national level. Using the information gathered, the team offered recommendations for policies and new tools that could be used to preserve existing rental housing, produce new rental housing, and generate resources for rental housing in Montgomery County. The consultant team also developed a menu of policies and tools grouped in four categories: 1) Moderately Priced Dwelling Units (MPDUs) Program – more flexibility is proposed to respond to changing housing needs; 2) Land Use/Zoning Tools – these tools propose changes to land use regulations to further incentivize the production and preservation of housing for lower-income households; 3) Preservation Tools – these tools focus on preserving market-rate affordable units and access to them; 4) Financial Tools – these tools propose new and expanded funding resources to support rental housing in the County.

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4. R&SP Briefing: Rental Housing Study Findings and Recommendations

CONTINUED

Planning Department staff added that a final report, with a detailed narrative on findings from all stages of the study and expanded details on the recommended policies and tools, is expected to be completed by April 2017.

At the Board's request, Mr. Clarence Snuggs, Director of MCDHCA offered comments and answered questions from the Board.

Ms. Eileen Finnegan of Sweetbriar Parkway offered testimony.

There followed a brief Board discussion with questions to staff and Mr. Talente.

3. Staff Draft of Administrative Regulations for Chapter 50, Subdivision of Land – Staff Presentation

Staff Recommendation: Approval to release the draft regulations for public review as the Public Hearing Draft and to tentatively schedule the Planning Board's public hearing on the draft for no earlier than April 6, 2017

BOARD ACTION

Motion: DREYFUSS/FANI-GONZÁLEZ

Vote:

Yea: 4-0

Nay:

Other: ANDERSON ABSENT

Action: Approved staff recommendation for approval to release the draft Administrative Regulations for Chapter 50, Subdivision of Land, for public review and to set the public hearing no earlier than April 6, 2017.

Planning Department staff discussed the staff draft for the proposed administrative regulations for the recently enacted rewrite of Chapter 50, Subdivision of Land. Staff noted that in December 2007, the Planning Board adopted a Manual of Development Review Procedures which was approved by the County Council under Method 2 procedures. The manual contains the Planning Department practices related to the review and processing of development applications that are acted upon by the Planning Board or the Planning Director under Chapter 50 and Chapter 59 of the County Code. When Chapter 59 was rewritten in 2014, these practices were changed and codified as part of new provisions for Administration and Procedures (Article 59-7). Staff recognized that similar updates would be needed as part of the recent rewrite of Chapter 50, but decided to include them as regulations rather than put them in the chapter. The provisions of Chapter 59 and these regulations, once adopted, will formally replace the existing manual.

Staff also noted that the applications covered by these regulations include: pre-preliminary plans; preliminary and administrative subdivision plans; amendments to such plans, and record plats. The provisions from Chapter 59 that cover sketch plans and site plans are also referenced for information and the benefit of users. Staff further added that this Draft will be released for public review as the Public Hearing Draft, upon the Planning Board's approval, and the public hearing will be scheduled for no earlier than April 6. The Draft will then be sent to the County Council for approval by resolution.

There followed a brief Board discussion with questions to staff.

***7. Bradley Farms: Preliminary Plan No. 120170010** --- Request to re-subdivide Lot 11, Block 8 on Record Plat 24443 (9005 River Road) to create two lots for two single-family detached dwellings; 6.33 acres; RE-2 zone; Located at the southeast corner of Durham Drive and River Road (MD 190), approximately 2,000 feet northwest of Bradley Boulevard in Potomac, MD; 2002 Potomac Sub-Region Master Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: DREYFUSS/FANI-GONZÁLEZ

Vote:

Yea: 4-0

Nay:

Other: ANDERSON ABSENT

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

In keeping with the February 17 technical staff report, Planning Department staff offered a multi-media presentation and discussed a request to re-subdivide Lot 11, Block 8 on River Road to create two lots for two single-family detached dwellings. The 6.33-acre property is located at the southeast corner of Durham Drive and River Road (MD190), approximately 2,000 feet northwest of Bradley Boulevard (MD191) in the Potomac Sub-Region Master Plan area. Staff noted that there is an existing home and circular driveway on the site which were built in 2011. The existing home occupies the southwestern portion of the property and has access to Durham Drive. The northeast half of the property is unimproved with an asphalt driveway apron along the River Road frontage that is abandoned and will be removed. Staff added that Durham Drive is not a master-planned road and is classified as a Secondary Residential Street with a 60-foot wide right-of-way per Montgomery County Department of Transportation (MCDOT) data, as stated in MCDOT's revised letter dated November 1, 2016.

Staff also added that the proposed lot size is in character with the size of existing lots in the neighborhood and all of the requirements established in the Subdivision Regulations and the Zoning Ordinance. Staff also discussed an additional condition of approval regarding required planting for screening, which Legal staff drafted and submitted to the Planning Board.

Mr. David Crowe representing the applicant, Mr. David Niroo, also present, offered brief comments and concurred with the staff recommendation.

Mr. David Niroo also offered comments.

The following speakers offered testimony: Mr. Jonathan Genn, representing an adjacent property owner; and Mr. William Sharabi of Durham Drive.

There followed a brief Board discussion with questions to staff and the applicant's representative.

8. Veenu Duggal Daycare, Conditional Use Application No. CU 17-09 --- Request for a conditional use permit to increase the maximum number of children at an existing daycare facility within a principal residence from 8 to 12 children (a Group Day Care), on a 17,471-square-foot lot, zoned R-90, located at 17216 Vestry Ct, Rockville MD 20855, within The 2006 Shady Grove Sector Plan area.

Staff Recommendation: Approval with Conditions

(NOTE: Action required for hearing by Hearing Examiner on March 24, 2017)

BOARD ACTION

Motion: CICHY/FANI-GONZÁLEZ

Vote:

Yea: 4-0

Nay:

Other: ANDERSON ABSENT

Action: Approved staff recommendation for approval of the Conditional Use request cited above, subject to revised conditions, and to transmit comments and recommendations to the Hearing Examiner, as stated in the attached transmittal letter.

In keeping with the February 16 technical staff report, Planning Department staff offered a multi-media presentation and discussed a conditional use request to increase the maximum number of children at an existing daycare facility within a residence from 8 to 12 children. The single-family house is located on a 17,471 square-foot lot on Vestry Court in the Shady Grove Sector Plan area. Staff noted that the residence has a two-car parking garage and a driveway, approximately 17 feet wide and 65 feet long. A portion of the rear yard is within the limits of the 100-year flood plain, and a part of the yard is enclosed with a six-foot high privacy fence. This enclosed area is outside the limits of the floodplain and its associated buffer and contains play areas and child-play equipment for the facility. There are no sidewalks along Vestry Court and pedestrian access to the site is through the driveway and a concrete walkway.

Staff added that the facility will continue to operate Monday through Friday from 7:00 a.m. to 6:00 p.m. The applicant is proposing to accommodate the two minimum required residential parking spaces on-site and to use the existing six-car driveway for the required parent drop-off and pick-up area. Ample on-street parking is available on Vestry Court for one required employee parking space. Staff expressed support for the applicant's waiver request for a required long-term single bicycle parking space in accordance with Section 59.6.2.4.C of the Zoning Ordinance.

Mr. Gullshan Duggal, the applicant's husband, offered brief comments and agreed with the staff recommendation.

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

9. Smart Kids Bilingual Learning Daycare, LLC, Conditional Use CU 2017-10 ---
Request for a daycare for up to 12 children; R-60 Zone, located at 6015 Johnson Avenue in Bethesda, Bethesda-Chevy Chase Master Plan

Staff Recommendation: Approval with Conditions

(NOTE: Action required for hearing by the Hearing Examiner on March 20, 2017)

BOARD ACTION

Motion: FANI-GONZÁLEZ/DREYFUSS

Vote:

Yea: 4-0

Nay:

Other: ANDERSON ABSENT

Action: Approved staff recommendation for approval of the Conditional Use request cited above, subject to conditions, and to transmit comments and recommendations to the Hearing Examiner, as stated in the attached transmittal letter.

In accordance with the February 17 technical staff report, Planning Department staff offered a multi-media presentation and discussed a Conditional Use request to increase the maximum number of children at an existing daycare facility within an existing residence from 8 to 12 children. The one-story family detached dwelling unit with an attached one-car garage and driveway is located on Johnson Avenue at the northeast corner of its intersection with Ewing Drive in the Bethesda-Chevy Chase Master Plan area. The rear yard is enclosed with a four-foot high chain link fence which appears to be covered with a deciduous vine. Other large and healthy evergreen trees along the northern property line screen the rear yard from an abutting residential property. The applicant, Ms. Damaris Tovar, leases and lives in the dwelling unit on the property. Ms. Tovar and Ms. Viviana Ocampo are co-owners of an existing family daycare facility for eight children that has operated in the residence since August 2015. The Zoning Ordinance allows a family daycare facility as permitted use in the Residential R-60 zone. Additionally, the applicant submitted into the record a letter from the property owner which grants her permission to use the property for a daycare facility.

Staff added that the facility will continue to operate Monday through Friday from 7:00 a.m. to 6:00 p.m. Staff also expressed support for the applicant's waiver request for a required long-term single bicycle parking space and three required parking spaces, in accordance with Section 59.6.2.4.B & C of the Zoning Ordinance.

Ms. Damaris Tovar, the applicant, offered a 5-minute video tour of the daycare facility and testimonials by parents of children attending the facility.

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

Board members complimented Ms. Tovar on the well-kept and inviting spaces occupied by the daycare facility and encouraged her to keep up the good work.