



**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, September 28, 2017, at 9:02 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 5:00 p.m.

Present were Chair Casey Anderson, Vice Chair Norman Dreyfuss, and Commissioners Gerald R. Cichy and Tina Patterson. Commissioner Natali Fani-González joined the meeting at 10:55 a.m. during discussion of Item 5.

Items 1 and 11, and Items 3 through 5, discussed in that order, are reported on the attached agenda.

The Board recessed for lunch at 11:05 a.m. and reconvened in the auditorium at 1:35 p.m.

Items 2, 6, 7, 9, 10, and 12 are reported on the attached agenda.

Item 8 was removed from the Planning Board agenda.

Chair Anderson left the meeting for the day following discussion of Item 2 to attend a County Council meeting, and Vice Chair Norman Dreyfuss assumed the chairmanship for the remainder of the meeting.

There being no further business, the meeting was adjourned at 5:00 p.m. There is no Planning Board meeting scheduled for October 5, 2017. The next regular meeting of the Planning Board will be held on Thursday, October 12, 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, September 28, 2017  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600**

**1. Consent Agenda**

**\*A. Adoption of Resolutions**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:        There were no Resolutions submitted for approval.**

**\*B. Record Plats**

**Subdivision Plat No. 220150540, Hobsons Choice**

AR zone, 1 lot; located on the west side of Peach Tree Road, approximately 2,500 feet south of Barnesville Road; Agriculture & Rural Open Space Master Plan.

*Staff Recommendation: Approval*

**Subdivision Plat No. 220161070, Etchison**

AR zone, 1 lot; located on the south side of Hipsley Mill Road, approximately 2,800 feet east of Halterman Road; Olney Master Plan.

*Staff Recommendation: Approval*

**Subdivision Plat No. 220170880, Palatine Subdivision**

RE-2 zone, 1 lot; located on the north side of Centurion Way, 650 feet east of Greenbriar Road; Potomac Sub-Region Master Plan.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: CICHY/DREYFUSS**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: FANI-GONZÁLEZ ABSENT**

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

**\*C. Other Consent Items**

**1. Son of David: Preliminary Plan No. 120170220** --- Request to extend the regulatory review period for Preliminary Plan No. 120170220: an Application to create a lot from a parcel of land to construct a synagogue (Religious Assembly), located on the north side of Norbeck Road (MD 28), approximately 50 feet east of Wintergate Drive; 2.39 acres, RE-2 Zone; Olney Master Plan.  
*Staff Recommendation: Approval of Extension Request*

**2. Artery Plaza**

**A. Extension of Sketch Plan No. 32015005A for 87 days to December 21, 2017**, CR-5.0 C-5.0 R-5.0, H 145 Zone, 3.02 acres, located in the northwest quadrant of the intersection of Wisconsin Avenue and Bethesda Avenue, Bethesda Downtown Sector Plan.  
*Staff Recommendation: Approval of the Extension Request*

**B. Extension of Preliminary Plan No. 11983915B for 57 days to December 21, 2017**, CR-5.0 C-5.0 R-5.0, H 145 Zone, 3.02 acres, located in the northwest quadrant of the intersection of Wisconsin Avenue and Bethesda Avenue, Bethesda Downtown Sector Plan.  
*Staff Recommendation: Approval of the Extension Request*

**C. Extension of Site Plan No. 81984002C for 57 days to December 21, 2017**, CR-5.0 C-5.0 R-5.0, H 145 Zone, 3.02 acres, located in the northwest quadrant of the intersection of Wisconsin Avenue and Bethesda Avenue, Bethesda Downtown Sector Plan.  
*Staff Recommendation: Approval of the Extension Request*

**BOARD ACTION**

**Motion:**                    **1. CICHY/DREYFUSS**  
                                  **2A. 2B. & 2C. CICHY/PATTERSON**

**Vote:**  
    **Yea:**                    **1. & 2A. 2B. & 2C. 4-0**

**Nay:**

**Other:**                 **FANI-GONZÁLEZ ABSENT**

**Action:**                 **1. Approved staff recommendation for approval of the Site Plan Extension cited above.**  
                                  **2A. 2B. & 2C. Approved staff recommendation for approval of the Sketch Plan, Preliminary Plan, and Site Plan Extensions cited above.**

**\*D. Approval of Minutes**

Planning Board Meeting Minutes of September 14, 2017

**BOARD ACTION**

**Motion: CICHY/PATTERSON**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: FANI-GONZÁLEZ ABSENT**

**Action: Approved Planning Board Meeting Minutes of September 14, 2017, as submitted.**

11. **North Hills of Sligo Park and Argyle Park, Administrative Subdivision Plan No. 620170040** --- Administrative Subdivision Plan to abandon a portion of the previously dedicated but unimproved twenty-foot-wide right-of-way (ROW) within the North Hills of Sligo Park and Argyle Park subdivisions, and creation of two new lots by incorporating the abandoned ROW into the two existing and adjacent lots in the R-60 Zone; no new units.

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

**BOARD ACTION**

**Motion:** CICHY/DREYFUSS

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** FANI-GONZÁLEZ ABSENT

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

Planning Department staff offered a multi-media presentation and discussed A proposed Administrative Subdivision Plan request to abandon a portion of A right-of-way (ROW) and create two new lots. The site, which currently consists of 9,793-square foot Lot 1, 8,649-square foot Lot 29 to the north, and a 20-foot by 133.6-foot segment of unimproved ROW that separates the lots, is located on the west side of Lorain Avenue, at the western terminus of Granville Drive, and is zoned Residential within the Four Corners Master Plan area. Each lot is currently developed with a single-family detached home. The residence on Lot 1 does not currently meet the setback requirements on the east side of the property, and the residence on Lot 29 is currently encroaching into the unimproved ROW by approximately 0.3 feet.

The applicant proposes the abandonment of 2,672 square feet of the previously dedicated but unimproved ROW, and incorporating it into existing adjacent lots 1 and 29 to create 11,141-square foot Lot 23 and 9,973-square foot Lot 30, respectively. Staff noted that this application does not involve the construction of new houses on the lots. Staff added that the abandonment and incorporation of the ROW will resolve the existing setback and encroachment issues. Staff then briefly discussed minor corrections to the staff report and the accompanying Resolution.

Mr. Patrick O'Neil, attorney representing the applicant, offered comments and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff and Mr. O'Neil.

3. **Park Size Comparison Study Booklet** --- Presentation of a Parks Comparison study booklet created in house for use by Planning Department Staff and Parks Staff in evaluating park sizes in our Development Review process and in the creation of Master Plans where the size of parks becomes a point of discussion. This booklet will also be available to the public for use in better understanding park sizes through known precedents in our region and throughout the country. This study booklet will also be supporting the future Urban Parks and Open Spaces Design Guidelines – a separate companion document to the Energized Public Spaces Functional Master Plan created by the Parks Department.

*Staff Recommendation: Receive Briefing*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received briefing.**

Planning Department staff offered a multi-media presentation and discussed the recently published *Comparing Urban Space: A Reference Guide*, which provides a compilation of 40 urban parks from around the nation, though mainly from the District of Columbia, Maryland, and Virginia areas. According to staff, the booklet is intended to be used by Planning Department and Parks Department staff, the development community, and Montgomery County residents in the evaluation of park sizes in future master plans and in the development review process. Parks are listed from smallest to largest, and each listing includes background information; two photographs; a diagram illustrating the park dimensions, locations of trees, paved areas, adjacent streets, and surrounding buildings; park type, as established by the County Parks, Recreation, and Open Space (PROS) Plan; the area of the park; whether the park is publicly or privately accessible and owned; the availability of public transportation within walking distance; park experience type, such as contemplative, social or active; and the key elements of the space. Staff noted that for comparison, all the parks are also presented together on one page at a scale of 1 inch:200 feet in the booklet.

There followed a brief Board discussion with questions to staff.

4. **White Oak Local Area Transportation Improvement Program (LATIP) Mitigation Payment Schedule** --- Review the proposed LATIP fee schedule as described in Appendix 4 of the recently approved LATR Guidelines. County Council, MCDOT and DPS staff have been invited to attend this discussion.

*Staff Recommendation: Approve Appendix 4 as referenced in the revised LATR Guidelines*

#### **BOARD ACTION**

**Motion:** CICHY/DREYFUSS

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** FANI-GONZÁLEZ ABSENT

**Action:** Approved staff recommendation for approval of the revisions to Appendix 4 of the White Oak Local Area Transportation Improvement Program Fee Schedule for incorporation into the 2017 Local Area Transportation Review Guidelines.

Planning Department staff offered a multi-media presentation and discussed the proposed mitigation fee payment schedule for the White Oak Local Area Transportation Improvement Program (LATIP) as described in revised Appendix 4. According to staff, with the exception of Appendix 4, the Planning Board approved the 2017 Local Area Transportation Review (LATR) Guidelines on May 25, 2017. At that same meeting, the Planning Board instructed staff to address public comments regarding Appendix 4, and to return to the Board at a later date for discussion and approval of the document. In response to that request, staff solicited public input from stakeholders representing land use development and civic interests in the White Oak area, and collaborated with staff from the County Council, the Montgomery County Department of Transportation (MCDOT), the County Department of Permitting Services (DPS), and the Office of the County Executive. Staff then offered background information, noting that the 2016-2020 Subdivision Staging Policy (SSP) adopted by the County Council on November 15, 2016, states that the Planning Board may approve a subdivision in the White Oak Policy Area on the condition that the applicant pay a fee commensurate with the applicant's proportion of the cost established by the White Oak LATIP, including the costs of design, land acquisition, construction, site improvements, and utility relocation. The proportion is based on the share of net additional peak-hour vehicle trips generated by all master-planned development in the White Oak Policy Area approved after January 1, 2016.

Staff then discussed revised Appendix 4, which proposes a per-trip payment for new development, to be paid at the time of building permit application submission in the same manner as the transportation impact tax. The payment is based on the \$5,010 per peak hour vehicle trip fee established in the White Oak LATIP. The fee is then multiplied by the appropriate trip rates by building type. According to staff, The LATIP fee was calculated by

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**4. White Oak Local Area Transportation Improvement Program (LATIP) Mitigation Payment Schedule**CONTINUED

dividing the total infrastructure costs in the Plan area, which is determined by a forecast of intersection needs and costs as approved by the County Council, by the total number of new PM peak hour trips, which is determined by a forecast estimate of the travel demand associated with the full buildout of the White Oak Science Gateway (WOSG) Master Plan. Staff then briefly discussed issues confronting the implementation of the fee, specifically the fact that DPS does not currently have information regarding trips when reviewing a building permit application. Without the number of trips applicable per building permit, the per-trip fee cannot be applied. To determine trips applicable to a building permit application, Local Area Model (LAM) trip generation rates must be applied in support of the WOSG Master Plan traffic analysis. Staff added that land use categories have been refined from the broader land use categories associated with the LAM to include the Bioscience and Hospital categories. Staff noted that the LATR mitigation payment does allow for credit against the LATIP for the cost of constructing or contributing to an improvement that is listed in the White Oak LATIP, up to the cost of the improvement as listed in the program. It also allows for a credit against the impact tax for any improvements listed in the White Oak LATIP to the extent that the actual cost exceeds the listed cost of the improvement.

Mr. Dan Wilhelm, President of the Greater Colesville Citizens Association, Ms. Eileen Finnegan of Sweetbriar Parkway, and Mr. Andrew Bossi of MCDOT offered testimony.

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

**5. Transportation and School Capacity Priorities for FY19-24 CIP – Continuation from September 14, 2017 ---** Biennial report to provide the Planning Board on transportation projects and school test-related projects recommended for consideration in the upcoming Capital Improvement Program (FY19-24).

*Staff Recommendation: Transmit CIP Priorities Letter from the Planning Board with Staff Evaluation and Scoring Matrix to the County Executive*

**BOARD ACTION**

**Motion:** CICHY/PATTERSON

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

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

Planning Department staff offered a multi-media presentation and continued the discussion begun at the September 14 meeting regarding a biennial letter to be sent to the County Executive providing the Planning Board’s transportation and school test-related priority projects for the upcoming Capital Improvements Program (CIP) for FY19-24. At that meeting, staff requested that the Board, using 14 evaluation criteria, approve and forward a list of the top 100 priority projects to the County Executive in advance of development of the next CIP, providing guidance as projects are considered for inclusion by the Executive Branch agencies. Following discussion during the September 14 meeting, the Planning Board expressed concern about the use and scoring of the Metropolitan Washington Council of Governments Constrained Long-Range Plan (CLRP) criterion. The Board also expressed concern that the 2017 rankings seemed to weigh more heavily those projects that might not be funding priorities, and asked staff to evaluate how the elimination of the “Years in CIP” criterion would affect the relative rankings.

In response to these concerns, staff reviewed the scores in the CLRP category, and concluded that while CLRP is very specific for major investments, such as roads and transit projects, it is not as specific for bicycle and pedestrian programs in terms of funding or stage of development. Staff recommends modifying the scoring to simply provide the full 10 points credit if a project is in the CLRP and no points if it is not in the CLRP, thereby eliminating the “Under Study” score of 5 points. Staff also prepared two alternative sets of project rankings: one using the 14 evaluation criteria presented at the previous Planning Board meeting, and an alternative scenario that eliminates the Years in CIP criterion, identified as the Revised 2017 Priority and the 2017 Priority without Years in CIP criterion, respectively. Both scenarios were calculated using the modified CLRP criterion. Staff noted that while both sets of rankings contain the same

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**5. Transportation and School Capacity Priorities for FY19-24 CIP – Continuation from September 14, 2017****CONTINUED**

Top 100 and Top 10 projects, there are some significant differences in the rankings without the use of the Years in CIP criterion, most notably the Metropolitan Branch Trail project dropping five places from 4 to 9, the Falls Road Bike Path project dropping 19 places from 32 to 51, the Seven Locks Bikeway project dropping 19 places from 33 to 52, the widening of Burtonsville Road (MD198) between Old Columbia Pike and US29 dropping 30 places from 36 to 66, and the Old Columbia Pike Bridge and roadway re-construction project dropping from 52 to 91. Because the widening of MD198 is needed to support the Burtonsville Crossroads Plan, and because the Old Columbia Pike Bridge is a key improvement that will provide vehicular, bicycle, and pedestrian connections between the White Oak shopping center area and the Industrial Parkway/Tech Road corridors as detailed in the White Oak Science Gateway Master Plan, staff recommends that the 2017 Revised Priority ranking be selected, thereby retaining use of the Years in CIP criterion.

There followed extensive Board discussion with questions to staff, during which the Board requested that staff include a chart in the report that categorizes priorities by type of project. The Board also recommended that the proposed Interstate 270 widening project be designated a multi-modal project, and that the Old Columbia Pike Bridge project be kept as a placeholder.

**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 Planning Board on the following ongoing and upcoming Planning Department events and activities: the status of the White Flint 2 Sector Plan with upcoming worksessions scheduled in October with the County Council Planning, Housing, and Economic Development (PHED) Committee; the status of the Grosvenor/Strathmore Metro Area Minor Master Plan which is awaiting the County Council public hearing date to be set; the status of the Rock Spring Sector Plan with upcoming County Council worksessions yet to be scheduled; the status of the Viers Mill Corridor Master Plan, with a community meeting scheduled for October 4; the status of the MARC Rail Communities Plan with the working draft scheduled to be presented to the Planning Board in October; the status of the Bicycle Master Plan, with a working draft scheduled to be presented to the Board in November; the status of the Rental Housing Study, with a PHED Committee worksession scheduled for October 21; the status of the Retail Study, which is scheduled for release in October; presentation of a list of candidates for membership on the Bethesda Design Advisory Panel at the meeting today for the Planning Board's approval; the transmittal of the Fall 2017 Semi-Annual Report for the Planning and Parks Departments to the County Council; and the status of the Design Excellence Award program.

Ms. Wright also introduced Ms. Carrie Sanders, the newly selected Area 2 Division Chief who offered brief comments.

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

**6. The Reserve at Black Rock Lot 17, Block A, (aka The Butz Property) Limited Preliminary Plan Amendment No. 12006123A (In response to a Forest Conservation violation) --- Request to release 2.88 acres of Category I Conservation Easement. Located on Seneca Run Court west of the intersection of Seneca Run Court and Black Rock Road; Potomac Sub-Region Master Plan.**

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

**BOARD ACTION**

**Motion:** CICHY/PATTERSON

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** ANDERSON ABSENT

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

Planning Department staff offered a multi-media presentation and discussed a request to release 2.88 acres of Category I Conservation Easement on the Butz property located on Seneca Run Court west of the intersection of Seneca Run Court and Black Rock Road in the Potomac Sub-Region Master Plan. Staff noted that the applicant is requesting approval for the release of 1.40 acres of Category I Conservation Easement from Lot 17 which is subject to the United States Department of Agriculture, Natural Resources Conservation Service and Maryland Pond Code 378 maintenance activities, with no additional mitigation provided for this release. The applicant is also requesting approval for the release of an additional 1.43 acres Category I Conservation Easement from Lot 17 and would provide 1.60 acres of onsite mitigation which will include establishment of 0.90 acres of new forest retention over an area of existing unprotected forest, and the planting of 0.70 acres within an existing unplanted Category I Conservation Easement. Furthermore, the applicant is requesting approval for the release of 0.05 acres of Category I Conservation Easement from Lot 17 which is a portion of a paved driveway installed for fire department access to an existing pond. Onsite mitigation would include 0.05 acres of additional forest planting to be done by the developer within the existing unplanted conservation easement.

Staff noted that the Reserve at Black Rock, Lot 17 is a 72.68-acre property which consists of a farmhouse, outbuildings, two ponds, forest, stream buffer, and farm fields. Approximately 43 acres of the property is within Category I Conservation Easement and environmental buffers, including forested and non-forested stream buffers, ponds and wetlands. The property lies within the Seneca Creek Watershed.

Mr. Josh Maisel, engineer with Maisel Associates, representing the applicant, Mr. Jeremy Butz also present, offered brief comments, and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff.

**7. Appointment of Design Advisory Panel in coordination with the Bethesda Overlay Zone and the Bethesda Downtown Plan**

*Staff Recommendation: Approval of the Panel*

**BOARD ACTION**

**Motion: CICHY/PATTERSON**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: ANDERSON ABSENT**

**Action: Approved staff recommendation for approval of the proposed members for the Design Advisory Panel in coordination with the Bethesda Overlay Zone and the Bethesda Downtown Plan.**

Planning Department Director Gwen Wright offered brief comments and Planning Department staff briefly discussed the list of prospective members for the proposed five-member Design Advisory Panel in coordination with the Bethesda Overlay Zone and the Bethesda Downtown Plan.

~~\*8. — 8600 Georgia Avenue — POSTPONED~~

~~A. Sketch Plan Amendment No. 32017005A, 8600 Georgia Avenue, CR 5.0 C 4.0 R 4.75 H 145T Zone, 0.87 acres, Request to increase the maximum number of hotel rooms from 173 to 178; located at northwest corner of the intersection with Georgia Avenue and Colesville Road, Silver Spring CBD Sector Plan~~

~~Staff Recommendation: Approval with Conditions~~

~~B. Preliminary Plan Amendment No. 12017004A, 8600 Georgia Avenue, CR 5.0 C 4.0 R 4.75 H 145T Zone, 0.87 acres, Request to increase the maximum number of hotel rooms from 173 to 178; located at northwest corner of the intersection with Georgia Avenue and Colesville Road, Silver Spring CBD Sector Plan~~

~~Staff Recommendation: Approval with Conditions~~

~~C. Site Plan No. 820170070, 8600 Georgia Avenue, CR 5.0 C 4.0 R 4.75 H 145T Zone, 0.87 acres, Request for a hotel use with up to 147,440 square feet of non-residential development, for up to 178 rooms and up to 4,206 square feet of ground floor retail use; located at northwest corner of the intersection with Georgia Avenue and Colesville Road, Silver Spring CBD Sector Plan~~

~~Staff Recommendation: Approval with Conditions~~

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**      **This Item was postponed.**

**9. Administrative Subdivision Plan No. 620170030, Beallmount Grove, Parcel 3 - Request to create three (3) lots from one (1) platted parcel; located at 12951 Three Sisters Road, 9.866 acres, RE-2 Zone, 2002 Potomac Sub-Region Master Plan.**

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

**BOARD ACTION**

**Motion: CICHY/FANI-GONZÁLEZ**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: ANDERSON ABSENT**

**Action: Approved staff recommendation for approval subject to conditions and adopted the attached Resolution.**

In keeping with the September 15 technical staff report, Planning Department staff discussed a proposed Administrative Subdivision Plan request to create three lots to accommodate three detached one-family homes using a shared driveway, from one platted 9.866-acre parcel located on Three Sisters Road in the Potomac Sub-Region Master Plan. Staff noted that although the application is an Administrative Subdivision Plan, the County Code does not currently allow the Planning Director to administratively approve forest conservation plans, therefore, this request is required to be presented to the Planning Board for approval. The proposed houses will be served by water wells and sand mounds for on-site septic service. The proposed development will preserve existing forest and stream buffers on the property. The applicant proposes to remove six specimen trees from the existing 16 specimen trees and impact four additional specimen trees. The County Arborist has reviewed the request and recommended approval of the variance request.

Staff added that the proposed Administrative Subdivision request meets the requirements of the Subdivision Regulations and the Zoning Ordinance and substantially conforms to the recommendations of the 2002 Potomac Sub-Region Master Plan. The Plan has also been reviewed by other applicable County agencies, all of whom have recommended approval of the Plan.

Mr. Eric Tidd of Case Engineering representing the applicant, Mr. Barry Covington, briefly discussed the proposed request and concurred with the staff recommendation.

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



**\*10. Brightview Grosvenor**

**A. Preliminary Plan No. 120170270:** Request to create one lot for a Residential Care Facility (Over 16 Persons) with up to 104 beds (98 assisted living units); 2.75 acres of land in the R-90 Zone; located at 5510 Grosvenor Lane; within the 1992 North Bethesda-Garrett Park Master Plan area.

*Staff Recommendation: Approval with Conditions*

**B. Site Plan No. 820170090:** Request to allow construction of a Residential Care Facility (Over 16 Persons) with up to 104 beds (98 assisted living units); 2.75 acres of land in the R-90 Zone; located at 5510 Grosvenor Lane; within the 1992 North Bethesda-Garrett Park Master Plan area.

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion: A. & B. CICHY/FANI-GONZÁLEZ**

**Vote:**

**Yea: A. & B. 4-0**

**Nay:**

**Other: ANDERSON ABSENT**

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

**B. Approved staff recommendation for approval of the Site Plan request cited above, subject to conditions, as stated in the attached adopted Resolution.**

In keeping with the September 15 technical staff report, Planning Department staff offered a multi-media presentation and discussed proposed Preliminary and Site Plan requests to allow the construction of a Residential Care Facility for over 16 residents, with up to 104 beds, of which 98 will be assisted living units, on a 2.75-acre property located on Grosvenor Lane within the North Bethesda-Garrett Park Master Plan area. Staff noted that on December 21, 2016, the Hearing Examiner approved Conditional Use Application No. CU 16-14 for a proposed Residential Care Facility. On September 15, 2016, the Planning Board approved an associated Preliminary Forest Conservation Plan for the site. Staff noted that a Site Plan approval is required, which also includes approval of the Final Forest Conservation Plan (FFCP) under the Zoning Ordinance because the proposed building height is 40 feet.

Staff noted that the property is currently improved with a two-story 3,488-square foot detached house that the applicant proposes to demolish, and is served by public water and sewer. A driveway provides access to the property from Grosvenor Lane. A 0.98-acre forest stand is

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**\*10. Brightview Grosvenor -- Preliminary Plan No. 120170270 & Site Plan No. 820170090**

CONTINUED

located on the north and west sides of the property, obscuring the view of the existing house from Grosvenor Lane and Fleming Avenue. The neighborhood surrounding the property is predominantly residential, consisting of one or two story detached homes and townhouses. There are also a number of institutional, civic, and commercial uses nearby, including the Wildwood Manor Swimming Pool, the Bethesda Health and Rehabilitation Center, the Grosvenor Center, a Montgomery County Public Elementary school in holding, Fleming Local Park, and approximately 11.3 acres of Legacy Open Space.

Staff noted that the applicant also submitted a tree variance request, as part of the FFCP, and since a condition of the Site Plan approval is the upgrading of the sidewalk that fronts on Grosvenor Avenue, the required sidewalk improvements will impact the Critical Root Zone (CRZ) of one of the existing specimen trees and increase the CRZ impact to another tree that was approved for impact in a previous variance request. After review of the variance request, the County Arborist recommended that the variance be granted with mitigation.

Ms. Pat Harris, attorney representing the applicant, introduced Mr. Andrew Teeters of the Shelter Development, LLC, member of the applicant's team, briefly discussed the proposed requests, and requested a revision to Condition 10 of the Preliminary Plan. Ms. Harris also concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff and Ms. Harris.

**12. Proposed Amendments to the Ten-Year Comprehensive Water Supply and Sewerage Systems Plan: July 2017 County Council Amendment for the Morse Trust (for Chinmaya Mission) in Cloverly and Seven Cases in Potomac.**

*Staff Recommendation: Transmit Comments to the County Council*

**BOARD ACTION**

- Motion:**
1. CICHY/PATTERSON
  2. CICHY/PATTERSSON
  3. CICHY/FANI-GONZÁLEZ
  4. CICHY/FANI-GONZÁLEZ
  5. CICHY/FANI-GONZÁLEZ

- Vote:**
- Yea:**
1. 3-0-1
  2. 3-0-1
  3. 4. & 5. 4-0

- Nay:**
1. FANI-GONZÁLEZ
  2. PATTERSON

**Other:** ANDERSON ABSENT

**Action:** Approved staff recommendation to transmit comments and recommendations to the County Council regarding the proposed eight water and sewer category change requests discussed at the meeting, and as stated in the attached transmittal letter.

In keeping with the September 20 technical staff report, Planning Department staff discussed proposed amendments to the Ten-Year Comprehensive Water Supply and Sewerage System Plan. Staff noted that eight water and sewer category change requests were reviewed by staff in the Potomac Sub-Region and in Cloverly, and comments and recommendations will be forwarded to the County Council after the Planning Board review.

Staff discussed the following eight water and sewer category change requests:

1. **17-CLO-01A, Malcom & Gale Morse Trust for the Chinmaya Mission** – Staff noted that because this application is not consistent with the Master Plan recommendations for sewer service to implement residential cluster subdivisions, the Private Institutional Facility (PIF) policy is being used to consider this application. Staff recommends approval of water category 1 and sewer category 3, conditioned on the Planning Board’s approval of a Preliminary Plan that conforms to the Master Plan guidance for the protection of community and stream water quality;
2. **09A-TRV-02, Roxanne and Ted Smart** – Staff noted that this is a 1.61-acre unimproved lot located in the Glen Hills neighborhood of Potomac. The Glen Hills Sewer Service sets out specific conditions for considering public sewer service in this community. Under the policy, individual unimproved lots may be included in a sanitary survey to determine eligibility for public service if a group of qualifying land owners seeks an evaluation, The policy currently

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**12. Proposed Amendments to the Ten-Year Comprehensive Water Supply and Sewerage Systems Plan: July 2017 County Council Amendment for the Morse Trust (for Chinmaya Mission) in Cloverly and Seven Cases in Potomac.**

*Staff Recommendation: Transmit Comments to the County Council*

**BOARD ACTION**

**Motion:**

1. CICHY/PATTERSON
2. CICHY/FANI-GONZÁLEZ
3. CICHY/FANI-GONZÁLEZ
4. CICHY/PATTERSON
5. CICHY/FANI-GONZÁLEZ

**Vote:**

**Yea:**

1. 3-0-1
2. 3-0-1
3. 4. & 5. 4-0

**Nay:**

1. FANI-GONZÁLEZ
2. PATTERSON

**Other:** ANDERSON ABSENT

**Action:** Approved staff recommendation to transmit comments and recommendations to the County Council regarding the proposed eight water and sewer category change requests discussed at the meeting, and as stated in the attached transmittal letter.

In keeping with the September 20 technical staff report, Planning Department staff discussed proposed amendments to the Ten-Year Comprehensive Water Supply and Sewerage System Plan. Staff noted that eight water and sewer category change requests were reviewed by staff in the Potomac Sub-Region and in Cloverly, and comments and recommendations will be forwarded to the County Council after the Planning Board review.

Staff discussed the following eight water and sewer category change requests:

1. **17-CLO-01A, Malcom & Gale Morse Trust for the Chinmaya Mission** – Staff noted that because this application is not consistent with the Master Plan recommendations for sewer service to implement residential cluster subdivisions, the Private Institutional Facility (PIF) policy is being used to consider this application. Staff recommends approval of water category 1 and sewer category 3, conditioned on the Planning Board’s approval of a Preliminary Plan that conforms to the Master Plan guidance for the protection of community and stream water quality;
2. **09A-TRV-02, Roxanne and Ted Smart** – Staff noted that this is a 1.61-acre unimproved lot located in the Glen Hills neighborhood of Potomac. The Glen Hills Sewer Service sets out specific conditions for considering public sewer service in this community. Under the policy, individual unimproved lots may be included in a sanitary survey to determine eligibility for public service if a group of qualifying land owners seeks an evaluation, The policy currently

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**12. Proposed Amendments to the Ten-Year Comprehensive Water Supply and Sewerage Systems Plan**CONTINUED

does not support sewer service to these properties. Staff recommends denial of sewer service category 3;

**3. 16-TRV-02A, Karen McCord** – Staff noted that the 2.2-acre property is located adjacent to the Potomac Master Plan Sewer envelope. The Master Plan allows limited sewer extension along the periphery of the sewer envelope, but only to properties which can be served by sewer extensions within the public right-of-way. Staff noted that main extensions that would disrupt streams and their undisturbed buffer areas should be avoided. Staff recommends denial of sewer service category 3 but would support the County Executive’s recommendation to defer action pending a determination about the feasibility of an onsite repair septic system for the property;

**4. 16-TRV-04A Floyd III & Carolyn Willis** – Staff noted that the property is within the Glen Hills area of the Potomac Sub-Region Master Plan and has previously been granted a single sewer hookup to relieve a failed septic system. Staff noted that if sewer is ultimately approved pending the results of a septic survey, the sewer alignment in question should be built according to the Council Resolution No, 14-819, which designates a sewer alignment, or another alignment within the road right-of-way;

**5. 17-TRV-01A, George & Janet Simmons** – Staff noted that if the property cannot be connected under the abutting mains policy, it is inconsistent with the Glen Hills policy because the owners have not demonstrated the need for relief from a public health policy and the property has not been included in a designated public health problem area as the policy requires. Staff recommends maintaining sewer category 6 with advancement to sewer category 1, conditioned on Washington Suburban Sanitary Commission (WSSC) verification to the Department of Environmental Protection that the property can be served from the abutting sewer manhole at the intersection of Watts Branch Drive, Circle Drive, and Ridge Road;

**6. 17-TRV-02A, Kevin & K.L. Smart** – Mr. Alan Soukup of the Department of Environmental Protection (DEP) informed the Planning Board and staff that this request had been withdrawn by the applicant;

**7. 17-TRV-05A, Meni and 8. 17-TRV-06A, Gill** – Staff noted that the 3.9-acre and 4-acre properties are adjacent to the Potomac Master Plan Sewer envelope. These properties are already connected to the public water system and this application will correct the water category. Staff recommends upgrading to water category 1 and sewer category 3. By consensus the Planning Board voted to agree with the County Executive’s recommendations.

The following speakers offered testimony: Mr. Steven Orens, attorney representing Mr. and Mrs. Ted & Rosanne Smart who also testified, and Mr. George & Janet Simmons; Ms. Carol Falk of Ericson Road and representing the West Montgomery County Citizens Association; Ms. Patricia Thomas of Holly Grove Road and representing the Cloverly Civic Association; Ms. Mary Hemingway of Snider Lane; Ms. Michele Albornoz of Snider Lane; Mr. Quentin Remein of Bryants Nursery Road; and Mr. Stephen Crum, Engineer from Macris, Hendricks and Glascock, P.A., working with Mr. Orens.

At the Board’s request, Mr. Alan Soukup of DEP offered comments.

There followed extensive Board discussion with questions to staff and some of the speakers.