



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, June 8, 2017, at 9:04 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 1:51 p.m.

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

Items 1 through 5 are reported on the attached agenda.

The Board recessed for lunch at 12:24 p.m. and convened in Closed Session at 12:32 p.m. to take up Items 6 and 7, Closed Session Items.

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 12:32 p.m. in the 3rd floor conference room on motion of Vice Chair Wells-Harley, seconded by Commissioner Fani-González, 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 §3-305(b)(i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee, or official over whom it has jurisdiction, and §3-305(b)(7), to consult with counsel to obtain legal advice.

There was no Technical Writer present during discussion of Item 6.

The Closed Session meeting was adjourned at 1:18 p.m.

The Planning Board reconvened in Closed Session at 1:22 p.m.

Also present for the Closed Session Meeting were General Counsel Adrian Gardner and Senior Counsel David Lieb of the Legal Department, Parks Department Director Mike Riley, and James Parsons of the Commissioners' Office.

Commissioner Dreyfuss was temporarily absent during discussion of Item 7.


In Closed Session, the Board received briefing and legal advice regarding a proposed reconsideration request.

The Closed Session meeting was adjourned at 1:40 p.m.

The Board reconvened in the auditorium at 1:43 p.m.

Items 8 and 9 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 1:51 p.m. The next regular meeting of the Planning Board will be held on Thursday, June 15, 2017, in the Montgomery Regional Office in Silver Spring, Maryland.


James J. Parsons
Sr. Technical Writer/Editor

Montgomery County Planning Board Meeting
Thursday, June 8, 2017
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

1. Orchard Avenue Preliminary Plan 120110280 - MCPB No. 17- 045
2. Orchard Avenue Site Plan 820120160 – MCPB No. 17- 046

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 5-0

Nay:

Other:

Action: Adopted the Resolutions cited above, as submitted.

***B. Record Plats**

Subdivision Plat No. 220160680, Browns Corner

NR zone (formerly C-1); 1 parcel; located in the southeast quadrant of the intersection of New Hampshire Avenue (MD 650) and Old Spencerville Road. Cloverly Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220170720, Springfield

R-60 zone, 2 lots; located on the north side of Ridgefield Road, 450 feet east of Ogden Road; Bethesda-Chevy Chase Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

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**

Planning Board Meeting Minutes of May 25, 2017

BOARD ACTION

Motion: FANI-GONZÁLEZ/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved Planning Board Meeting Minutes of May 25, 2017, 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 status of the new Wheaton Headquarters building, with the groundbreaking ceremony held on June 4, and the building earning a Platinum Leadership in Energy and Environmental Design (LEED) rating and a Gold rating for the interior of floors 11 through 14; the annual Planning Department staff picnic event held on June 6 at Lake Needwood in Rock Creek Regional Park; the status of the Bethesda Downtown Sector Plan, with a County Council Public Hearing for the proposed Bethesda Overlay Zone scheduled for June 13; the status of the White Flint 2 Sector Plan, with a Planning Board worksession scheduled for today, and transmittal of the Plan to the County Council scheduled for August; the status of the Rock Spring Master Plan, with a County Council Public Hearing scheduled for June 20; the status of the Grosvenor-Strathmore Metro Area Minor Master Plan, with a Planning Board Public Hearing scheduled for June 29; the status of the Veirs Mill Corridor Master Plan; the status of the Rental Housing Study, the final results of which are scheduled to be presented to the Board on June 15 and to the County Council in July; the status of the Co-location Study, with Directors Oversight Committee meetings regarding proposed pilot projects scheduled throughout June; the status of the Retail Trends Study, with a draft scheduled to be presented to the Board in September; the status of the 2017 Design Excellence Awards, with the ceremony scheduled for October 19; an upcoming walking tour of the Silver Spring Library facility scheduled for June 10, which will be attended by Chair Anderson; and the upcoming farewell party for Vice Chair Wells-Harley scheduled for July 27.

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

3. Presentation of Annual Land Use Report to MDP --- As per the requirements established by State legislation, each local jurisdiction must submit an annual land use report to the Maryland Department of Planning (MDP). The objective of this request is to monitor growth statewide and to determine if State smart growth policies are having beneficial or unanticipated effects. This report for Calendar Year 2016 is the seventh such report prepared by the Montgomery County Planning Department for Board approval of transmission to the County Council President and the State of Maryland Department of Planning.

Staff Recommendation: Approve Report and Transmit to County Council President and the Director of the State Department of Planning

BOARD ACTION

Motion: CICHY/DREYFUSS

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Annual Land Use Report and transmittal to the County Council President and the Director of the State of Maryland Department of Planning, as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed the Maryland Department of Planning (MDP) Local Jurisdiction 2016 Annual Land Use Report. Under the Maryland Smart and Sustainable Growth Act of 2009, 109 municipalities and 23 counties, including Montgomery County, are required to complete a land use questionnaire and submit the results, as well as maps and planning data, to MDP. Staff noted that this year the State has refined and clarified the required metrics by providing jurisdictions with a new report submittal template. The information submitted is collected from various sources, including zoning and subdivision approval data from the HANSEN Development Tracking System, permit data from the Department of Permitting Services, Capital Improvements Program and Adequate Public Facilities Ordinance data from Montgomery County Public Schools, traffic data from the Maryland State Highway Administration, other County geographic information system (GIS) data layers, and the DataMontgomery open data portal. The information is then utilized to monitor State Smart Growth policies and determine if those policies are having beneficial or unanticipated effects, particularly in the County's Priority Funding Areas.

Following Planning Board approval, the report will be submitted to MDP and the County Council no later than July 1. MDP staff will then upload the data for growth and development analysis.

There followed a brief Board discussion.

4. **Revised Zoning Text Amendment No. 16-20** --- Establish the Bethesda Overlay zone with defined terms, development and land use standards, and procedures for development approvals.

Staff Recommendation: Transmit Comments to County Council.

(NOTE: Action required for County Council Public Hearing on 6/13/17)

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

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

Planning Department staff offered a multi-media presentation and discussed proposed Zoning Text Amendment (ZTA) 16-20, which would establish the proposed Bethesda Overlay Zone (BOZ) in order to implement the recommendations of the Planning Board draft of the Bethesda Downtown Sector Plan, which was transmitted to the County Council in July 2016. On October 6, 2106, the Board unanimously recommended transmitting a proposed ZTA establishing the BOZ to the County Council for introduction. The County Zoning Text Amendment advisers reviewed the Planning Board draft of the ZTA and provided minor language edits to the text, which are included in ZTA 16-20 as introduced by the County Council. While still under consideration, the County Council held a Public Hearing on February 7, 2017. On May 25, the Council approved the Planning Board draft of the Sector Plan. Council staff, with input from Planning Department staff, has amended the proposed ZTA to mirror the changes made to the Sector Plan by the Council. Given the significance of the draft changes, the Council has scheduled a second Public Hearing for the proposed ZTA on June 13.

Staff discussed the most substantive revisions to the ZTA, the most significant of which being the deletion of all references to priority sending and receiving areas. Other revisions include an increase to the percentage of Moderately Priced Dwelling Units (MPDUs) needed for additional building height; the exclusion of the floor area ratio (FAR) of MPDUs in FAR calculation if the project provides a minimum of 17.5 percent MPDUs; an exemption from the Park Impact Payment (PIP) for projects providing 25 percent MPDUs or significant on-site open space; requiring Design Review Panel comments for all optional method projects; requiring all projects with residential units to provide 15 percent MPDUs; a provision that no public benefit points will be awarded for transit proximity; awarding public benefit points for projects that provide more than 15 percent MPDUs at 12 points for every additional one percent MPDUs

CONTINUED ON NEXT PAGE

4. Revised Zoning Text Amendment No. 16-20CONTINUED

above 15 percent; awarding public benefit points for the retention of market rate affordable units; requiring at least 15 points from energy conservation or production for development within the high performance areas; requiring at least 10 points and a maximum of 30 points for exceptional design; allowing a density transfer from anywhere in the proposed Overlay Zone to a site in the high performance area; elimination of the requirement for additional public benefit points for density transfers; and the reduction of the minimum number of vehicle parking spaces by 20 percent with an additional waiver possible.

The following speakers offered testimony: Mr. Bob Harris, attorney from Lerch, Early, and Brewer; Ms. Patricia Harris, attorney from Lerch, Early, and Brewer; Mr. Bob Dalrymple, attorney from Linowes and Blocher; Mr. David Goldberg representing the Bethesda Arts and Entertainment District; Ms. Mary Flynn representing the Coalition of Bethesda Area Residents; and Emily Vaias, attorney representing the Donohoe Construction company.

There followed extensive Board discussion with questions to staff and some of the speakers, during which the Board instructed staff to include additional comments to the Council requesting clarification regarding surface parking, the possible continuation of public benefit points for transit proximity, and the definition of bonus density.

Staff agreed to keep the Board apprised regarding the progress of the Council Planning, Housing, and Economic Development (PHED) Committee worksessions for the proposed ZTA.

5. White Flint 2 Worksession No. 9: Staging, Schools and Zoning

Staff Recommendation: Review 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 proposed White Flint 2 Sector Plan, specifically staging, schools, and Planning Board zoning recommendations for properties within the Parklawn South, Executive Boulevard, and Rockville Pike-Montrose North Districts. At the May 18 worksession, the Board instructed staff to explore ways that residential uses could be permitted within the Parklawn South District of the Plan area while also retaining industrial uses as the primary use. Staff offered three zoning options to permit residential development for this industrial area, including a new overlay zone for the area, an optional method for the Light Industrial (IL) Zone that would permit residential development, and the staff-recommended option of an amendment to the existing Twinbrook Overlay Zone in the adjacent Twinbrook Sector Plan area that would expand the zone in order to incorporate special overlay controls for the White Flint 2 industrial area and create two overlay zones under the same section of the Zoning Ordinance. The proposed White Flint 2 Overlay Zone would allow a maximum Floor Area Ratio (FAR) of 1.5 with a maximum Residential FAR of 0.75 and a maximum building height of 75 feet. Following extensive discussion, the Board agreed to endorse the proposed expansion of the overlay zone as an interim solution, and include language in the proposed Plan that expressly recognizes the need to implement a single approach to facilitate mixed-use with light industrial use in the Twinbrook and White Flint 2 Plan areas. The Board also recommended increasing the Residential FAR to 1.0. In response to the Board recommendations regarding the Executive Boulevard District, revisions to the Public Hearing Draft of the Plan include zoning the properties along the south side of Executive Boulevard Commercial Residential with an FAR of up to 2.0 and a maximum allowable building height of 150 feet, the exception being the Guardian Realty property with a maximum height of 200 feet only at the northeast corner of the property. The Board agreed with the staff recommendations. For the north side of Executive Boulevard, the Board agreed to increase the FAR for the Willco property to 2.75 with proportional public amenities contributions.

Staff then discussed the recommendations for schools, which include the use of the Willco and the Rocking Horse Road Center properties as potential school sites. Following extensive Board discussion, Chair Anderson and Commissioners Fani-González and Cichy

CONTINUED ON NEXT PAGE

5. White Flint 2 Worksession No. 9: Staging, Schools and ZoningCONTINUED

agreed to include language that clearly states that every property in the Plan area will be considered for a potential school site, including but not limited to the two recommended sites, with Vice Chair Wells-Harley and Commissioner Dreyfuss opposed to naming specific sites in the recommendation.

The following speakers offered testimony: Ms. Wendy Calhoun representing the Montgomery County Walter Johnson School Cluster of Parents/Teachers Association; Mr. Steve Silverman of Cedar Avenue; Ms. Francoise Carrier, attorney representing Guardian Realty; Ms. Barbara Sears, attorney from Linowes and Blocher; Mr. Joshua Sloan of VIKA Engineering; Mr. Alan Kronstadt, property owner, Mr. Steve Robins, attorney from Lerch, Early, and Brewer; Mr. Matt Leakan of Rodgers Consulting; and Mr. Jay Corbalis of Federal Realty Investment Trust.

There followed extensive Board discussion with questions to staff and some of the speakers, after which the Board agreed to continue the discussion of staging recommendations at the June 22 meeting.

6. CLOSED SESSION

According to MD ANN Code, General Provisions Article, §3-305(b)(i), the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee, or official over whom it has jurisdiction.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

7. CLOSED SESSION

According to MD ANN Code, General Provisions Article, §3-305(b)(7), to consult with counsel to obtain legal advice.

The topic to be discussed is a Reconsideration Request.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

8. Request for Reconsideration of the Board's approval of RCCG Jesus House Preliminary Plan 120160040**BOARD ACTION****Motion:****Vote:****Yea:****Nay:****Other: DREYFUSS RECUSED****Action: No motion was made to reconsider.**

Following a brief Board discussion regarding two reconsideration requests for the RCCG Jesus House Preliminary Plan, one from Ms. Kathleen Hastings and the other from the Concerned Citizens of Cloverly Community Group, the Board made no motion to approve either request to reconsider its previous decision. Because Commissioner Dreyfuss was absent during discussion of the proposed Preliminary Plan request, he recused himself from the reconsideration request discussion and voting.

There followed a brief Board discussion with questions to Legal Counsel, after which Counsel addressed the concerns raised in the request from Ms. Hastings regarding an existing ground-water quality issue at a nearby former gas station site by noting that Planning Department staff has contacted the Montgomery County Department of Environmental Protection and the Maryland Department of the Environment (MDE), and an MDE remediation program is currently in place to treat and monitor water in the area. Contaminants are now below problematic levels. The MDE case manager also stated that there is no realistic possibility that the construction work for the proposed Jesus House project will cause toxic water from the former gas station site to migrate to surrounding properties.

9. Request to Reallocate FY 2017 Legal Department Salary Lapse

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HARLEY/FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

Action: Following a brief presentation by the Commission General Counsel, approved the request from the Legal Department to reallocate funds from the FY17 salary category for use in non-personnel expenditures categories.