



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, November 7, 2019, at 9:05 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 2:21 p.m.

Present were Chair Casey Anderson, Vice Chair Natali Fani-González, and Commissioner Gerald R. Cichy.

Commissioners Tina Patterson and Partap Verma were necessarily absent.

Items 1 through 3 and Items 5 and 6 are reported on the attached agenda.

Item 4 was removed from the Planning Board Agenda.

The Planning Board recessed for lunch at 11:36 a.m. and reconvened in the auditorium at 1:05 p.m.

Items 7 through 9 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 2:21 p.m. The next regular meeting of the Planning Board will be held on Thursday, November 14, 2019, 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, November 7, 2019
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. 220181100, Cashell Estates

RE-2 zone; 19 lots and 5 parcels; located on the east side of Redland Road, just north of Garrett Road; Upper Rock Creek Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: CICHY/FANI-GONZÁLEZ

Vote:

Yea: 3-0

Nay:

Other: PATTERSON & VERMA ABSENT

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

***C. Other Consent Items**

1. 7607 Old Georgetown, Site Plan Amendment No. 82019003A---CR 5.0 C 5.0 R 4.75 H 225, and the Bethesda Overlay (BOZ) zones, 0.44 acres, Request to reduce the total density from 228,000 square feet to 222,645 square feet, reduce BOZ density from 133,615 square feet to 129,560 square feet, reduce related Park Impact Payment (PIP) from \$1,116,150 to \$1,077,600, revise condition 9d, and make minor modifications to parking and public benefit point calculations; located at the north corner of the intersection of Old Georgetown Road and Commerce Lane; 2017 Bethesda Downtown Sector Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

2. McDonalds - Derwood, Site Plan Amendment 81990055D---Request for approval of an additional 496 square feet of development; relocation of a drive-thru window; and minor changes to associated parking and landscaping; located at 15801 Frederick Road; on approximately 1.83 acres of land zoned CRT-1.5, C-0.5, R-1.25, H-90T; within the 2006 Shady Grove Sector Plan area.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: **1. CICHY/FANI-GONZÁLEZ**
 2. FANI-GONZÁLEZ/CICHY

Vote:

Yea: **1. & 2. 3-0**

Nay:

Other: **PATTERSON & VERMA ABSENT**

Action: **1. & 2. Approved staff recommendation for approval of the Site Plan Amendments cited above, subject to conditions, and adopted the attached Resolution.**

***D. Approval of Minutes**

Planning Board Meeting Minutes of October 17 and 23, 2019

BOARD ACTION

Motion: FANI-GONZÁLEZ

Vote:

Yea: 3-0

Nay:

Other: PATTERSON & VERMA ABSENT

Action: Approved Planning Board Meeting Minutes of October 17 and 23, 2019, as submitted.

2. Zoning Text Amendment No. 19-08: Bicycle Parking –Requirements & Design Standards---ZTA 19-08 amends the Montgomery County Zoning Ordinance to amend the bicycle parking requirements, amend the bicycle parking design standards, and generally amend the provisions concerning bicycle parking and parking design.

Staff Recommendation: Transmit Comments to the County Council

(NOTE: Action required for County Council Public Hearing of December 3, 2019)

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 3-0

Nay:

Other: PATTERSON & VERMA ABSENT

Action: Approved staff recommendation to transmit comments to the County Council, 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 Zoning Text Amendment (ZTA) that would address bicycle parking requirements and bicycle parking design standards, as discussed in detail in the October 31 technical staff report As introduced, ZTA 19-08 would amend the bicycle parking requirements, amend the bicycle parking design standards, and generally amend the provisions concerning bicycle parking and parking design standards in order to implement the recommendations outlined in the adopted Bicycle Master Plan. According to staff, the Bicycle Master Plan recommends that the Montgomery County Zoning Ordinance be amended to improve the bicycle parking and end-of-trip bicycle facility requirements. While some Zoning Code revisions have introduced major improvements for the provision of bicycle parking, showers, and changing rooms, additional updates are needed to clarify existing requirements and to meet industry best practices, such as requirements to encourage bicycle rooms as the preferred form of long-term bicycle parking in residential and commercial buildings, disallow bicycle lockers as long-term bicycle parking in residential and commercial buildings, identify performance standards for stacked bike racks, establish certain requirements for providing and locating bicycle repair stations, and provide a portion of long-term bicycle parking to accommodate larger bicycles, including tandems, bicycles with trailers, and cargo bikes.

Staff noted that to address these issues, ZTA 19-08 will amend the bicycle parking requirements by eliminating the separate gender reference for showers and lockers associated with a changing facility; amending the multi-unit metric from a requirement of at least 20 dwelling units to at least 10 dwelling units; amending maximum bicycle parking spaces from a total of 100 to 100 per building; establishing a separate metric that revises the dwelling criterion

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2. Zoning Text Amendment No. 19-08: Bicycle Parking –Requirements & Design Standards**CONTINUED**

to total number of employees, and implementing minimum/maximum bicycle parking space and a long term space percentage requirement for a Residential Care Facility associated with an Assisted Living/Memory Care Facility; excluding home-based group day care from the bicycle parking space requirement; changing the metric from gross floor area to total number of students and total number of employees for private educational institutions; and establishing a category for religious institutions, with a metric based on 2,000 square feet of gross floor area.

Staff also noted that they had received comments from an area architect expressing concerns regarding the proposed ZTA, each of which staff addressed in the October 31 technical staff report.

There followed extensive Board discussion with questions to staff, during which the Board instructed staff to include language recommending that the County Council be more proactive regarding developers' placement of bicycle parking facilities in order to bring facilities into alignment with the standards established in the Bicycle Master Plan.

3. Presentation by the Catholic University Architecture Department on the Clarksburg Town Center Library Design Competition*Staff Recommendation: Receive Briefing***BOARD ACTION****Motion:****Vote:****Yea:****Nay:****Other:****Action: Received briefing.**

Following opening comments from staff, Professor Carlos A. Reimers from the Catholic University of America (CUA) School of Architecture and Planning and Director of the Independent Building Design Studio (IBDS) offered a multi-media presentation and discussed the Clarksburg Town Center Library Design Competition. According to Professor Reimers, the competition, a joint CUA and Planning Department project, is a learning experience that tests students' knowledge and skills to bring a relevant design experience to a professional level. The students worked collaboratively in teams under the direction of a faculty member and advice from a professional architecture firm, including SmithGroup, Perkins Eastman, Zimmer Gunsul Frasca Architects, Quinn Evans Architects, and Glave and Holmes Architecture, to successfully produce well-founded, strong, and realistic designs for the new Clarksburg Town Center Library. Professor Reimers noted that a total of 58 students developed 29 proposals during the spring 2019 semester. At the end of the semester, five proposals were selected by the Planning Department and an external jury of professionals.

The following CUA students offered multi-media presentations and discussed their teams' competition entries: Ms. Bridget Tweedy and Mr. John Jones; Ms. Elizabeth Meyers; Mr. Gino Bretana and Ms. Makenzie Banister; Messrs. Frank Alexander and Diego Cuadros; and Messrs. Joseph Ward and Josh Soares.

There followed extensive Board discussion with questions to staff, Professor Reimers, and some of the team members, during which the Planning Board recommended that the five architectural entry models be displayed at various Up-County locations.

~~4. — New Fiber Optic License for Crown Castle Fiber LLC — Crown Castle Fiber LLC (formerly Columbia Transmission Communications Corporation and most recently known as Lightower Fiber Networks II, LLC) licenses land from Montgomery Parks (approximately 13,135 linear feet in length and 10 feet in width). The initial license term began on November 5, 1999 and will expire on November 4, 2019 after one extension term of 10 years. Crown Castle Fiber LLC (CCF) is now requesting a new 5-year license agreement commencing on November 5, 2019 with three renewal terms of five years each. Maryland Code, Ann., Land Use Article, §17-204(a)(2)(i), requires that Montgomery Parks obtains Montgomery County Council's approval for any license allowing use of Montgomery Parks property for a period greater than 20 years. As CCF's use under the current license has reached 20 years, a new license with a 5-year term, and three renewal terms of 5 years each would result in a 40-year use of Montgomery Parks property, thereby requiring County Council's approval. — REMOVED~~

~~Staff Recommendation: Approve new lease agreement for Robert Jamison~~

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

5. Corrective Map Amendment H-130---Request to recommend approval of and transmit Corrective Map Amendment H-130 to District Council, pursuant to Section 59-7.2.2, to correct technical errors that lead to an inaccurate depiction of the zoning classifications

Staff Recommendation: Approval and Transmittal to the District Council

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 3-0

Nay:

Other: PATTERSON & VERMA ABSENT

Action: Approved staff recommendation to approve and file the Corrective Map Amendment cited above with the District Council.

Planning Department staff offered a multi-media presentation and briefly discussed a proposed request to file Corrective Map Amendment (CMA) H-130 to allow correction of a technical error in the zoning classifications for five properties located at 7201, 7211, and 7221 Carroll Avenue, 0 Columbia Avenue, and 0 Carroll Ave between Grant Avenue and Philadelphia Avenue. All five properties are located within the Takoma Park Master Plan area. According to staff, the parcels are incorrectly zoned as a result of a mapping error approved through a Sectional Map Amendment (SMA). Additionally, the properties' boundaries have also been incorrectly recorded. Staff offered background information, noting that after being contacted by an attorney for the property owner of 7221 Carroll Avenue in 2018, it was determined that the properties located at 7201, 7211, and 7221 were split-zoned as a result of misaligned Washington Suburban Sanitary Commission (WSSC) grids approved in the Takoma Park Master Plan through SMA G-791. In the process of digitizing WSSC grid zoning maps in preparation for the zoning rewrite in 2008, the grids were joined, displaying zoning boundaries that were inconsistent within the property boundaries for the three properties. In March 2019, the Planning Board recommended that the District Council approve the CMA under review today. However, following review, Council staff informed Planning Department staff that the addresses for the affected properties did not align with the boundaries depicted on the online digital map, and identified a missing parcel as a result of a Mandatory Referral deed split.

Staff noted that the proposed CMA will correct the misaligned zoning boundaries that resulted from the area being split between two WSSC grids, as well as the incorrect zoning boundaries that do not align with the property boundaries and original platted lot boundaries by rezoning 7201 Carroll Avenue, currently developed with the Takoma Park Volunteer Fire Department, from 0.036 acres of Commercial/Residential/Town (CRT) and 0.308 acres of Residential to 0.344 acres of Residential; decreasing the CRT portion of 7211 Carroll Avenue,

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5. Corrective Map Amendment H-130CONTINUED

currently the site of Healey Surgeons Auto Repair Shop, from 0.138 to 0.129 acres and increasing the Residential portion from 0.003 to 0.012 acres; and rezoning 7221 Carroll Avenue, currently the site of Takoma Auto Clinic, Incorporated, from 0.015 acres of CRT and 0.111 acres of Neighborhood Retail (NR) to 0.126 acres of NR. The CMA also proposes to correct boundaries for 0 Carroll Avenue, currently the site of the Takoma Park Volunteer Fire Department parking lot, by increasing the NR portion from 0.108 to 0.115 acres, decreasing the Residential portion from 0.125 to 0.121 acres, and decreasing the CRT portion from 0.059 to 0.055 acres; and to increase the NR portion of 0 Columbia Avenue, currently the site of the City of Takoma parking lot, from 0.804 to 0.855 acres, the Residential portion from 0.277 to 0.298 acres, and the CRT portion from 0.051 to 0.062 acres. The boundary for the Takoma Park-East Silver Spring overlay zone will also be adjusted to the new, correct zoning boundaries. Staff added that the recommended changes will align the zoning with the County Council's intent and direction as outlined in the existing Takoma Park Master Plan and subsequent 2014 Zoning Ordinance Rewrite.

There followed a brief Board discussion with questions to staff.

6. General Plan Update Briefing*Staff Recommendation: Receive Briefing***BOARD ACTION****Motion:****Vote:****Yea:****Nay:****Other:****Action:** Received briefing followed by discussion.

Planning Department staff offered a multi-media presentation and briefed the Board on the proposed General Plan Update, specifically the status of the first phase of the community outreach program, identified as Thrive Montgomery 2050. According to staff, the first phase of outreach, identified as the Excite phase, was launched in June with the purpose of piquing community interest, engendering curiosity, and building enthusiasm for the subsequent phases of the update. Staff will return in December to discuss the next phase of the outreach program, identified as the Educate phase, which will focus on sharing information on planning issues and trends that are driving change in the County in order to help community members provide meaningful feedback on future draft plan recommendations. To ensure equitable communication and outreach, staff will continue to address the literacy level, socioeconomic status, language, culture, and disabilities within the community.

Staff then discussed the outreach efforts thus far for the Excite phase, such as the Thrive Week event, which consisted of five events in five days throughout the last week of June. Staff also conducted other outreach activities at the National Night Out event held on August 6 in Aspen Hill, the Sandy Spring Beer and Wine Party held on August 23, the FutureFest event held on September 15 in Silver Spring, the PARK(ing) Day event held on September 20 in Downtown Silver Spring, the Long Branch Festival Week event held from September 20 through 27, the Poolesville Day event held on September 21, the Montgomery Hills Street Festival held on September 21, the Wheaton Arts Parade held on September 22, the Taste of Bethesda event held on October 5, and the Burtonsville Placemaking Festival held on October 5 and 6. Staff has also implemented a multi-prong campaign that consists of outdoor, transit, print, earned media, and digital advertising, including the multi-language [Thrive Montgomery 2050](#) link on the [Planning Department](#) website, which has already received 22,433 pageviews, 1,249 newsletter subscription requests, and offers an online quiz that has been completed by more than 1,500 unique users. To date, staff has conducted more than 60 events, group meetings and one-on-one

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6. General Plan Update Briefing**CONTINUED**

meetings with community members, community-based organizations, influencers, and leaders, at County Regional Services Centers, in the Agricultural Reserve, and during 15 major Thrive Montgomery 2050 events.

Staff then went on to discuss the upcoming Educate phase for the outreach program, which will include speakers' series, additional advertising, and the launch of the Meetings-in-a-Box program, as well as continued outreach to community-based organizations, and continued work with the Design, Arts, and Culture, Economy, Environment, Equity, Housing, Land Use, Outreach, and Transportation Working Groups. Staff added that they will also seek to foster partnerships such as those that have been established with the Gandhi Brigade and the Naturalist Society.

The next steps for the Plan include a Planning Board briefing regarding issues gathered during continued outreach, education, and analysis scheduled for December 12; Planning Board review and publication of the Issues Report scheduled for February 2020; a Planning Board briefing regarding the Draft Working Plan goals and policies scheduled for April; a Planning Board briefing regarding Draft Working Plan policy recommendations scheduled for June; and Planning Board review and publication of the Draft Working Plan scheduled for September 2020.

There followed extensive Board discussion with questions to staff, during which Planning Board members agreed to send staff their relevant email contacts. The Planning Board also instructed staff to contact and meet with utilities providers' staff regarding the proposed Plan, and to address such issues as public health, particularly the effect that the built environment and the availability of park and recreation programs have on physical activity and wellbeing.

7. Germantown Plan for the Town Sector Zone -- Planning Board Draft

Staff Recommendation: Approval to transmit the Planning Board Draft to the County Council

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 3-0

Nay:

Other: PATTERSON & VERMA ABSENT

Action: Approved staff recommendation to transmit the Planning Board Draft of the Germantown Plan for the Town Sector Zone to the County Council.

Planning Department staff offered a brief presentation and noted that following Planning Board approval of the Germantown Plan for the Town Sector Zone, staff will transmit the draft to the County Council for its Public Hearing scheduled to take place in January 2020, which will be followed by the County Council Planning, Housing and Economic Development (PHED) Committee worksessions.

8. J&M Andrews Farm, Administrative Subdivision Plan No. 620190110 -- Application to create three lots greater than 5 acres in the Agriculture Reserve (AR) zone; 198.70 acres; on Westerly Road, west of West Willard lane and west of the Town of Poolesville; Parcel: 700; 1980 Preservation of Agriculture and Rural Open Space Functional Master Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: CICHY/FANI-GONZÁLEZ

Vote:

Yea: 3-0

Nay:

Other: PATTERSON & VERMA ABSENT

Action: Approved the applicant's representative request for a continuance to afford the applicant time to review and make necessary changes to the Forest Conservation Plan.

Mr. Dave McKee, engineering consultant representing the applicant, J&M Andrews Farm, LLC, requested Planning Board approval of a continuance to afford the applicant time to revise the proposed plan regarding the Forest Conservation Plan requirements, which the Planning Board granted.

***9. Primrose Day Care Center on Needwood Road**

A. Conditional Use CU-18-08 - Request for a Conditional Use to operate a Child Day Care center for 195 children, on a 2.54-acre lot located at 7430 Needwood Road, Rockville, MD, at the southeast corner of its intersection with Carnegie Avenue, approximately 500 feet east of Redland Road identified as Lot 8, Block B, Darewood Heights Subdivision RE-1 Zone, 2004 Upper Rock Creek Area Master Plan.

Staff Recommendation: Approval with Conditions

B. Preliminary Forest Conservation Plan CU-18-08 for a proposed Child Day Care center for 195 children, on a 2.54-acre lot located at 7430 Needwood Road, Rockville, MD, at the southeast corner of its intersection with Carnegie Avenue, approximately 500 feet east of Redland Road identified as Lot 8, Block B, Darewood Heights Subdivision RE-1 Zone, 2004 Upper Rock Creek Area Master Plan

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: A. & B. CICHY/FANI-GONZÁLEZ

Vote:

Yea: A. & B. 3-0

Nay:

Other: PATTERSON & VERMA ABSENT

Action: A. Approved staff recommendation for approval of the Conditional Use cited above, subject to revised conditions, discussed at the meeting.

B. Approved staff recommendation for approval of the Preliminary Forest Conservation Plan cited above, subject to conditions.

Planning Department staff offered a multi-media presentation and discussed a proposed Conditional Use (CU) request, and the associated Preliminary Forest Conservation Plan, to operate a Child Day Care Center for 195 children on a 2.54-acre lot on Needwood Road at the southeast corner of its intersection with Carnegie Avenue, approximately 500 feet east of Redland Road identified as Lot 8, Block B in the Darewood Heights Subdivision in the Upper Rock Creek Area Master Plan. Staff noted that the property consists of approximately 2.95 acres of land and is zoned RE-1. The subject property is rectangular and improved with a 1,234 square-foot single-family detached dwelling. The site is generally flat with smooth slopes. It has approximately 210 feet of frontage on Needwood Road and 633 feet of frontage on Carnegie Avenue.

Staff also noted that the applicant, Primrose School Franchising Corporation, is the contract purchaser of the subject property and proposes to develop the 2.95-acre property with a

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***9. Primrose Day Care Center on Needwood Road -- A. Conditional Use CU-18-08 & B. Preliminary Forest Conservation Plan for CU-18-08**

CONTINUED

one-story, 13,000 square-foot child daycare facility. The facility will have a playground with approximately 30,568 square feet of area and a parking facility with 44 spaces. The facility will provide care for infants through preschool children, ages six weeks to 5 years old, as well as older children for after-school-care. The applicant's statement of justification indicates that the facility would have a total of 30 staff and two administrators on site at any one time, and the hours of operation for the facility will be Monday to Friday from 6:00 a.m. to 6:30 p.m. The applicant indicated that the school will conduct school-oriented special events and periodic staff training; these activities will not exceed six events per calendar year. Staff recommends that such events do not extend beyond 9:00 p.m. The playgrounds are divided into four areas: Preschool, After School, Early Preschool and Infant Playground. Use of the outdoor space is rotated so that there are no more than three of four playground areas involved in outdoor activities at the same time. Staff also recommends that children may not play outside prior to 8:00 a.m.

Staff also briefly discussed revisions to the Conditions of Approval.

Staff then discussed an associated Preliminary Forest Conservation Plan noting that there is 0.07 acres of existing forest in the southeast corner of the property. This forest will be preserved and augmented with 0.54 acres of forest planting. This will result in 0.61 acres of forest planting and protection. This area will be protected by a Category I Conservation Easement. Staff added that of the seven on-site trees, five, including three along the eastern property boundary will be removed, substantially altering the nature of the area. All of the boundary trees in the front three quarters of the site are proposed for removal. The trees in the rear of the property will be incorporated into a 0.61-acre afforestation/forest protection area, providing screening to the south. Tree loss along the eastern property boundary is a large part of the neighborhood's objection to this project, and the applicant has submitted a variance request for impacts to the trees.

Mr. Charles Berman of Ironforge Court; and Ms. Carol Kosary of Needwood Road offered testimony.

Mr. Jody Kline, attorney representing the applicant, accompanied by Messrs. Terry Owens, Scott Warfield, Edward Indrigo, Glenn Cook, and Srileanth Mandona, all members of the applicant's team, discussed the proposed request, and concurred with the staff recommendation.

There followed extensive Board discussion with questions to staff and Mr. Kline.