



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

**APPROVED
MINUTES**

Following a scheduled tour of the White Oak Science Gateway Master Plan area and the Food and Drug Administration (FDA) complex located on New Hampshire Avenue, the Montgomery County Planning Board met in regular session on Thursday, October 12, 2017, at 1:20 p.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 6:03 p.m.

Present were Chair Casey Anderson, Vice Chair Norman Dreyfuss, and Commissioners Natali Fani-González, Gerald R. Cichy, and Tina Patterson.

Items 1 through 11 are reported on the attached agenda.

Items 2, 3, 4 and 9 were removed from the Planning Board agenda.

Vice Chair Dreyfuss left for the day at 3:00 p.m. during discussion of Item 6.

Commissioner Cichy temporarily left the meeting during discussion of Item 8 and returned during discussion of Item 11.

There being no further business, the meeting was adjourned at 6:03 p.m. The next regular meeting of the Planning Board will be held on Thursday, October 19, 2017, in the Montgomery Regional Office in Silver Spring, Maryland.


M. Clara Moise
Sr. Technical Writer/Editor

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

1. Consent Agenda

***A. Adoption of Resolutions**

1. Brightview Grosvenor Preliminary Plan 120170270 - MCPB No. 17- 086
2. Brightview Grosvenor Site Plan 820170090 – MCPB No. 17-087

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. 220150760, Lynwood

RE-2 zone, 7 lots; located in the area between Interstate 270 and Frederick Road (MD 355) opposite Prescott Road; Clarksburg 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 Plat cited above.

***C. Other Consent Items**

Ourisman Ford at Montgomery Mall, Sketch Plan No. 320170100, Extension of Review Period --- Request to extend the regulatory review period by up to 60 days to December 20, 2017 (tentative Planning Board Date of November 30, 2017) for a sketch plan to allow up to a 355,822-square-foot multi-unit residential building of up to 75 feet in height; 4.08 acres, zoned CRT-2.5, C-1.5, R-2.0, H-75, located at the northeast corner of Westlake Terrace and Motor City Drive; Potomac Sub-Region Master Plan area.

Staff Recommendation: Approval of the Extension

BOARD ACTION

Motion: FANI-GONZÁLEZ/PATTERSON

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Review Period Extension request for the Sketch Plan cited above.

***D. Approval of Minutes**

Planning Board Meeting Minutes of September 18, 2017

BOARD ACTION

Motion: FANI-GONZÁLEZ/DREYFUSS

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the Planning Board Meeting Minutes of September 18, 2017, as submitted.

~~2. 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.~~
~~REMOVED~~

~~The topic to be discussed is a proposed acquisition to the Unity Neighborhood Park.~~

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

3. CLOSED SESSION

According to MD ANN Code, General Provisions Article, §3-305(b)(13), to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter. ---**POSTPONED**

The topic to be discussed is the approval of Closed Session Minutes.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This Item was postponed.

~~4. Unity Neighborhood Park --- Authorization to acquire 2.15 acres, more or less, unimproved, from James P. McGrath, located at 3724 Damascus Road, Brookeville, MD 20833~~

~~---REMOVED~~

~~Staff Recommendation: Approval~~

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

5. 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: Randolph Hills Community Day and Fun Run scheduled for Saturday, October 14 from 7 a.m. to 3:00 p.m.; Run Your Art Out 5K and Fun Run at Martin Luther King Jr. Recreational Park scheduled for Saturday, October 14 from 5:00 a.m. to 11:00 a.m.; the upcoming Fall Planning Board Parks Tour scheduled for Thursday, October 26 from 9:00 a.m. to 4:00 p.m.; a Yappy Hour in Elm Street Park in Bethesda, scheduled for October 26 from 5:00 p.m. to 7:00 p.m.; and a few other activities scheduled throughout the parks to celebrate Halloween.

Mr. Riley then introduced Parks Department staff who offered a multi-media presentation and discussed a proposed study on improving outreach and communications practices with diverse communities in Montgomery County, in collaboration with the University of Maryland in College Park.

There followed extensive Board discussion with questions to staff.

Commissioner Fani-González noted that all Parks Department staff should be trained in outreach and communications skills and dealing with the public.

Commissioner Patterson recommended that staff contact some government agencies that are already doing work in that field.

6. MNCPPC FY19-24 CIP Adoption Session --- Adoption Session for the M-NCPPC Capital Improvements Program for FY19-24.

Staff Recommendation: Approve staff recommendations of projects for inclusion in the FY19-24 Capital Improvements Program (CIP)

BOARD ACTION

Motion: PATTERSON/CICHY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation for approval of the projects listed in the October 10, 2017 technical staff report to be included in the Parks Department FY19-24 Capital Improvements Program (CIP) to be transmitted to the County Council.

Parks Department staff noted that this is the final worksession for the FY19-24 Capital Improvements Program (CIP). A complete set of draft Project Description Forms (PDFs) have been submitted to the Planning Board for approval as part of the technical staff report. The recommended CIP will be forwarded to the County Executive and the County Council by November 1, as required by State Law. Staff also noted that a meeting will most likely be scheduled with the Planning Board after the County Council’s meeting and decision.

As discussed in prior Planning Board worksessions, the Spending Affordability Guidelines (SAG) limits the programming of Park and Planning bonds, sold by the Commission, that fund local parks and County Government Operations (GO) bonds that fund non-local parks. After holding a public hearing on September 19, 2017, and discussing SAG at the Council’s Government Operations and Fiscal Policy (GO) Committee meeting on September 28, 2017, the County Council took action on SAG on October 3, 2017.

Staff added that typically, the County Council defers to the opinion of the Planning Board and the Commission as to what level of Park and Planning Bond programming is deemed affordable for the Commission. However, in a year where the Council was considering lowering SAG considerably for the County GO bonds, from \$340 million per year to \$300 million by the end of the CIP, it was difficult for the Council to support an alternative increase in Park and Planning Bonds, despite the fact that it was only \$1.5 million per year. Also, unfortunately the Council’s annual discussion for the SAG is not timed to coincide with the CIP schedule that staff must maintain to meet the November 1 deadlines. However, after the submission of the CIP to the County Council on November 1, staff will have a continued dialogue with the County Executive and his staff as well as with the Council during the Winter and Spring.

Staff noted that the CIP reflects a continuing shift by the Commission to focus primary resources on maintaining the existing park system with remaining resources for new parks and

CONTINUED ON NEXT PAGE

6. MNCPPC FY19-24 CIP Adoption SessionCONTINUED

new development in parks. The challenge with a continually growing population at a time of fiscal constraints is finding ways to do more with less and to maintain existing infrastructure that continually has higher demands placed upon it. The FY19-24 CIP as presented, assumes increased revenues during the six-year period coming from the following sources: Program Open Space, Water Quality Protection Bonds, Enterprise Fund, Park and Planning Bond, GO Bonds, and Current Revenues for Montgomery County. The recommended CIP also has a strong focus on stewardship over existing resources and infrastructure but also maintains a balanced response to the growing population and demands of the County. The infrastructure Maintenance/Renovation category is the largest piece of the CIP, underlining the importance of maintaining and/or renovating existing infrastructure to reduce maintenance costs that impact the operating budget.

Staff also noted that the PDFs are still considered to be in draft form because staff may need to make minor edits to the text and Operating Budget Impacts (OBI) after further review and refinement over the next few weeks. A complete set of final PDFs will be provided to the Planning Board by November 1.

Ms. Eileen Finnegan of Sweet Parkway offered testimony.

There followed extensive Board discussion with questions to staff.

7. **Bank of America Drive-Thru, Conditional Use No. CU 17-17 --- Request for conditional use approval of a drive-thru associated with a bank, located at 16531 S Frederick Avenue, Gaithersburg (Walnut Hill Shopping Center) in the CRT-2.25 C-1.5 R-0.75 H-45 Zone within Great Seneca Science Corridor Master Plan area.**

Staff Recommendation: Approval with Conditions and transmit comments and recommendations to the Hearing Examiner

(NOTE: Action required for Hearing by Hearing Examiner on October 30, 2017)

BOARD ACTION

Motion: PATTERSON/CICHY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

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

Planning Department staff offered a multi-media presentation and discussed a request for approval of a conditional use for a drive-thru associated with a Bank of America located on an 8.28-acre property on South Frederick Avenue in Gaithersburg within the Great Seneca Science Corridor Master Plan area. Staff noted that bank are permitted in the Commercial/Retail Transit zone, and drive-thru windows are allowed as limited or conditional uses but because the propose drive-thru does not meet the limited use standards under Section 3.5.14.E.2.a of the Zoning Ordinance, the applicant is seeking approval of a conditional use request. The proposed project is exempt from the Forest Conservation Law under Section 22A-5(t). Staff also noted that on July 9, 2015, the Planning Board approved an Adequate Public Facilities determination for a 9,999-square foot expansion of general retail uses on the property.

Staff added that the proposed drive-thru complies with the general conditions and standards for a conditional use. The proposed use is consistent with the goals and recommendations of the Master Plan, and it will not alter the character of the surrounding neighborhood. Furthermore, it will not result in any unacceptable noise, traffic, or environmental impacts on the surround properties.

Ms. Soo Lee-Cho, attorney representing Bank of America, the applicant, introduced Mr. William Camp of Bank of America, offered brief comments and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff.

8. Countywide Retail Market Study --- Presentation and discussion of findings from the Countywide Retail Study. Consultant from Streetsense Consulting, LLC will give a presentation.

Staff Recommendation: Received briefing

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Action: Received briefing.

Planning Department staff introduced Ms. Heather Arnold of Streetsense Consulting, LLC, who offered a multi-media presentation and discussed her findings regarding a Countywide Retail Market Study for Montgomery County. Staff noted that recognizing the importance of retail to the County's economic competitiveness, as well as its role in creating vibrant commercial areas, a Countywide Retail Market Study was approved in the FY16 work program. The objective of the study was to assess the strengths, challenges, and competitive position of retail in the County and develop strategies that will foster successful retail centers and keep them poised for the future.

Ms. Arnold noted that the study is organized as follows: 1) Retail Industry Context – provides an overview about the retail industry at-large to set the stage for the remainder of the Study. It includes discussion on how retailers make decisions, the health of the industry on the national level and forces and trends reshaping the industry, in particular e-commerce; 2) Montgomery County Retail Context – provides an overview of the retail landscape in Montgomery County and includes discussion on the County's retail development history, regional standing, and characteristics of its current retail supply, based on a comprehensive field-verified retail inventory; 3) Retail Submarket Analysis – provides an in-depth analysis of retail conditions in 12 distinct retail submarkets, which encompass the entire County. Each analysis includes a discussion of the submarket strengths and challenges, key findings related to supply and demand, and targeted strategies to improve retail conditions and leverage market opportunities; and 4) Recommendations and strategies – provides countywide recommendations and strategies and includes both changes to existing regulations, such as land use and other government approval processes, as well as fresh approaches the County can proactively take to attract retail growth, maintain regional competitiveness, and build successful and resilient retail centers.

Ms. Arnold also noted the following findings from the study: The retail supply across Montgomery County is very well balanced with demand. There is neither the overabundance of retail that characterizes many of our neighboring jurisdictions, nor an undersupply; the growth of

CONTINUED ON NEXT PAGE

8. Countywide Retail Market StudyCONTINUE

e-commerce is reshaping every area of the brick-and-mortar retail industry, resulting in a period of potential upheaval in the near future; retail stores will need to be physically flexible and adaptable in their planning, development, and construction to weather the constantly evolving trends in the industry; neighborhood goods and services, such as pharmacies, hardware stores, barbershops, and grocery stores, should be emphasized in mixed-use projects. A gap exists for neighborhood goods and services across most submarkets, and this retail category is more resilient to the effects of online shopping; design elements, walkability, and place-making continue to be important ingredients for vibrant mixed-use and retail environments, especially as shoppers increasingly value retail as an experience; relaxing certain land use and business regulations could stimulate retail development, such as minimizing processing and approval times, permitting conditional uses, and making changes to liquor licensing. However, it is important to recognize that these regulations can also have a positive effect in avoiding over-development.

Staff noted that the report given to the Planning Board members also includes a comprehensive technical appendix with detailed documentation of the data that was used, including calculations and assumptions

There followed extensive Board discussion with questions to Ms. Arnold.

~~9. Proposed Abandonment of Reed Street, AB 757 --- Request to abandon the 50-foot wide Reed Street right of way, north of Bethesda Avenue, and transfer the underlying property to JBG/ Woodmont II, LLC (4,502 square feet) and Street Retail, Inc. (3,818 square feet). 8,320 square feet, Commercial/ Residential Zone (CR 5.0 C-5, R-5), located at the northeast intersection with Woodmont Avenue and Bethesda Avenue, 2017 Bethesda Downtown Sector Plan area. **REMOVED**~~

~~Staff Recommendation: Denial of the Application~~

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

***10. Son of David, Preliminary Plan No. 120170220 ---** Request to create a lot from a parcel of land to construct a synagogue (Religious Assembly), located on the north side of Norbeck Road, approximately 50 feet east of Wintergate Drive; 2.39 acres, RE-2 Zone; Olney Master Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: PATTERSON/FANI-GONZÁLEZ

Vote:

Yea: 3-0

Nay:

Other: CICHY & DREYFUSS ABSENT

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

In keeping with the September 29 technical staff report, Planning Department staff offered a multi-media presentation and discussed a request to create a lot from a parcel of land to build a synagogue. The 2.39-acre property is located on the north side of Norbeck Road, approximately 50 feet east of Wintergate Drive in the Olney Master Plan area. Staff noted that the main sanctuary of the proposed synagogue will contain no more than 236 seats. The proposed request includes a Forest Conservation Plan and a variance request for the removal of 13 trees and impact to seven other trees that are 30 inches or greater in diameter. Staff noted that the application satisfies the requirements of Chapter 22A of the Forest Conservation Law, by meeting the entire afforestation requirements on site in a Category I Conservation Easement. Staff also added that the proposed request is consistent with the recommendations of the Master Plan.

Mr. Dennis Karp, representing the applicant, Son of David Congregation, Inc., offered brief comments and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff.

11. McLean School-MR 2018002 --- Mandatory Referral in connection with proposed building modifications at the former Tuckerman Elementary School also known as the McLean School K-12 Private Educational Institution located at 8224 Lochinver Lane, Potomac, 300 feet east of Candlelight Lane, 9.13 acres, R-90 Zone, 2002 Potomac Sub-Region Master Plan.

Staff Recommendation: Approval to transmit comments to Montgomery County Public Schools

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation to transmit comments to Montgomery County Public Schools as stated in the attached transmittal letter.

As discussed in detail in the September 29 technical staff report, Planning Department staff offered a multi-media presentation and discussed a Mandatory Referral request to make modifications to the former Tuckerman Elementary School building, also known as the McLean School K-12 Private Educational Institution, located on Lochinver Lane in the Potomac Sub-Region Master Plan area. Staff noted that the proposed modifications conform to all applicable guidelines and requirements for approval of a Mandatory Referral request under the uniform standards for Mandatory Referral review. Staff further noted that the proposed use is consistent with the recommendations of the Master Plan and approval of this request by the Planning Board will not cause undue harm or adverse impact on the immediate neighborhood. Staff also note that there are no adverse traffic, circulation, noise, or environmental issues associated with this application and it is in compliance with the Montgomery County Environmental Guidelines.

Ms. Stacy Silber, attorney representing the applicant, discussed the proposed request and concurred with the staff recommendation.

Mr. Jeffrey Bermon of McLean School offered comments and answered questions from the Board.

There followed a brief Board discussion with questions to staff.