



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

**APPROVED
MINUTES**

The Montgomery County Planning Board Commissioners, except for Vice Chair Norman Dreyfuss, attended the 2018 Committee for Montgomery Annual Legislative Breakfast at the Bethesda North Marriott Hotel and Conference Center in the morning and then met in regular session on Thursday, December 13, 2018, at 11:38 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 4:10 p.m.

Present were Vice Chair Dreyfuss, who assumed the chairmanship while the Chair was absent, and Commissioners Natali Fani-González, Gerald R. Cichy, and Tina Patterson. Following his participation at an Urban Land Institute (ULI) panel discussion in Hyattsville, Chair Casey Anderson joined the meeting following the lunch recess.

A Closed Session meeting was held on December 13, 2018, from 11:25 a.m. to 11:37 a.m., Montgomery County Planning Department First Floor, to discuss a personnel matter that affects an employee over whom the Commission has jurisdiction. Authorized under MD. Ann. Code, General Provisions Article, Section §3-305(b)(1). Present for the meeting were Vice Chair Norman Dreyfuss and Commissioners Gerald Cichy, Natali Fani-Gonzalez, and Tina Patterson. Also present for the meeting was Joyce Pettigrew Garcia of the Commissioners' Office. No action was taken, and no technical writer was present.

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

At staff's request, Item 1.A.1. was removed from the Planning Board agenda.

Item 2 was also removed from the Planning Board agenda.

The Board recessed for lunch at 12:24 p.m. and reconvened in the auditorium at 1:36 p.m.

Items 5 through 8 and Item 10 are reported on the attached agenda.

Item 9 was removed from the Planning Board agenda.

The Board recessed at 3:45 p.m. and convened in Closed Session at 3:55 p.m. to take up Item 11, a Closed Session Item.

In compliance with State Government Article §3-305(b), Annotated Code of Maryland, the following is a report of the Board's Closed Session:

The Montgomery County Planning Board convened in Closed Session on Thursday, December 13, 2018, at 3:55 p.m. in the 3rd floor conference room 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. The meeting was closed under authority of Annotated Code of Maryland, State Government Article, §3-305(b)(7) and (8) to consult with staff, consultants, or other individuals about pending or potential litigation; and State Government Article, §3-305(b)(7) to consult with counsel to obtain legal advice, and §3-305(b)(8) to consult with staff, consultants, or other individuals about pending or potential litigation.

In compliance with State Government Article §3-305(b), Annotated Code of Maryland, the following is a report of the Board's Closed Session:

Also present for the Closed Session meeting were: General Counsel Adrian Gardner and Acting Principal Counsel Matthew Mills of the Legal Department; Director Gwen Wright, Area 2 Division Chief Carrie Sanders, and Special Project Manager Carol Rubin of the Planning Department; and M. Clara Moise of the Commissioners' Office.

Legal Counsel briefed the Planning Board regarding a pending matter with State Highway Administration and Montgomery County Department of Transportation (SHA/MCDOT).

There being no further business, the meeting was adjourned at 4:10 p.m. The next regular meeting of the Planning Board will be held on Thursday, December 20, 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, December 13, 2018
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600**

1. Consent Agenda

***A. Adoption of Resolutions**

1. Poplar Pointe Preliminary Plan 120180080 – MCPB No. 18-130

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: At staff's request, this Item was removed from the Planning Board agenda.

***B. Record Plats**

Subdivision Plat No. 220190270, B.F. Gilbert’s Addition to Takoma Park
R-60 zone, 1 lot; located on the southeast side of Woodland Avenue, 240 feet south of Ethan Allen Avenue (MD-410); Takoma Park Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 4-0

Nay:

Other: ANDERSON ABSENT

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

***C. Other Consent Items**

1. Andrus Property, Preliminary Plan No. 120180130, Regulatory Extension Request No. 2--Second request to extend the regulatory review period for four months from December 13, 2018 to April 18, 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

BOARD ACTION

Motion: CICHY/FANI-GONZÁLEZ

Vote:

Yea: 4-0

Nay:

Other: ANDERSON ABSENT

Action: Approved staff recommendation for approval of the Preliminary Plan Extension request cited above.

***D. Approval of Minutes**

Planning Board Meeting Minutes of November 29, 2018

BOARD ACTION

Motion: PATTERSON/FANI-GONZÁLEZ

Vote:

Yea: 4-0

Nay:

Other: ANDERSON ABSENT

Action: Approved Planning Board Meeting Minutes of November 29, 2018, as submitted.

2. ~~Roundtable Discussion~~

- ~~Parks Director's Report~~

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

3. Proposed Amendments: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan Proposed Category Map Amendment – County Executive’s AD 2018-4 Administrative Group – Two Water/Sewer Service Category Change requests.

A. 18-DNT-04A Ying Ma & Lin Qi (Requests W-3)

Staff Recommendation: Transmit Comments to County Executive

B. 18-GMT-01A Deer Harbor Investments, LLC (Requests W-1 and S-3)

Staff Recommendation: Transmit Comments to County Executive

BOARD ACTION

Motion: A. & B. FANI-GONZÁLEZ/CICHY

Vote:

Yea: A. & B. 4-0

Nay:

Other: ANDERSON ABSENT

Action: A. & B. Approved staff recommendation to transmit comments and recommendations to the County Executive, as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed two proposed water/sewer service category change requests for the following properties: Ying Ma & Lin Qi; and Deer Harbor Investments, LLC. Staff noted that the Planning Board is required by State law to make a Master Plan consistency determination on each Water and Sewer Category Change request. The Planning Board’s comments and recommendations will be transmitted to the County Executive for final action. Following the County Executive’s public hearing scheduled for December 19, final action will be taken in January.

There followed a brief Board discussion with questions to staff.

***4. Priddy Property, Preliminary Plan No. 120170160---**Request to subdivide the Subject Property into eight (8) lots for 8 detached single family houses and one (1) outlot, located at 13511 Query Mill Road; 26.925 acres, RE-2; 2002 Potomac Sub-region Master Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: CICHY/FANI-GONZÁLEZ

Vote:

Yea: 4-0

Nay:

Other: ANDERSON 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 subdivide a property for the construction of a single-family housing development. The 26.925-acre site, which consists of Lot 3 on Plat 5836 and un-platted parcels P905 and P899, is located on the east side of Query Mill Road, approximately 0.5 miles south of its intersection with Turkey Foot Road and is zoned Residential Estate (RE-2) within the Potomac Sub-region Master Plan area. The property is currently developed with a detached single-family home and two accessory structures, and is accessed from Query Mill Road, a designated Rustic Road, via a gravel driveway. The remainder of the site consists of open space and approximately 2.7 acres of existing forest cover. A stream and the associated stream valley buffer (SVB) that splits within the boundaries of the property runs along the eastern portion of the site. South of the split, the stream to the west then feeds a farm pond near the southern boundary line that will be breached, restored, and its embankment removed as part of the development.

Staff noted that the applicant proposes to subdivide the property to create eight lots ranging from 2.06 acres to 5.32 acres for eight single-family detached houses, including the existing house, and one outlot, identified as Outlot A, for continued agricultural use by the adjacent property owner. Staff noted that future stream crossings for access to Outlot A will be restricted. All eight lots will utilize wells and septic systems for water and sewer service and share a new tertiary residential public street that will end in a cul-de-sac for access from Query Mill Road.

Staff then discussed the proposed Preliminary Forest Conservation Plan (PFCP), noting that the applicant proposes to remove 0.4 acres of SVB from a Category I easement for driveway access and embankment restoration, which will be mitigated with 0.59 acres of planting on

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***4. Priddy Property, Preliminary Plan No. 120170160**CONTINUED

proposed Lot 3, 0.2 acres of planting on Lot 7, and 0.5 acres planted in addition to the PFCP requirements. The applicant also proposes to protect 2.64 acres of existing forest in a Category I Conservation Easement, and to remove 0.07 acres of forest, to be mitigated with 2.82 acres of onsite forest planting. Staff added that the applicant has submitted a variance request to remove nine specimen trees and impact but not remove six others. Mitigation for the tree removal will be provided by the onsite planting of 24 trees. Staff supports the approval of the variance request.

Staff also noted that two letters in opposition to the proposed development were received that expressed concerns regarding environmental issues, including the proposed draining of the pond, stormwater runoff, the proposed crossing of the stream valley to connect to the septic field, and impacts to specimen trees. Staff addressed each of these issues, as detailed in the November 30 technical staff report.

Mr. Gus Bauman, attorney representing the applicant, Mr. Michael Priddy, also present, offered comments and concurred with the staff recommendation.

Mr. Priddy and Mr. David McKee, member of the applicant's team, also offered comments.

Mr. Ralph Anderson, adjacent property owner, offered testimony.

At the Planning Board's request, Mr. Mark Etheridge of Montgomery County Department of Permitting Services discussed the proposed removal of the farm pond.

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 that requires the applicant to provide a battery back-up system for the sewage pump system.

5. Veirs Mill Corridor Master Plan – Worksession #8---Review and Approve the Planning Board Draft of the Veirs Mill Corridor Master Plan for transmittal to the County Executive and the County Council.

Staff Recommendation: Review and approve Planning Board Draft

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval to transmit the Veirs Mill Corridor Master Plan Planning Board Draft to the County Executive and County Council.

Planning Department staff offered a brief presentation of the Planning Board Draft of the Veirs Mill Corridor Master Plan to be transmitted to the County Executive and County Council. Staff noted that the County Council will hold a public hearing in Winter 2019, followed by the County Council’s Planning, Housing and Economic Development (PHED) Committee worksessions and County Council worksessions. Staff also added that adoption of the Sectional Map Amendment by the M-NCCPC (Full) Commission is tentatively scheduled for Spring 2019.

There followed a brief Board discussion with questions to staff, focusing mainly on transportation issues, and following which the Planning Board instructed staff to revise the language of Item 2.5,13 on page 54 of the Planning Board Draft, regarding intersections recommendations, specifically the proposed elimination of an interchange at Veirs Mill and Randolph Roads from the Master Plan of Highways and Transitways, to reflect the Board’s recommendation discussed at the meeting.

6. **Courts of Clarksburg: Preliminary Plan Amendment No. 12015006A**---Request to change a condition of approval that currently limits the release of the 76th building permit based on the completion of access to Brink Road to instead limit it to the 91st building permit; located in the northwest intersection of Ridge Road and Brink Road in Clarksburg; 54.32 acres; PRC (Planned Retirement Community) zone; 1994 Clarksburg Master Plan & Hyattstown Special Study Area.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: CICHY/FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

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

In keeping with the November 30 technical staff report, Planning Department staff offered a multi-media presentation and discussed a Preliminary Plan Amendment request to change a condition of approval that currently limits the release of the 76th building permit based on the completion of access to Brink Road to instead limit it to the 91st building permit. The 54.32-acre property is located in the northwest intersection of Ridge Road (MD27) and Brink Road and is zone Planned Retirement Community (PRC) zone in the Clarksburg Master Plan and Hyattstown Special Study area. Staff noted that it supports modifying the condition of approval to make it clear that the completed access for each road must be accepted for maintenance by Montgomery County Department of Transportation (MCDOT), not approved, as written in the original condition.

Staff also noted that no correspondence, in support or in opposition, was received regarding this application.

Mr. Scott Wallace, attorney representing the applicant, Pulte Home Corporation, introduced Mr. Donald Wughet of Pulte, briefly discussed the proposed request and concurred with the staff recommendation.

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

*7. **8407 Ramsey Avenue, Preliminary Plan 120180270---CR-8.0, C-6.0, R-7.5, H-200T, 0.09 acres, Request to consolidate parts of Lot 15 into one lot for up to 8,000 square feet of non-residential development under the Standard Method of Development ~~create one lot for a 2,700 square footage expansion of an existing restaurant, located at 8407 Ramsey Avenue, approximately 130 250 feet south of Wayne Avenue; 2000 Silver Spring CBD, Sector Plan.~~**

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: CICHY/PATTERSON

Vote:

Yea: 5-0

Nay:

Other:

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

Planning Department staff offered a multi-media presentation and in accordance with the December 3 technical staff report, discussed a Preliminary Plan request for the proposed 8407 Ramsey Avenue project. Staff noted that the request is to consolidate parts of Lot 15 into one lot for up to 8,000 square feet of non-residential development under the Standard Method of Development. The property is located on Ramsey Avenue in the Silver Spring Central Business District Sector Plan area. Staff also added that the proposed plan is exempt from Chapter 22A of the Forest Conservation Law because the site is less than 1.5 acres with no existing forest, specimen or champion trees, and the afforestation request would not exceed 10,000 square feet. The plan is also exempt from stormwater management requirements because the disturbance to the site is less than 5,000 square feet, and a site plan is not required as the building will be less than 10,000 square feet and less than 40 feet in height.

Staff also noted that no correspondence, in support or in opposition, was received regarding this application.

Ms. Pat Harris, attorney representing the applicant, offered brief comments and concurred with the staff recommendation.

There followed a brief Board discussion, with questions to staff.

8. **Caceres Group Day Care, Conditional Use No. CU201902---**Request for a Group Day Care facility for up to 12 children on a 6,531-square foot lot in the R-60 Zone; located at 10712 Douglas Avenue, Silver Spring, within the 1989 Kensington-Wheaton Master Plan area.

Staff Recommendation: Approval with Conditions

(NOTE: Action required for Hearing by the Hearing Examiner on January 7, 2019)

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 5-0

Nay:

Other:

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

Planning Department staff offered a multi-media presentation and discussed a Conditional Use request to expand a Group Daycare Facility from eight to 12 children. The facility is located on a 6,531-square foot lot on Douglas Avenue in Silver Spring, Maryland, within the Kensington-Wheaton Master Plan area. Staff noted that the existing house, which is also the applicant's residence, has an above-grade living area of 1,000 square feet and has a finished basement are of 750 square feet with exterior access, a concrete driveway for four cars, access to the rear of the house is from both sides through paved pathways with a shed and retaining wall within the rear yard along the fence line. A portion of the rear yard is designed with brick pavers closer to the main house.

Staff added that the applicant has operated a daycare at this location for eight children since 2016. No physical alterations are proposed to the exterior of the residence and the hours of operation will remain the same, i.e. 6:45 a.m. to 5:30 p.m. The applicant has two non-residential employees and will hire a third one if granted approval of this request.

Mrs. Norma Caceres' husband, the applicant, was present to answer questions from Board members.

There followed a brief Board discussion with questions to staff.

Staff member Garry Meus also announced that he was leaving the Commission and returning to Canada. Board members wished him good luck and expressed their sadness in having him leave so soon.

~~*9. Wildwood Manor Shopping Center, Preliminary Plan No. 11989271C and Site Plan No. 82008024B—POSTPONED~~

~~*~~

~~A. Preliminary Plan No. 11989271C: Request to create two Lots and one private road Parcel for a 95,000 square foot multi-family residential building (age-restricted by deed/covenant) and 11,000 square feet of ground floor retail with below grade parking in addition to an existing 3,500 square foot bank and a 30,000 square foot medical office; on 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 with Conditions~~

~~B. Site Plan No. 82008024B: Request to construct a 95,000 square foot multi-family residential building (age-restricted by deed/covenant) and 11,000 square feet of ground floor retail with below grade parking in addition to an existing 3,500 square foot bank and a 30,000 square foot medical office; on 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 with Conditions~~

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

10. Legislative Update

A. MC 8-19: Montgomery County – State Highways – Toll Facilities

Staff Recommendation: Discussion Only-No Position

B. MC/PG 103-18: Montgomery County – Planning and Zoning Authority – Municipal Corporations

Staff Recommendation: Oppose

C. MC/PG 106-19: Montgomery County – Land Use Documents – Certification

Staff Recommendation: Support with Amendments

D. MC/PG 108-19: Property Tax Credits – M-NCPPC Park Police Officers

Staff Recommendation: Discussion Only-No Position

E. MC/PG 109-19: M-NCPPC – Collective Bargaining – Exclusive Representative Duty of Fair Representation

Staff Recommendation: Support with Amendments

F. MC/PG 110-19: M-NCPPC – Glen Dale Hospital Adaptive Reuse

Staff Recommendation: Support with Amendments

BOARD ACTION

Motion: C. FANI-GONZÁLEZ/PATTERSON
D. FANI-GONZÁLEZ/CICHY
E. FANI-GONZÁLEZ/CICHY
F. CICHY/PATTERSON

Vote:
Yea: C. 5-0
D. 5-0
E. 4-0-1
F. 5-0

Nay: E. DREYFUSS

Action: Received briefing from the Commission’s General Counsel regarding six upcoming Legislative Bills.

A. Bill MC8-19: Montgomery County – State Highways – Toll Facilities

General Counsel Adrian Gardner briefed the Planning Board on Bill MC8-19 which would require the authorization from Montgomery County before any state agency can acquire or construct any toll road, highway or bridge in Montgomery County.

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10. Legislative Update**CONTINUED**

Mr. Gardner noted that this item was for information and discussion only and no position is recommended to be taken by the Planning Board.

B. MC/PG 103-18: Montgomery County – Planning and Zoning Authority – Municipal Corporations

General Counsel Adrian Gardner briefed the Planning Board on Bill MC/PG 103-18 which would require certain municipal corporations in Montgomery County to have concurrent jurisdiction to enforce county zoning laws within the boundaries of the municipal corporation under certain circumstances requiring a vote of both the District Council of Montgomery County and the Montgomery County Planning Board to take certain action relating to zoning within a municipal corporation

By consensus the Planning Board agreed with Mr. Gardner's recommendation to oppose the Bill.

C. MC/PG 106-19: Montgomery County – Land Use Documents – Certification

General Counsel Adrian Gardner briefed the Planning Board on Bill MC/PG 106-19 which would require certain land use regulations applicable in Montgomery County to require that certain persons sign a certain certification under penalty of perjury for certain documents submitted to certain planning boards establishing the content of the certification, and generally relating to the certification under penalty of perjury of certain land use documents in Montgomery County.

By a vote of 5-0, the Planning Board agreed with Mr. Gardner's recommendation to support the Bill with some recommended amendments discussed during the meeting.

D. MC/PG 108-19: Property Tax Credits – M-NCPPC Park Police Officers

General Counsel Adrian Gardner briefed the Planning Board on Bill MC/PG 108-19 which would alter the definition of "public safety officer" to include certain park police officers who are employed by The Maryland-National Capital Park and Planning Commission (M-NCPPC) for the purposes of a certain property tax credit, providing for the application of this Act and generally relating to property tax credits and park police officers of M-NCPPC.

Mr. Gardner noted that this item was for information and discussion only and no position is recommended to be taken by the Planning Board.

By a vote of 5-0, the Planning Board voted to support the Bill.

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10. Legislative Update**CONTINUED****E. MC/PG 109-19: M-NCPPC – Collective Bargaining – Exclusive Representative Duty of Fair Representation**

General Counsel Adrian Gardner briefed the Planning Board on Bill MC/PG 109-19: The Maryland-National Capital Park and Planning Commission (M-NCPPC), which would alter the duty of an employee organization certified as the exclusive representative of certain employees of M-NCPPC to represent all employees in a certain bargaining unit in a certain manner, authorizing the exclusive representative to require an employee who does not pay certain dues or fees to pay certain costs and fees for filing a certain grievance or arbitrating a certain matter.

By a vote of 4-0-1, with Vice Chair Dreyfuss opposing, the Planning Board agreed with Mr. Gardner's recommendation to support the Bill with some recommended amendments discussed at the meeting, especially the inclusion of the Park Police.

F. MC/PG 110-19: M-NCPPC – Glenn Dale Hospital Adaptive Reuse

General Counsel Adrian Gardner briefed the Planning Board on Bill MC/PG 110-19 which would authorize The Maryland-National Capital Park and Planning Commission (M-NCPPC) to sell, lease or otherwise transfer a certain portion of the Glenn Dale Hospital property to a person who will adaptively reuse and redevelop certain hospital campus buildings on the property and generally relating to the disposition of the Glenn Dale Hospital property by M-NCPPC.

By a vote of 5-0, the Planning Board agreed with Mr. Gardner's recommendation to support the Bill with some recommended amendments discussed during the meeting.

11. CLOSED SESSION

According to MD ANN Code, General Provisions Article, §3-305(b)(7-8) in order to obtain legal advice about potential litigation.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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