



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

**APPROVED
MINUTES**

Following a Welcome Back reception, the Montgomery County Planning Board met in regular session on Thursday, September 6, 2018, at 9:35 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 6:05 p.m.

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

Items 1 through 3, and Items 5 through 8 are reported on the attached agenda.

Item 4 was removed from the Planning Board agenda.

The Board recessed for lunch at 12:25 p.m. and reconvened in the auditorium at 2:00 p.m.

Items 9 through 15 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 6:05 p.m. The next regular meeting of the Planning Board will be held on Thursday, September 13, 2018, 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 6, 2018
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600**

1. Consent Agenda

***A. Adoption of Resolutions**

1. Briggs Chaney Estates Administrative Subdivision 620180060 MCPB No. 18-084
2. Qiagen Campus at Germantown Site Plan 81998022G – MCPB No. 18-083

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Adopted the Resolutions cited above, as submitted.

***B. Record Plats**

Subdivision Plat No. 220151570, Wood and Paul's Subdivision

R-60, 2 lots; located on the west side of Fawcett Street, 200 feet south of Mitchell Street; Kensington Sector Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220170010, Cabin Branch

CRT (formerly RMX/TDR), 20 lots, 2 parcels; located southeast of the intersection of Clarksburg Road (MD 121) and Dunlin Street; Clarksburg Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220171010, Michael C. Zetts Subdivision - Shady Grove

EOF zone, 1 parcel; located in the southeast quadrant of the intersection of Shady Grove Road and Zetts Avenue; Shady Grove Sector Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220171090, Huntington Terrace

R-60 zone, 1 lot; located on the south side of Roosevelt Street, 750 feet west of Old Georgetown Road (MD 187); Bethesda - Chevy Chase Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220180360, Bradley Hills, Section 2

R-60 zone, 2 lots; located on the north side of Bradley Boulevard (MD 191), 500 feet west of Fairfax Road; Bethesda - Chevy Chase Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220180450, Oakmont

R-200 zone, 6 lots, 1 parcel; located on the north side of Central Avenue, 700 feet east of Paradise Court; Great Seneca Science Corridor Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220180490, Olney

CRT, 2 parcels; located in the northwest quadrant of the intersection of Georgia Avenue (MD 97) and Olney-Laytonsville Road (MD 108); Olney Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220180660, R.B. Detrick's Subdivision Kensington

R-60 zone, 1 lot; located in northeast quadrant of the intersection of Armory Avenue and Mitchell Street; Kensington Sector Plan.

Staff Recommendation: Approval

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***B. Record Plats**

CONTINUED

Subdivision Plat No. 220180820, Edgemoor

R-60 zone, 1 lot; located on south side of Moorland Lane, 200 feet west of Fairfax Road;
Bethesda Chevy Chase Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220180860, Bradley Hills Grove

R-200 zone, 1 lot; located on the east side of Burning Tree Road, 500 feet south of Hillmead
Road; Bethesda - Chevy Chase 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. Wildwood Manor Shopping Center, Preliminary Plan No. 11989271C and Site Plan No. 82008024B, Regulatory Extension Request No. 2---Request to extend the regulatory review period from September 6, 2018 to October 25, 2018; conversion of office to multi-family residential dwellings (age -restricted by deed/covenant) and 11,000 sf of ground floor retail with below grade parking; 3.49 acres of land in the CRT-1.25, C-0.5, R-0.75, H-50 Zone; located at 10401 Old Georgetown Road, Bethesda; within the 2017 Rock Spring Master Plan area.
Staff Recommendation: Approval of the Extension Request

2. Andrus Property, Preliminary Plan No. 120180130, Regulatory Extension Request No. 1---First request to extend the regulatory review period three months from September 13, 2018 to December 13, 2018; proposed subdivision of seven lots into sixteen lots; on 5.38 acres of land in the R-90 Zone; located on the west side of Greentree Road between Grubby Thicket Way and Barnett Road; within the 1992 North Bethesda Garrett Park Master Plan area.
Staff Recommendation: Approval of the Extension Request

3. Pooks Hill, Preliminary Plan No. 120180200---R-60 zone, 5.64 net acres, Second extension request to create seventeen one-family lots, located at 5415 Beech Avenue at its intersection with Wild Oak Drive; 1990 Bethesda-Chevy Chase Master Plan.
Staff Recommendation: Approval of the Extension

4. Town of Kensington Annexation, Annexation No. AR-01-2018---Request for annexation into the corporate boundaries of the Town of Kensington of approximately 12.58 acres of land in Montgomery County, bounded by St. Paul Street, Perry Avenue and University Boulevard West (MD 193) within the 2012 Kensington Sector Plan area.
Staff Recommendation: Approval to Transmit Comments to the Town of Kensington

BOARD ACTION

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

Vote:
 Yea: 1. through 4. 4-0
 Nay:
 Other: DREYFUSS ABSENT

Action: 1. Approved staff recommendation for approval of the Preliminary Plan and Site Plan Extension requests cited above.
 2. & 3. Approved staff recommendation for approval of the Preliminary Plan Extension requests cited above.
 4. Voted to remove this Item from the Consent Agenda and discuss it as a standard agenda Item.

1C4. Town of Kensington Annexation, Annexation No. AR-01-2018---Request for annexation into the corporate boundaries of the Town of Kensington of approximately 12.58 acres of land in Montgomery County, bounded by St. Paul Street, Perry Avenue and University Boulevard West (MD 193) within the 2012 Kensington Sector Plan area.

Staff Recommendation: Approval to Transmit Comments to the Town of Kensington

BOARD ACTION

Motion: CICHY/PATTERSON

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation to transmit comments to the Town of Kensington, as stated in the attached transmittal letter.

Planning Department staff briefly discussed a proposed annexation, noting that the Mayor and Town Council of Kensington received a petition requesting annexation into the Town of Kensington from the owners of 50 single-family residential and commercial properties located in a 12.58-acre contiguous area bounded by Perry Avenue, St. Paul Street, and University Boulevard (MD193), and abutting the existing town boundaries. According to staff, the annexation petition does not provide a specific reason or rationale for the proposed annexation, but Town Manager Sanford Daily stated during a recent meeting with staff that the petitioning property owners wish to improve the level of municipal services that they currently receive. Staff added that no land use and zoning changes are associated with this annexation petition.

There followed a brief Board discussion with questions to staff.

***D. Approval of Minutes**

Planning Board Meeting Minutes of July 19 & 26, 2018

BOARD ACTION

Motion: PATTERSON/FANI-GONZÁLEZ

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved Planning Board Meeting Minutes of July 19 and 26, 2018, as submitted.

2. 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: the recent screening and discussion of the documentary about the life of Josiah Henson, *Josiah*, at the AFI Silver Theater and Cultural Center held on August 10; the recent Parks Department tour of the South Germantown Recreational Park, Wall Local Park, the Capital Crescent Civic Green, and Brookside Gardens held on July 31, which was attended by representatives from three bond rating agencies; the recent visit to Deep Creek Lake in Garrett County, Maryland, held on July 21, to review the International Mountain Bicycling Association (IMBA) trail-building work, which was attended by Mr. Riley, Chair Anderson, and several Parks Department staff members; the recent September/October issue of *Bethesda* magazine, which features several extensive articles about County parks; Mr. Riley's recent appearance on an episode of the *Kojo Nnamdi Show*, which was broadcasted on WAMU radio station on August 29; the recent final Food Matters: Foodie Fridays event of the season held on August 24 at Brookside Gardens; the recent commemoration of the 28th anniversary of the Americans with Disabilities Act (ADA) held on July 30 in Annapolis, which featured as a guest speaker Parks Department staff member Andy Eisenhaur, a Program Facility Aide at the Green Farm Maintenance Facility and a graduate of Project Search, an internship program that helps disabled young adults transition to employment; the recent Party with Your Pup event hosted by the Montgomery Parks Foundation held on August 12 at Olney Manor Recreational Park, which featured the opening of a new puppy playground donated by Rivermist Pet Lodge; the recent Association of Education and Research Greenhouse Curators (AERGC) bus tour of the area greenhouse facilities held on July 25, which included a stop at Brookside Gardens; the upcoming Park Police Promotion Ceremony scheduled for September 12; the upcoming screening of the documentary *Led Zeppelin Played Here* scheduled for September 7 at Brookside Gardens, which investigates unsubstantiated reports that the rock group Led Zeppelin performed at the Wheaton Youth Center in 1969; the upcoming PawPaw Festival event scheduled for September 8 at Meadowside Nature Center; the upcoming Parks Half-Marathon event scheduled for September 9; the upcoming Yappy Hour and Pop-Up

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2. Roundtable Discussion

CONTINUED

Park event scheduled for September 20 at Elm Street Urban Park; the upcoming PARKing Day event scheduled for September 21; the upcoming Burtonsville Day event scheduled for September 22; the upcoming MOOseum Wine & Cheese Benefit event scheduled for September 22 at South Germantown Recreational Park; the upcoming Car-Free Day event scheduled for September 22 and 23 along the Ride-On bus route 100 near Black Hill Regional Park; the upcoming Friendship Picnic event scheduled for September 23 at Wheaton Regional Park; the upcoming Parks Speaker Series featuring Mr. David Barth scheduled for October 3 at the Montgomery Regional Office (MRO) auditorium; the upcoming Harvest Festival event scheduled for October 6 at the Agricultural History Farm Park; and the upcoming ribbon cutting ceremony for the Good Hope Recreation Center scheduled for October 6 at Good Hope Local Park.

There followed a brief Board discussion with questions to Mr. Riley.

3. Fall 2018 Semi-Annual Outline

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing from Planning and Parks Departments staff on the proposed outlines for the upcoming Fall 2018 Semi-Annual Report, followed by a brief Board discussion, and provided guidance to staff.

~~4. Administrative Subdivision Plan No. 620170080, Kenwood—Section 5, R-90 zone, 30,682 square feet, Request to create two single-family lots; located on the west side of Highland Drive, approximately 150 feet north of Garnett Drive; Bethesda Chevy Chase Master Plan.
—REMOVED~~

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

5. Bethesda Downtown Sector Plan---Appointment of new Implementation Advisory Committee members for the Bethesda Downtown Sector Plan.

Staff Recommendation: Approval of Recommendation to Fill Recent Vacancy for Implementation Advisory Committee

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation to appoint the recommended applicants to the Implementation Advisory Committee for the Bethesda Downtown Sector Plan.

Planning Department staff briefed the Planning Board and discussed the list of applicants for potential Implementation Advisory Committee (IAC) members for the Bethesda Downtown Sector Plan. Staff offered background information, noting that the IAC has replaced the Woodmont Triangle Action Group (WTAG) established by the 2006 Woodmont Triangle Amendment to the 1994 Central Business District (CBD) Sector Plan. On October 23, 2017, letters of interest were sent to various property and business owners and community groups soliciting nominations to participate in the Committee. On December 7, 2017, the Planning Board appointed 14 members to the IAC, with members meeting at least once a month for the past nine months.

As of August 2018, two of the resident members of the IAC, Messrs. Steve Groh and Drew Morrison, have resigned due to upcoming relocations out-of-state. Staff reached out to three residents who expressed interest last year but were not selected for the IAC. All three residents expressed a continued interest in participating in the group. Planning staff then convened a meeting with the IAC co-chairs and IAC staff to review the applicants' information. Following that meeting, staff recommends Messrs. Jon Weintraub and Michael Fetchko to fill the open IAC positions, as both residents represent the same districts/neighborhoods as the previous two members they will be replacing. They are recommended to serve three-year terms.

There followed extensive Board discussion with questions to staff, during which the Board instructed staff to return with additional information regarding the current Committee membership, and to explore the feasibility of appointing a total of 15 members.

6. **4343 Sandy Spring Road, Burtonsville, MD 20866, Conditional Use No. 201809---** Application to authorize a private education institution for a maximum of 75 persons and staff members, within an existing 6,000 sq. ft. building. 43 parking spaces and two bicycle parking spaces are provided. No new construction is proposed. Located on 2.9 acres in the R-200 Zone, Fairland Master Plan.

Staff Recommendation: Approval with Conditions

(NOTE: Action required for Hearing by Hearing Examiner on September 28, 2018)

BOARD ACTION

Motion: CICHY/PATTERSON

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

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

Planning Department staff offered a multi-media presentation and discussed a proposed Conditional Use request to allow the operation of a private educational institution in an existing building on a 2.97-acre site located on the south side of Sandy Spring Road (MD198), bounded by Cedar Tree Drive to the west, and zoned Residential within the Fairland Master Plan area. The property is currently developed with a 6,000-square foot, two-story commercial building that was used as the Silver Spring Moose Lodge, and a 1,544-square foot, one and one-half story residential dwelling. A 50-foot wide asphalt driveway acts as an access from MD198 and a surface parking lot for 37 vehicles and two bicycles. The remainder of the property is undeveloped and consists of ornamental lawn areas and a variety of trees, shrubs, evergreens, and invasive species along the northwestern and southwestern property lines; an approximately 165- by 35-foot grove of trees, evergreens, and bushes within the northeastern portion of the property; an open lawn area in the rear one-third of the property; and a landscaped berm along the eastern boundary between the property line and Cedar Tree Drive.

Staff noted that the applicant proposes to operate a private educational institution in the existing commercial lodge building for a training academy to educate adults through biblical workshops and seminars on various topics. The applicant will retrofit the interior of the building to accommodate the project, proposing no new development or exterior alterations. Parking will continue to be provided through the existing parking spaces. The facility will operate from 10:00 a.m. to 3:30 p.m. and 7:30 p.m. to 11:30 p.m. Monday through Friday, and from 9:00 a.m. to 11:30 p.m. on Saturdays, with class sizes limited to 48 students, though the applicant has stated that the actual average class size is expected to be between 20 to 28 students. The applicant is

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6. 4343 Sandy Spring Road, Burtonsville, MD 20866, Conditional Use No. 201809

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also seeking approval to hold a limited number of additional Saturday activities that are expected to draw a maximum of 75 attendees. Staff recommends limiting the number of these special events to four a year. A total of eight employees will staff the facility, with four administrative staff present Monday through Friday during normal business hours, and the other four employees present during class times. Staff added that occasional recreational activities may occur, which will be limited to relay races, dodgeball, or similar lawn games. No music or sound enhancing equipment of any kind will be used outdoors.

There followed extensive Board discussion with questions to staff, during which the Board instructed staff to include an additional comment which recommends exploring an alternate access to the site.

7. **Cabin Branch Gosnell 1, Site Plan Amendment 82006024A**---Amendment to increase retail density from 8,600 square feet to 19,220 square feet by replacing two banks, gas station/carwash, and a restaurant with a gas station/convenience store, wine store, coffee shop, automobile service, ATM kiosk, and drug store; as well as a decrease in employment use (hotel) from 87,500 square feet to 76,880 square feet. The site is 7.24 acres in the MXPDP zone; located along Clarksburg Road (MD 121), approximately 0.30 miles west of the intersection with I-270, within the Cabin Branch Community.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: CICHY/PATTERSON

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation for approval of the Site Plan Amendment cited above, subject to revised conditions discussed during the meeting, and as stated in the attached adopted Resolution.

Planning Department staff offered a multi-media presentation and discussed a proposed Site Plan Amendment to increase the existing restaurant, retail, and vehicle service uses and decrease the employment use on a 6.0-acre site, which consists of two platted lots, located on the west side of the new, re-aligned Clarksburg Road (MD121), bounded by the original Clarksburg Road to the west and north, bisected into eastern and western tracts by Gosnell Farm Drive, and zoned Mixed-Use Planned Development (MXPDP) within the Clarksburg Master Plan and Hyattstown Special Study areas. The sight is currently undeveloped and has been cleared and rough graded to accommodate a proposed 87,500 square feet of employment uses, including a hotel and two banks, and 8,700 square feet of retail use, including a gas station with a carwash, and a convenience store, the Site Plan for which was approved by the Planning Board in 2010.

Staff noted that the applicant proposes to increase retail density to 19,220 square feet by replacing the previously proposed restaurant, retail, and vehicle service uses with a gas station/convenience store, a wine store, a coffee shop with a drive-through window, an automobile service, an ATM kiosk, and a drug store with a drive-through window. Though the proposed hotel use will remain, the Amendment includes a decrease in employment use for the hotel to 76,880 square feet. The total commercial square footage will remain unchanged. The applicant also proposes to make modifications to landscaping, building orientation, parking, and architecture to account for the changes in use and square footage. Vehicular access to both portions of the property will be provided from Gosnell Farm Drive. Pedestrian and bicycle

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7. Cabin Branch Gosnell 1, Site Plan Amendment 82006024A

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access will be provided via an existing shared-use path located along the east side of re-aligned MD121. Staff added that the application does not alter any of the previous forest conservation requirements approved by the Planning Board in 2010. Staff then briefly discussed minor revisions to the conditions of approval. Staff added that the revised Resolution for the Plan will be presented to the Board at a future date.

Mr. John King, confronting property owner, offered testimony.

Mr. Jody Kline, attorney representing the applicant, offered comments and concurred with the staff recommendation.

Mr. Eduardo Intriago and Ms. Keely Larretti, members of the applicant's team, also offered comments.

There followed extensive Board discussion with questions to staff and some of the speakers, during which the Board instructed staff to include an additional condition of approval requiring the applicant to provide a crosswalk across re-aligned MD121 north of Gosnell Farm Road, pending Maryland Department of Transportation State Highway Administration (SHA) approval, and to discuss with SHA and Montgomery County Department of Transportation staff issues regarding access to Whelan Lane from original MD121.

8. Chevy Chase View, Preliminary Plan No. 120180160---Request to re-subdivide Lots 21 and 13 of Block D of Chevy Chase View to create three new lots (101, 102 and 103) and Outlot A, with the existing house and detached garage on Lot 21 to be demolished; located at 4205 Saul Road in the northwest corner of the intersection of Saul Road and Gartrell Place; on approximately 1.16 acres of land zoned R-90; and within the 1989 Kensington/Wheaton Master Plan area.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

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

Planning Department staff offered a multi-media presentation and discussed a proposed Preliminary Plan request to re-subdivide two existing lots. The 1.16-acre site, identified as Lots 13 and 21 of Block D, is located on the northwest quadrant of the intersection of Saul Road and Gartrell Place, and is zoned Residential in the Master Plan of the Communities of Kensington-Wheaton area. The property is currently developed with a detached garage and a single-family dwelling unit that is unoccupied and in disrepair.

Staff noted that the applicant proposes to demolish the existing structures and re-subdivide the two existing lots into three lots, to be identified as proposed Lots 101 through 103, for the construction of three new detached single-family dwelling units. A 2,563-square foot out-lot located at the north property line of proposed Lot 101 will be conveyed to the owner of adjoining Lot 20. Proposed Lots 101 and 103 will be oriented toward and accessed from Saul Road via separate driveways, with Lot 102 to be accessed from Gartrell Place via its own driveway. Staff noted that the vehicle sight distance analyses conducted in February for each proposed lot indicate that Lot 101 does not meet the required sight-distance in the westbound direction of Saul Road, and Lot 103 does not meet the required sight-distance in the eastbound direction. To address these sight-distance concerns, staff recommends that the applicant either conduct a speed study to determine the prevailing speed on Saul Road and that the existing sight-distance meets the 85th percentile speed along Saul Road, or redesign and consolidate the two driveways for Lots 101 and 103 into a single driveway onto Saul Road to provide the required minimum sight-distance of 250 feet. Staff then discussed revisions to the conditions of approval, including additional language for

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8. Chevy Chase View, Preliminary Plan No. 120180160

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condition 9 stating that in lieu of the recommended five-foot wide sidewalk for the Saul Road frontage, the applicant may provide a sidewalk of equivalent length near the intersection of Summit Avenue and Saul Road, pending approval by Montgomery County Department of Permitting Services and the Town of Chevy Chase View.

Staff then discussed environmental issues, noting that the applicant has submitted a variance request to remove seven trees and impact five, which will be mitigated with the planting of 21 native shade trees. Staff supports the variance request.

Staff then noted that while the Chevy Chase View Town Council voted to unanimously support the application, two letters of objection from Chevy Chase View residents were received expressing concerns regarding increased density, the proposed removal of and impact to trees, setback requirements, impacts to schools, and lot shape and size. Staff addressed each of these concerns, as detailed in the August 24 technical staff report.

Mr. Paul Hurley of Franklin Street, and Ms. Paula Fudge, Town of Chevy Chase View Councilmember, offered testimony.

At the Board's request, Legal Counsel to the Planning Board discussed the County Subdivision Regulations and Zoning Ordinance as they pertain to the Town of Chevy Chase View, noting that the proposed project meets the criteria of the Zoning Code, which allows for the proposed lot sizes and shape, as well as the variance request.

Mr. Michael Norton from Norton Land Design LLC, landscaping consultant for the applicant, offered brief comments.

There followed extensive Board discussion with questions to staff.

***9. Ourisman Ford at Montgomery Mall, Site Plan Amendment No. 82009014B---**
 Request to redevelop the property with up to 344 multi-unit dwellings (an increase of 4 units from the previously approved site plan), residential amenities, and structured parking; located at the northeast corner of the intersection of Motor City Drive and Westlake Terrace, Bethesda; on approximately 4.08 acres zoned CRT-2.5 C-1.5 R-2.0 H-150; within the 2018 Rock Spring Master Plan area.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: CICHY/FANI-GONZÁLEZ

Vote:

Yea: 3-0-1

Nay: PATTERSON

Other: DREYFUSS ABSENT

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

In keeping with the August 27 technical staff report, Planning Department staff offered a multi-media presentation and discussed a Site Plan Amendment for the Ourisman Ford at Montgomery Mall project. Staff noted that the request is to redevelop the 4.08-acre property previously occupied by a car dealership, with up to 344 multi-unit dwellings, an increase of four units from the previously approved Site Plan, residential amenities, and structured parking. The applicant will also provide 12.5 percent Moderately Priced Dwelling Units (MPDUs). The property is located at the northeast corner of the intersection of Motor City Drive and Westlake Terrace in Bethesda within the Rock Spring Master Plan area. Staff also noted that the Planning Board previously approved the Site Plan in October 2009 to redevelop the property with 340 dwelling units and 50,800 square feet of general retail uses but the project was not implemented. The proposed amendment eliminates the retail uses approved under the original Site Plan, requests four additional dwelling units, and proposes a revised site design.

Staff added that it recommends approval of 343 units due to the development moratorium in the Ashburton Elementary School service area. Staff also noted that on July 12, 2018, the Planning Board approved a timely request by the applicant to extend the regulatory review period from August 2, 2018 to September 6, 2018. Staff has not received any correspondence regarding this request.

The following speakers offered testimony: Ms. Michele Rosenfeld attorney representing Ms. Roma Malkani, an adjacent property owner; and Mr. Edward Johnson of Bethesda.

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***9. Ourisman Ford at Montgomery Mall, Site Plan Amendment No. 82009014B**

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Ms. Barbara Sears, attorney representing the applicant, FP Whitro Westlate LLC., introduced members of the applicant's team, discussed the proposed amendment and noted that she concurs with the staff recommendation, except for the number of units, which she is requesting be kept at 344 instead of 343 units.

Commissioner Fani-González noted that the applicant should provide 15 percent MPDUs instead of 12.5 percent, as this project is located in Bethesda and the Planning Board is approving three additional units than originally approved.

Commissioner Patterson noted that she voted against the Sketch Plan on November 30, 2017, because of the number of units and the percentage of MPDUs proffered by the applicant and has not changed her position vis-à-vis this project.

Messrs. James Chapman and Wes Guckert, members of the applicant's team, answered questions from the Board regarding proposed road improvements by Montgomery County Department of Transportation.

There followed extensive Board discussion with questions to staff and Ms. Sears.

Ms. Sears noted that after consultation with the applicant, he has agreed to provide an additional MPDU.

10. Zoning Text Amendment No. 18-07, Accessory Residential Uses – Accessory Apartments---ZTA 18-07 amends the Montgomery County Zoning Ordinance to remove the requirement for conditional use approval for all accessory apartments; revise the limited use provisions for attached and detached accessory apartments, and generally amend the provisions for accessory apartments.

Staff Recommendation: Transmit Comments to the County Council

(NOTE: Action required for County Council public hearing of 9/11/18)

BOARD ACTION

Motion: CICHY/PATTERSON

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

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

In keeping with the August 30 technical staff report, Planning Department staff discussed Zoning Text Amendment (ZTA) request 18-07, which amends the Montgomery County Zoning Ordinance to remove the requirement for conditional use approval for all accessory apartments; revise the limited use provisions for attached and detached accessory apartments, and generally amend the provisions for accessory apartments. Staff noted that members of the Planning, Housing, and Economic Development (PHED) Committee recommend reducing barriers to a low-cost means of adding to the housing supply in the county. In the Committee’s opinion, the license and appeal process for accessory apartment applications has successfully avoided problems, while giving neighbors the opportunity for a hearing on specific issues. To build on that success, the Committee recommended the introduction of ZTA 18-07 and a companion Bill 26-18 to amend licensing requirements. The ZTA and the accompanying Bill would streamline accessory apartment procedures without changing the current conditional use process.

Staff added that currently a conditional use application for accessory apartments may be filed to challenge the rejection of an accessory apartment license application by the Department of Housing and Community Affairs (DHCA), based only on a failure of the application to meet statutory minimums for onsite parking and/or separation from an existing accessory apartment in the neighborhood. The usual findings that the Hearing Examiner must make for other kinds of conditional uses under Section 7.3.1.E of the Zoning Ordinance are not applicable to this type of conditional use.

Mr. John Paukstis, President and CEO of Habitat for Humanity Metro Maryland, offered testimony in favor of the ZTA request.

There followed a brief Board discussion with questions to staff.

11. Zoning Text Amendment No. 18-08, Site Plan Amendment – Solar Collection Systems---ZTA 18-08 amends the Montgomery County Zoning Ordinance to allow solar collection systems without an amendment to a previously approved Site Plan under certain circumstances.

Staff Recommendation: Transmit Comments to the County Council
(NOTE: Action required for County Council public hearing of 9/11/18)

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

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

In accordance with the August 30 technical staff report, Planning Department staff discussed Zoning Text Amendment (ZTA) request 18-08, which would amend the Montgomery County Zoning Ordinance to allow Solar Collection Systems (SCS) without an amendment to a previously approved Site Plan under certain circumstances, and generally amend the provisions for a permit that is exempt from conformance to an approved Site Plan. Under this ZTA, an SCS on any pre-existing impervious surface would be allowed without amending a previously approved Site Plan. In addition, as an accessory use, solar collection systems may also be allowed on sites with non-residential uses without a Site Plan amendment. In such circumstances, any minimum open space requirements must be retained, excluding the area for the solar collection system. Staff believes that there is merit to the goal of further encouraging commercial property owners to adopt solar systems by reducing potential delays and lowering the costs. However, staff is concerned that a transparent means for implementing the applicable limited use provisions would be lost by eliminating the Site Plan amendment process when installing a SCS on a property encumbered by a certified Site Plan.

Staff added that a better approach could be for an applicant to apply for a minor Site Plan Amendment. Under this process, an SCS may be approved by the Planning Department Director without a public hearing provided there is no objection to the application received within 15 days after the application notice is mailed out. Staff also added that this process is less cumbersome than the major Site Plan Amendment process.

There followed a brief Board discussion with questions to staff.

12. Zoning Text Amendment No. 18-09, Landscape Contractors – Rural Cluster Zone---
 ZTA 18-09 amends the Montgomery County Zoning Ordinance to amend the definition of landscape contractors; and amend the provision for exempted lots, parcels, and buildings in the Rural Cluster zone as it affects landscape contractors.

Staff Recommendation: Transmit Comments to the County Council
(NOTE: Action required for County Council public hearing of 9/11/18)

BOARD ACTION

Motion: CICHY/PATTERSON

Vote:

Yea: 4-0

Other: DREYFUSS ABSENT

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

In keeping with the August 30 technical staff report, Planning Department staff discussed proposed Zoning Text Amendment (ZTA) request 18-09, which amends the Montgomery County Zoning Ordinance to amend the definition of landscape contractors, and amend the provision for exempted lots, parcels, and buildings in the Rural Cluster zone as it affects landscape contractors. Staff noted that Councilmembers Nancy Floreen, Planning, Housing, and Economic Development (PHED) Committee Chair, and Tom Hucker, requested the Planning Department staff to examine land uses and activities in the Burtonsville area, specifically an appropriate approach to evolving land uses in the area along Sandy Spring Road east of the Burtonsville Business District. On May 16, 2018, Planning Department Director Gwen Wright responded to the request with an evaluation by staff consisting of existing conditions and land uses in this area, including several properties whose activities are currently under evaluation by the Department of Permitting Services (DPS). The review also provided an analysis of those activities including several options for allowing the current activities to continue at their present locations. Staff’s analysis concluded that a narrowly targeted ZTA is the most viable way to proceed, should the councilmembers wish to allow these uses to continue.

Staff further added that a master plan amendment was not recommended because the only logical outcome of such an amendment would be the reaffirmation of the existing zones. Staff believes that proposed ZTA 18-09 responds to the recommendation for a text amendment, and that the proposed parameters ensure consistency with policies established in master plans that, in this case, have recommendations for low impervious limits and low intensity land uses in watershed areas. Staff also noted that any expansion or diversification to include retail facilities of a previously established landscape contractor use would require approval of a conditional use. Parts of the Burtonsville area, including the Residential/Commercial (RC) zoned parcels impacted by ZTA 18-09 are located in the Patuxent Watershed and have recommended limits on imperviousness ranging from eight to ten percent.

There followed a brief Board discussion with questions to staff.

13. **Update on ZTA 18-06 MPDU – Bonus Density**---Update the Planning Board regarding ZTA 18-06 MPDU – Bonus Density.

Staff Recommendation: Receive Update

BOARD ACTION

Motion:

Vote:

Yea:

Other:

Action: Received Update on Zoning Text Amendment 18-06 regarding MPDU Bonus Density, followed by Board Discussion.

Planning Department staff discussed an update to Zoning Text Amendment (ZTA) 18-06 regarding Moderately Priced Dwelling Units (MPDUs) Bonus Density. Staff noted that the ZTA amends the Montgomery County Zoning Ordinance to revise or establish MPDU density bonus standards for certain Residential, Commercial/Residential, Employment, and Overlay zones. Staff noted that when County Council the Planning, Housing, and Economic Development (PHED) Committee considered Bill 34-17 regarding MPDU Amendments on June 11, 2018, the PHED Committee recommended deleting the bonus density table in Chapter 25A. The Committee recommended placing all bonus density provisions in the Zoning Code, and ZTA 18-06 was introduced to implement the Committee recommended revisions to Chapter 25A pertaining to the density bonus provisions. Councilmember Nancy Floreen, PHED Committee Chair, has proposed an amendment to ZTA 18-06 that would remove the 22 percent cap on bonus density for certain Residential, Commercial/Residential, Employment, and Overlay zones. The proposed amendment would have three tiers of bonus density, dependent on the percentage of MPDUs provided.

Staff believes that the three-tier bonus density system proposed in the amendment of ZTA 18-06 meets the County’s goals to further incentivize the production of affordable housing. The proposed amendment also includes a provision that allows projects in the Commercial/Residential zones to receive public benefit points for providing more than 12.5 percent MPDUs, even in areas in which they are required to provide 15 percent, except for the Bethesda Overlay Zone. The proposed amendment is also consistent with the vision set forth in the recent Sector Plans that were approved by the County Council, including the White Flint 2, Rock Spring, Grosvenor/Strathmore, and Westbard Sector Plans, which set 15 percent MPDUs as the highest priority public benefit for new residential development, which allows projects in these developments to receive bonus density and public benefits for providing 15 percent MPDUs.

Staff also added that the County Council Public Hearing for this ZTA is scheduled for September 11, 2018 and worksessions are scheduled for September 20 and 24, 2018.

Mr. William Kominers, attorney, offered testimony.

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

14. Summit Avenue Extension – Facility Planning Study Phase 1

Staff Recommendation: Provide Feedback on Preferred Alternative

BOARD ACTION

Motion: FANI-GONZÁLEZ/PATTERSON

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Received briefing followed by discussion and approved Alternative L1, as discussed during the meeting, for the proposed Summit Avenue Extension in Kensington.

Planning Department staff introduced Messrs. Christopher R. Conklin and John B. Thomas of Montgomery County Department of Transportation (MCDOT), offered a multi-media presentation and discussed a proposed Facility Planning Study, Phase 1 for the Summit Avenue proposed extension, in accordance with the August 29 technical staff report. Staff noted that the proposed extension is recommended in the 2013 Kensington Sector Plan, and MCDOT has conducted a detailed study and is now evaluating three short-term and three long-term options. MCDOT will request guidance from the County Council Committee on Transportation, Infrastructure, Energy and Environment (T&E) on the proposed alternatives in October 2018. Staff also noted that the Planning Board may decide to provide comments and recommendations to the T&E Committee following this briefing.

Staff noted that Long-Term Alternative L1, connection via Farragut Avenue, is most consistent with the Kensington Sector Plan and the Planning Board Draft of the Bicycle Master Plan recommendations. However, staff prefers Long-Term Alternative L2, connection via Dupont Avenue. Long-Term Alternative L3, Connecticut Avenue widening, is inconsistent with the master plan recommendations as it does not include two-way separated bike lanes on both sides of Connecticut Avenue, and any future bridge widening over the railroad tracks should include space for these master-planned facilities.

Staff added that it supports the completion of the Summit Avenue proposed extension with Alternative L2, as it accomplishes most of the same benefits as L1 but at a reduced cost, provides redevelopment potential by providing a new business district street, does not further complicate the Connecticut Avenue/University Boulevard intersection, and provides an additional pedestrian crossing opportunity on Connecticut Avenue at Dupont Avenue.

The following speakers offered testimony: Mr. Darin Bartram of Mitchell Street; Mr. Sanford W. Daily of Mitchell Street; and Mr. Peter Fosselman of Dupont Avenue and former Mayor of Kensington.

There followed a brief Board discussion with questions to staff and MCDOT representatives.

The Planning Board recommended Alternative L1 with Alternative L2 as a fall back.

15. Tuckerman Lane Bicycle and Pedestrian Improvements Project – Facility Planning Study Phase 1

Staff Recommendation: Provide Feedback on Preferred Alternative

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Received briefing and provided feedback on the preferred alternative for the Tuckerman Lane Bicycle and Pedestrian Improvements Project – Facility Planning Study, Phase 1.

Planning Department staff offered a multi-media presentation and discussed five proposed alternatives for the Tuckerman Lane Bicycle and Pedestrian Improvements project – Facility Planning Study, Phase 1, in accordance with the August 30 technical staff report. Staff noted that the project would substantially improve walking and bicycling along Tuckerman Lane by adding sidewalks, conventional bike lanes, and a side path on Tuckerman Lane between Falls Road and Old Georgetown Road. Montgomery County Department of Transportation (MCDOT) considered five alternatives and recommends proceeding to Phase II Facility Planning with Alternative 3 as the preferred alternative. MCDOT will request direction and guidance from the County Council Committee on Transportation, Infrastructure, Energy and Environment (T&E) on the proposed alternative in October 2018. Staff also noted that the Planning Board may decide to provide comments and recommendations to the T&E Committee following this briefing.

Staff concurs with MCDOT’s selection of Alternative 3 as the preferred alternative, as it provides substantial improvements for pedestrians, provides designated space for the large number of on-road bicyclists and provides a side path for people who require separation from traffic to feel comfortable walking or bicycling. Staff also agrees with MCDOT that Segment 1 of the project should receive the highest priority for funding, as it connects the neighboring residential communities to Herbert Hoover Middle School and Winston Churchill High School. While Alternative 3 is consistent with the Planning Board Draft of the Bicycle Master Plan, staff believes that the recommendation for separated bike lanes on Tuckerman Lane in the Master Plan is no longer appropriate. The typical approach in the Master Plan is to recommend separated bike lanes in areas with high levels of activity. Side paths are more appropriate in areas with lower levels of activity, such as Tuckerman Lane.

Staff also added that the T&E Committee will have its first worksession on the Bicycle Master Plan on September 17, 2018, and a worksession for the Tuckerman Lane project is

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15. Tuckerman Lane Bicycle and Pedestrian Improvements Project – Facility Planning Study Phase 1

CONTINUED

tentatively scheduled for October 11, 2018, to allow the County Council the opportunity to reconcile its preferred alternative with the bikeway recommendations in the Bicycle Master Plan.

Messrs. John B. Thomas and Christopher B. Conklin of MCDOT offered comments and clarification.

There followed a brief Board discussion with questions to staff and MCDOT representatives.