



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, May 31, 2018, at 9:01 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 1:56 p.m.

Present were Chair Casey Anderson and Commissioners Natali Fani-González, Gerald R. Cichy, and Tina Patterson. Vice Chair Norman Dreyfuss joined the meeting at 9:11 a.m. during discussion of Item 2.

Items 1, 2, 9, 3, and 4, discussed in that order, are reported on the attached agenda.

Items 7 and 8 were removed from the Planning Board agenda.

The Board recessed for lunch at 11:51 a.m. and reconvened in the auditorium at 1:00 p.m.

Items 5 and 6 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 1:56 p.m. The next regular meeting of the Planning Board will be held on Thursday, June 7, 2018, in the Montgomery Regional Office in Silver Spring, Maryland.

A handwritten signature in blue ink, appearing to read "M. Clara Moise".

M. Clara Moise
Sr. Technical Writer/Editor

A handwritten signature in black ink, appearing to read "James J. Parsons".

James J. Parsons
Sr. Technical Writer/Editor

**Montgomery County Planning Board Meeting
Thursday, May 31, 2018
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 adoption.

***B. Record Plats**

Subdivision Plat No. 220160590 & 220160600, Cabin Branch

CRT zone (formerly RMX-1), 43 lots and 3 parcels; located along Woodcock Way and Jaeger Road Clarksburg Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220180410, Victory Haven

CRT zone, 1 parcel; located on the south side of Main Street (MD 108), 400 feet west of Mt. Vernon Avenue; Damascus Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220180800, Cabin Branch

CRT zone (formerly MXPB), 2 lots; located on the west side of Cabin Branch Avenue, 225 feet north of Wellspring Avenue; Clarksburg Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

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

***C. Other Consent Items**

1. Shady Grove Station Phase 1 West, Site Plan Amendment No. 82013022C---Request to 1) transfer 61 multi-family units from Building C to Building D; 2) increase maximum building height to 79 feet, adding one story in some locations; 3) amend building architecture elevations; 4) amend streetscape plans; 5) revise select townhouse party walls; and 6) update plans for final Building A designs; located in the southwest corner of the intersection of Shady Grove Road and Crabbs Branch Way; approximately 41.8 acres of land in the CRT-1.0 C-0.25 R-0.75 H-90T (TDR 0.89 Overlay) Zone; within the 2006 Shady Grove Sector Plan area.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

2. Extension of Preliminary Plan No. 120180100, 8787 Georgia Avenue---CR 3.0, C 2.0, R 2.75, H 90T, 3.19 net acres, Request to extend the review period for a mixed-use development for up to 413,821 square feet of residential uses (up to 400 units) and up to 32,000 square feet of non-residential uses, located in the eastern quadrant of the intersection with Georgia Avenue and Spring Street; 2000 Silver Spring CBD Sector Plan.

Staff Recommendation: Approval of the Extension

3. Extension of Site Plan No. 820180100, 8787 Georgia Avenue---CR 3.0, C 2.0, R 2.75, H 90T, 3.19 net acres, Request to extend the review period for a mixed-use development for up to 413,821 square feet of residential uses (up to 400 units) and up to 32,000 square feet of non-residential uses, located in the eastern quadrant of the intersection with Georgia Avenue and Spring Street; 2000 Silver Spring CBD Sector Plan.

Staff Recommendation: Approval of the Extension

4. Extension of Preliminary Plan No. 120180030, Bannockburn - 7009 Wilson Lane ---R-200 zone, 4.41 acres, Request to extend the review period for a preliminary plan, located on the west side of Wilson Lane, 250-feet north of Laverock Lane; 1990 Bethesda Chevy Chase Master Plan.

Staff Recommendation: Approval of Extension

5. Regulatory Review Extension Request for New Hampshire Avenue Restaurant Redevelopment Site Plan No 820180090 & Safeway at Cloverly: Site Plan Amendment 81999004B

5A. Site Plan No. 820180090, New Hampshire Ave. Restaurant Redevelopment: Requesting to extend the regulatory review period for an additional 5 months until 10/25/2018; an Application proposing the construction of an eating and drinking establishment (Burger King) with a drive thru, located on the southwest corner of New Hampshire Ave. and Cloverly Street, 0.77 acres, Neighborhood Retail Zone, 1997 Cloverly Master Plan.

Staff Recommendation: Approval of the Extension Request

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***C. Other Consent Items**

CONTINUED

5B. Site Plan Amendment 81999004B, Safeway at Cloverly: Requesting to extend the regulatory review period for an additional 5 months until 10/25/2018; A request to reduce the number of parking spaces required for Safeway and removed the condition requiring shared parking on the former bank site, located on New Hampshire Ave., 200 feet south of Cloverly Street, 3.66 acres, Neighborhood Retail Zone, 1997 Cloverly Master Plan.

Staff Recommendation: Approval of the Extension Request

BOARD ACTION

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

Vote:

Yea: 1., 2., 3., 4., 5. 4-0

Nay:

Other: DREYFUSS ABSENT

Action: 1. Approved staff recommendation for approval of the Site Plan Amendment cited above, subject to conditions, and adopted the attached Resolution.

2. & 4. Approved staff recommendation for approval of the Preliminary Plan Extension requests cited above.

3. & 5A. Approved staff recommendation for approval of the Site Plan Extension requests cited above.

5B. Approved staff recommendation for approval of the Site Plan Amendment Extension request cited above.

***D. Approval of Minutes**

Planning Board Meeting Minutes of May 17, 2018

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved Planning Board Meeting Minutes of May 17, 2018, 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 Bicycle Master Plan and the Master Plan of Highways and Transitways (MPOHT), both of which have been transmitted to and accepted by the County Council, with a County Council public hearing for both Plans scheduled for July 10, County Council committee meetings for the MPOHT scheduled to begin in July, and County Council committee meetings for the Bicycle Master Plan tentatively scheduled for September; the status of the Zoning Text Amendment regarding Signature Business Headquarters, which the County Council recently approved with only two minor changes, which include the reduction of the minimum number of employees from 25,000 to 20,000, and an additional requirement for a pre-submittal meeting and posting; the status of the MARC Rail Communities Plan, with a worksession scheduled for today; the status of the Veirs Mill Corridor Sector Plan; the status of the Maryland Department of Planning "A Better Maryland" development plan, with an online community meeting held yesterday; the upcoming Lunch and Learn event with speaker Jeff Soule, Director of Outreach and International Programs for the American Planning Association (APA), scheduled for June 1 in the MRO auditorium; the upcoming annual All-Staff Summer Picnic scheduled for June 5 at Rock Creek Regional Park; and the upcoming Planning Board tour of the Pike and Rose development scheduled for June 14.

Ms. Wright then introduced Carrie Sanders, Area 2 Division Chief, and Atul Sharma, Area 2 Planner Coordinator, who offered a brief multi-media presentation regarding placemaking, specifically a kick-off community meeting held May 30 regarding the implementation of a Better Block Foundation project for the Randolph Hills Shopping Center in the White Flint 2 Sector Plan area.

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

9. Legal Department Request to Allocate Year-end Salary Lapse

Staff Recommendation: Approval

BOARD ACTION

Motion: CICHY/PATTERSON

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to approve the Year-End Budget Reallocation request cited above.

General Counsel Adrian Gardner presented a request to reallocate FY18 salary lapse savings of \$450,000. According to Mr. Gardner, the projected lapse for FY18 personnel service funds, which is due primarily to extended vacancies and re-assignments, will be used for technology agreements for online legal research and legal case management database systems; continuation of desktop and tablet hardware and software replacements; and professional service and agency agreements for temporary personnel to backfill or augment administrative vacancies, business process and workload management consulting, outside legal counsel and related litigation costs. Mr. Gardner added that the adopted plan for defraying the Department’s FY19 tier-three spending reduction of \$114,000 had earmarked FY18 savings to fund current encumbrances that will reduce ongoing expenses otherwise incurred in FY19.

There followed extensive Board discussion with questions to staff, during which Chair Anderson recommended that the Board approve a reallocation of \$114,000 today, with Mr. Gardner returning next week with a more detailed accounting for the use of the requested funds next week.

Vice Chair Dreyfuss and Commissioner Patterson recommended that the Board approve the full amount of the request today, while agreeing that Mr. Gardner return with a more detailed accounting.

There followed additional Board discussion, with the Board approving a reallocation of \$114,000, subject to Mr. Gardner return next week with a more detailed accounting for the request, on motion of Chair Anderson, seconded by Commissioner Fani-González, with Chair Anderson and Commissioners Fani-González and Cichy voting in favor of the motion, and Vice Chair Dreyfuss and Commissioner Patterson opposed.

At the afternoon session, Mr. Gardner submitted a more detailed accounting for the use of the requested funds, and the Board voted to reconsider its previous decision regarding the re-allocation request on motion of Commissioner Fani-González, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor of the motion.

3. MARC Rail Communities Sector Plan—Worksession 3---Review the Connect Recommendations for the MARC Rail Communities Sector Plan

Staff Recommendation: Receive briefing

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by discussion.

Planning Department staff briefed the Board on the proposed MARC Rail Communities Sector Plan. According to staff, the third worksession will consist of a briefing from Maryland Department of Transportation Mass Transit Administration (MTA) staff on the Draft Growth and Investment Plan Update 2013-2050, and another from Montgomery County Department of Transportation (MCDOT) staff on a Pedestrian Road Safety Audit (PRSA) conducted by the Department for a portion of Middlebrook Road in Germantown. Mr. Kyle Nembhard of MTA then offered a multi-media presentation regarding the Plan Update, which outlines MTA policy and capital programming objectives for each of its three commuter rail branches. Mr. Nembhard offered background information on the Brunswick Line, which serves Germantown and Boyds, noting that with the exception of a small portion of the Frederick Branch, the CSX railway owns the Brunswick Line tracks, which are also used by CSX for freight transport in their Metropolitan Subdivision. Average ridership for the Brunswick Line is approximately 7,600 passenger trips daily. Recent Brunswick Line accomplishments include the addition of new MARC IV rail cars and SC-44 Charger locomotives, the construction of the Wedge Maintenance Yard, new ticket vending machines, and advanced mobile ticketing. Mr. Nembhard then discussed service challenges faced by the line, including limited availability of the shared tracks, limited storage and maintenance facility capacity, and conflicts due to the primary use of the tracks for freight transport. In response to these issues, MTA is developing the MARC Cornerstone Plan, which addresses key priorities and investments to provide safe, efficient, and reliable MARC service with world class customer service; reflects advances in the MTA Asset Management program as well as potential enhancements and service improvements; and will reflect changes under the Passenger Rail Investment Act (PRIA), including ongoing negotiations of cost sharing and joint benefits agreements with host railroads.

Mr. Eric Sedaris of MCDOT then offered a multi-media presentation and discussed the recently completed PRSA for Middlebrook Road, which includes a review of accident and other pedestrian safety data. The 1.4-mile study area, which extends from Father Hurley Boulevard

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3. MARC Rail Communities Sector Plan—Worksession 3CONTINUED

east to Waring Station Road, consists of four to six lanes of roadway with six signalized intersections, and was selected as a High Incidence Area based on pedestrian collision density, with 17 non-fatal pedestrian collisions from 2011 through 2015. The study identified several existing safety features, including continuous sidewalks, pedestrian signage, Countdown Pedestrian Signals (CPS), and Accessible Pedestrian Signals (APS) as well as issues and factors contributing to pedestrian collisions, including conflicts between turning vehicles and pedestrian crossings during the “Walk” phase, lack of crosswalk markings across side streets, faded crosswalks, damaged or bent signs, and multiple non-functioning lighting fixtures. To address these issues, MCDOT has completed numerous improvements, which include restriping the stop bars and crosswalks at Crystal Rock Drive, Cross Ridge Drive, White Saddle Drive, and Ridgcrest Drive; new school crossing signs at Crystal Rock Drive; advance intersection warning signs at Locbury Drive; “Stop for Pedestrians in Crosswalks” signs at Celebration Way; replacing faded “No Parking” and “No Standing” signs along corridor; realigning the bent “Bike Lane” sign posts; and repairing non-functioning light fixtures. Pending improvements include revised traffic signal phasing at Crystal Rock Drive to reduce conflicts between pedestrians and left-turning vehicles; restriped stop bars and crosswalks at Waring Station Road; Americans with Disabilities Act compliant ramps, and Detectable Warning Surfaces (DWS) at Century Boulevard; narrowing Century Boulevard at its intersection with Middlebrook Road; and relocated speed limit signs to avoid blockage by foliage. Mr. Sedaris added that MCDOT is also considering a road diet for Middlebrook Road from Great Seneca Highway to Germantown Road.

Messrs. Andrew Bossi and Khursheed Bilgrami of MCDOT offered comments.

There followed extensive Board discussion with questions to staff and the speakers, during which the Board requested additional information regarding train capacity, and the inclusion of language in the Plan that supports construction of a third rail for MARC trains, and parking garages at the Germantown and Boyds stations. The Board also requested that MCDOT staff explore the feasibility of allotting additional crossing time at some of the pedestrian crossings in the study area.

4. **Mandatory Referral MR 2018013**---WSSC Rock Creek Septage and FOG Discharge Facility. WSSC proposes to construct Septage and FOG Discharge Facility at 700 East Gude Drive, Rockville.

Staff Recommendation: Approval and Transmittal of Comments

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to transmit comments to the Washington Suburban Sanitary Commission, as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed a proposed Mandatory Referral request by the Washington Suburban Sanitary Commission (WSSC) to construct a septage and fat, oils, and grease (FOG) discharge facility. The 17.6-acre property is located on the east side of Gude Drive within the Upper Rock Creek Master Plan area. The site is currently developed with the abandoned Rock Creek Waste Water Treatment Plant (WWTP).

Staff noted that the applicant proposes to partially rebuild and modify the abandoned WWTP for a septage and FOG discharge facility to receive septage wastewater discharges from mobile sources such as septic tank pumping trucks, tour buses, and recreational vehicles, and provide a facility for the receipt, treatment, and disposal of used fats, oils, and grease from food service establishments. The proposed facility will replace the existing septage and FOG discharge facility, co-located with the Muddy Branch Wastewater Pumping Station on the east side of Muddy Branch Road, confronting the eastern terminus of Conservation Lane in Gaithersburg, which is inadequate due to the lack of turning space for trucks, the absence of stormwater management, concerns about traffic safety, and the inability to pre-treat discharges. In addition, all but 0.5 acres of the 1.78-acre site is within 100 feet of the Muddy Branch mainstem, making it nearly impossible to ensure adequate protection of this important stream. Staff added that existing site constraints prohibit the improvements needed to allow continued use of this facility. The proposed location for the Rock Creek Septage and FOG Discharge Facility will require the demolition of five existing sludge tanks, and will consist of a building to accommodate two discharge stations for treatment of septage discharge from waste haulers and tour buses, and a FOG discharge concentrator and holding tanks. The applicant will also install stormwater management facilities.

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4. Mandatory Referral MR 2018013CONTINUED

Staff then discussed several significant environmental constraints, including two existing perennial tributaries to Rock Creek with extremely steep slopes, creating a stream buffer that encompasses 12.6 acres, or 72 percent of the site. Staff noted that 1.2 acres of the stream buffer is currently encroached by existing structures that are not proposed for removal, with 0.25 acres of that encroachment proposed to be used for stormwater management facilities. Staff also discussed the Forest Conservation Plan, which was approved by the Maryland Department of Natural Resources (DNR) in September 2017. However, to connect to the existing sewer main, 0.24 acres of forest within the stream valley and one specimen tree will be disturbed. Approximately 7.39 acres of forest will be permanently preserved by a conservation easement held by DNR. Staff noted that the forest conservation easement area excludes a maintenance corridor of approximately 4.4 acres for existing and proposed WSSC sewer mains. As mitigation, the applicant proposes to plant 62 trees in the disturbed forest area and along the steep slopes leading down to the stream valley.

To address the environmental issues at the proposed new site, as well as issues at the existing Muddy Branch facility, staff recommends that the applicant be required to add landscaping to provide shade over impervious areas, demolish the existing Muddy Branch facility, and reforest and restore the bank of Muddy Branch.

Mr. Jimit Modi, member of the applicant's team, offered comments.

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

~~7. —~~ **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 a proposed addition to the Willard Avenue Neighborhood Park~~

BOARD ACTION

Motion:

Vote:

Yea:

Nay:*

Other:

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

8. ~~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. REMOVED~~

~~The topic to be discussed is the Approval of Closed Session Minutes~~

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

5. **Losada Day Care Center, Conditional Use No. CU 18-04---**Request for a Day Care Center (13-30 Persons) for 20 children on a 9,162 square foot property in the R-60 Zone; located at 2311 Dennis Avenue, Silver Spring, within the Kensington-Wheaton Master Plan area.

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

NOTE: Action required for Hearing by Hearing Examiner on June 18, 2018

BOARD ACTION

Motion: CICHY/FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

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.

Planning Department staff offered a multi-media presentation and discussed a Conditional Use request for a day care center for 20 children on a 9,162-square foot property in the Residential (R-60) Zone located on Dennis Avenue in Silver Spring within the Kensington-Wheaton Master Plan area. Staff noted that the applicant has an existing Special Exception approval for a Group Day Care for 12 children and is now requesting conditional use approval to expand his existing Group Day Care to a Day Care Center for 20 children to keep up with the demand in his community. The applicant currently has six children on a wait-list and proposes to care for a total of six infants, in addition to 12 children ages 24 months to five years old.

Staff also noted that the proposed Day Care will be located on the main floor of the applicant's residence, which is where the existing one is located and will occupy 951 square feet. The applicant plans to renovate the first-floor bathroom to remove the tub and add an extra toilet. The infants will play outside for approximately 15 to 20 minutes in the morning and the afternoon, while the older children will be allowed to play outside for approximately an hour. The hours of operation will be from Monday through Friday from 7:30 a.m. to 5:30 p.m. with a staggered schedule between 7:30 and 8:30 a.m. for drop-offs and 4:00 to 5:30 p.m. for pick-ups. The property has a driveway/parking pad with three off-street parking spaces, and space for two cars under the carport. The applicant currently employs two non-resident full-time staff members and plan to add one additional employee. The current employees do not drive, they are dropped off or take public transportation, but if they were to do so, there is unrestricted street parking available on both Dennis Avenue and Gardiner Avenue.

Mr. Humberto Losada, the applicant, offered brief comments and answered questions from the Planning Board.

There followed a brief Board discussion with questions to staff.

6. Bethesda Downtown Sector Plan Annual Monitoring Report -- Presentation of the Annual Monitoring Report

Staff Recommendation: Recommendation of Approval and Transmittal to the County Council

BOARD ACTION

Motion: **ANDERSON/DREYFUSS**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved staff recommendation for approval of the Bethesda Downtown Sector Plan Annual Monitoring Report and to transmit it to the County Council.**

Planning Department staff discussed the first Bethesda Downtown Sector Plan (BDSP) Annual Monitoring Report which will be transmitted to the County Council following approval by the Planning Board. Staff noted that the BDSP is comprised of many complex elements, each of which depends upon the success of other Plan elements. In recognition of this complexity, the Sector Plan recommends annual monitoring of schools, parks, and transportation. This first report provides a detailed review of the Plan's implementation since it was approved and adopted in May 2017, including development approvals, key monitoring updates, schools, existing and recommended parks and open spaces, transportation, and recommendations to further the implementation of the Plan.

Staff noted that since May 2017, developers have submitted a total of 11 sketch plan applications for downtown Bethesda projects, and the County has purchased a slice of land next to Bethesda Row for the future Capital Crescent Civic Green. There is approximately 5.1 million square feet of building density available for future projects. The Planning Board has approved the development project for Marriott International's global headquarters and a 250-foot tall tower that will bring a hotel and 400,000 square feet of office space to the corner of Wisconsin and Montgomery Avenues. Staff also added that one big accomplishment in the past year has been the launch of a monitoring and tracking website that allows the public to keep tabs on individual projects in the downtown area and gauge their cumulative impact on available building density. The Sector Plan capped overall development density in downtown Bethesda at 32.4 million square feet, and with the 23.3 million square feet of existing buildings and 3.9 million square feet of projects in later stages of the approval process, there is about 5.1 million square feet left for development.

The annual monitoring report also looks at the impact that construction will have on student enrollment in local schools. The report notes that Montgomery County Public Schools is about to embark on a capacity study for elementary schools in the cluster and will consider

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6. Bethesda Downtown Sector Plan Annual Monitoring Report -- Presentation of the Annual Monitoring ReportCONTINUED

redrawing attendance boundaries or reopening Lynnbrook and/or Rollingwood Elementary schools as two potential solutions. Staff also added that regarding parks and open space, in December 2017, the County acquired about a half-acre across from Landmark Theatres Bethesda Row Cinema, which will become a park and civic space in the downtown area. The Sector Plan also laid the groundwork for a new program designed to generate funds for creating new parks in Bethesda. The County is on course to collect more than \$7.7 million in funds from developers of the Marriott Headquarters hotel and office tower on Wisconsin Avenue. Several projects will also provide open spaces that will serve the public.

There followed extensive Board discussion with questions to staff.