



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, January 29, 2015, at 9:07 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 1:46 p.m.

Present were Chair Casey Anderson, Vice Chair Marye Wells-Harley, and Commissioners Norman Dreyfuss, Amy Presley, and Natali Fani-González.

The Board convened in Closed Session at 9:07 a.m. to take up Item 7, a Closed Session Item.

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

The Board convened in Closed Session at 9:07 a.m. in the 3rd floor conference room on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Presley, and Fani-González voting in favor of the motion. The meeting was closed under authority of Annotated Code of Maryland §3-305(a)(7), to consult with counsel to obtain legal advice.

Also present for the Closed Session were Associate General Counsels Carol Rubin and Nicholas Dumais; Richard Weaver and Benjamin Berbert of the Planning Department; and James J. Parsons of the Commissioners' Office.

In Closed Session the Board received legal advice from counsel regarding the interpretation of certain provisions of the Zoning Ordinance.

The Closed Session meeting was adjourned at 9:34 a.m.

The Board reconvened in the auditorium at 9:40 a.m.

Items 1 through 6 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 1:46 p.m. The next regular meeting of the Planning Board will be held on Thursday, February 5, 2015, in the Montgomery Regional Office in Silver Spring, Maryland.

James J. Parsons
Technical Writer

Montgomery County Planning Board Meeting
Thursday, January 29, 2015
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

7. CLOSED SESSION

According to MD ANN Code, General Provisions Article, §3-305(b)(7), to consult with counsel to obtain legal advice.

The topic to be discussed is interpretation of certain provisions of the Zoning Ordinance.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

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. 220140600 and 220140920, Decoverly Hall

CR zone; 2 lots, 2 parcels; located in the northwest quadrant of the intersection of Diamondback Drive and Key West Avenue (MD 28); Great Seneca Science Corridor Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220150480, Glen Echo Heights

R-90 zone; 1 lot; located on the west side of Walhonding Road, 700 feet north of Scioto Road; Bethesda-Chevy Chase Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: **PRESLEY/WELLS-HARLEY**

Vote:

Yea: **4-0**

Nay:

Other: **DREYFUSS TEMPORARILY ABSENT**

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

***C. Other Consent Items**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **There were no Other Consent Items submitted for approval.**

***D. Approval of Minutes**

Corrected Planning Board Meeting Minutes of January 8, 2015

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS TEMPORARILY ABSENT

Action: Approved Corrected Planning Board Meeting Minutes of January 8, 2015, as submitted.

2. Design Guidelines Presentation with Noré Winter

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing.

Planning Department staff and Mr. Noré Winter of Winter & Co. offered a multi-media presentation and discussed Design Guidelines. Over the course of three days, Mr. Winter offered three Design Guidelines presentations to staff. The presentations focused on the creation of design guidelines, design principles, and how design guidelines can improve the planning review process. On Tuesday evening, Mr. Winter offered a public Design Guidelines presentation at the Silver Spring Civic Center that was attended by members of the American Institute of Architecture, the American Planning Association, the American Society of Landscape Architects, the Urban Land Institute, and the Congress for New Urbanism, among others.

Mr. Winter cited development projects his company completed in Boulder, Colorado; Memphis, Tennessee; and Goodyear, Arizona as examples of effective design through the use of design guidelines. According to Mr. Winter, effective design guidelines must be fair, predictable, efficient, based on sound construction science, and solution oriented. He explained that design guidelines differ

from standards in that guidelines are more flexible and allow for alternative means to meet intent. Design guidelines require a design review process that not only aids in the efficient implementation of the guidelines but also promotes quality of life and a sense of community, noting that it is imperative that the review process is clearly published. Mr. Winter described the examples of effective design that he offered as consistent and durable. They also draw upon local traditions and heritage, provide open spaces, and celebrate the valued resources of each region, such as the Mississippi River front in Nashville. Mr. Winter emphasized that agencies wishing to implement design guidelines effectively must establish a design advisory committee and must convey a real commitment to sustain the policy. He went on to recommend that agencies celebrate design excellence by publishing examples of successes, either online or in print, which explain the design guidelines met, and offer descriptions or images of the projects.

There followed extensive Board discussion with questions to Mr. Winter and staff, specifically regarding the effects of historical preservation, new zoning ordinances, and construction costs on the development and implementation of design guidelines.

3. Roundtable Discussion

- Planning Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing.

Planning Department Director's Report – Planning Department Director Gwen Wright briefed the Board on the following Planning Department events and activities: a February 3 County Council meeting regarding the Aspen Hill Minor Master Plan; the upcoming screening of the documentary *Growing Legacy* to be held in the MRO auditorium on February 4; the next Montgomery Village Matters meeting on February 9; the fourth session of the Winter Speakers Series “Once and Future County: How Planning Politics Shaped Montgomery County” on February 11; Black History Month events, which are scheduled for each Friday in February in the MRO auditorium; a Bethesda Plan drop-in meeting and the success of the “Feedback Loop” community outreach program; a Transportation and Education Infrastructure Symposium on March 7, during which County Councilmember Roger Berliner, representatives from the Planning staff, Montgomery County Public Schools (MCPS), and the Maryland Department of Transportation (MDOT) will meet and discuss methods for keeping infrastructure compatible with growth; progress on proposed improvements to the development review process; a proposed rental housing study; a County Council tour of the Sandy

Spring area; and the semi-annual report to the County Council on March 31, the outline of which is scheduled for submission to the Planning Board in February.

There followed extensive Board discussion regarding Planning Board involvement in County Council sponsored events and the possible implementation of an internal system to guide the Planning Board.

4. MD195 Carroll Avenue Bridge over Sligo Creek Parkway and Sligo Creek: Mandatory Referral No. 2015014

Bridge deck replacement and miscellaneous repairs to the historic bridge, and construction of a temporary pedestrian bridge immediately east of the existing bridge. Vehicular traffic on MD195 would be detoured during construction.

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HARLEY/FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Mandatory Referral cited above.

Planning Department and Parks Department staff offered a multi-media presentation and discussed the State Highway Administration (SHA) proposed project to repair the Carroll Avenue (MD 195) bridge over Sligo Creek and Sligo Creek Parkway, located between Jefferson Avenue and the entrance to the Washington Adventist Hospital, within the Takoma Park Master Plan area. Repairs to the 81-year-old structure are part of the SHA Bridge System Preservation Program. While meeting current safety code requirements, SHA plans to preserve the bridge appearance in order to maintain its eligibility for inclusion in the National Register of Historic Places. The project proposes to completely replace the bridge deck, construct a new sidewalk between old Carroll Avenue and the bridge, upgrade the existing sidewalks and ramps, and improve roadway drainage. Staff noted its recommendation to SHA that the upgraded sidewalks and ramps meet the Americans with Disabilities Act Best Practices. The bridge will be closed and traffic detoured during construction. As a concession to the City of Takoma Park, a temporary pedestrian bridge will be constructed to provide continued pedestrian access. Another temporary bridge will also be built to allow access for construction vehicles. Sligo Creek Parkway and the Sligo Creek Trail will remain open throughout the project, and construction enclosures will be provided to ensure pedestrian and vehicle safety. In order to provide a safe detour, the segment of Sligo Creek Parkway between Maple Avenue and Old Carroll Avenue, which is usually open to pedestrian and bike traffic on Sundays, will also be open for vehicular traffic as well.

There followed a brief Board discussion.

6. Liberty Assisted Living: Special Exception S-2879

Request for a special exception to operate a large group home/assisted living facility with 10 beds and 9 staff members, 8919 Liberty Lane, 300 feet east of its intersection with Falls Road, lot 16, Block B, Beverly Farm subdivision, Tax account No. 04-02409354, .38 acres, R-90 Zone, Potomac Master Plan
Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: **WELLS-HARLEY/FANI-GONZÁLEZ**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved staff recommendation for approval of the Special Exception cited above, subject to conditions.**

Planning Department staff offered a multi-media presentation and discussed the Special Exception request for the proposed expansion of an eight-bed assisted living group home. The applicant is requesting the Special Exception to expand Liberty Assisted Living, currently designated a small group home, to allow accommodations for up to ten residents on site, which will designate it as a large group home. The 16,704 square-foot property, located on Liberty Road, 300-feet east of the intersection with Falls Road, is zoned Residential within the Potomac Master Plan area. The applicant has operated the group home facility for the past 14 years. No exterior expansion of the existing 4,852 square-foot 10-bedroom, 10 ½-bathroom structure is required. As operation of the facility will not require additional personnel, the existing parking is adequate, though staff recommends that deliveries of goods to the site be limited to no more than four per month. The proposed expansion is uncontested and no other Special Exceptions have been requested. Staff noted that the adult group home is consistent with the 2002 Potomac Master Plan.

Mr. Johnathan Edenbaum, the applicant, offered comments and concurred with the staff recommendation.

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

***5. Chestnut Ridge: Preliminary Plan No. 120120250** -- Request to create an outlot and one lot for up to 9,980 square feet of commercial use, and to abandon a portion of existing Waters Road and to connect Waters Road to MD 118, located on the northwest side of MD 118 at the current terminus of Waters Road, 1.4 acres, RMX-2 and RMX-2C Zones, Germantown Employment Area Sector Plan
Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Preliminary Plan cited above, subject to conditions.

Planning Department staff offered a multi-media presentation and discussed the Preliminary Plan for the proposed Chestnut Ridge residential mixed-use development project. The 1.28-acre, two-parcel site is located on the northwest side of Germantown Road (MD 118), at the current terminus of Waters Road, approximately 800 feet southwest of the intersection with Wisteria Road, within the 2009 Germantown Employment Area Sector Plan. The plan proposes to subdivide one lot to create a 0.02-acre outlot and a 0.89-acre lot for 9,634 square-feet of commercial use, and to abandon an existing portion of Waters Road and realign it to connect to MD 118 by dedicating 0.37 acres on the north side of the property. An existing 0.43 acres of forest is to be cleared, and the applicant has agreed to meet the 0.52-acre reforestation requirement with off-site mitigation. The applicant has met all public facilities and stormwater management requirements, which have been approved by the appropriate government agencies. Staff highlighted the development constraints that affect the property, specifically the presence of a Washington Suburban Sanitary Commission (WSSC) water main that restricts vertical construction on a portion of the property. Staff recommended that the Planning Board authorize the requested abandonment of the unused Waters Road right-of-way, and 7,189.7 square-feet of land to the west of the right-of-way, which was previously dedicated under the Martens Property Preliminary Plan. Staff explained that although the property is zoned Residential Mixed Use (RMX), it is split-zoned due to zoning regulations that require any abandoned public right-of-way to be zoned the same as the least intense adjacent zone. Because the adjacent property to the west is zoned RMX-2, the abandoned right-of-way is zoned likewise, with the remainder of the property zoned RMX-2C, which allows for more intense usage than RMX-2. Citing the numerous revisions to the accompanying Resolution, staff noted that a revised Resolution would be submitted to the Board as a Consent Agenda Item at a future Planning Board meeting.

***5. Chestnut Ridge: Preliminary Plan No. 120120250**

CONTINUED

Ms. Michelle Rosenfeld, attorney representing the applicant, noted that the application was submitted in July 2014, before the current Zoning Ordinance was implemented on October 29, 2014, and therefore should be “grandfathered” under the more intense use of the RMX-2C zone. Ms. Rosenfeld contended that all surrounding properties were zoned Commercial Residential Town (CRT) under the previous Zoning Ordinance and that the RMX-2C zone is the current equivalent to the CRT zone, not RMX-2. She also added that the adjacent Martens Property to the west was approved under an optional development method for much more development than the applicant’s proposed plan.

Mr. Russell Gestl of Buchanan Partners offered comments.

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

In reply to a Planning Board question regarding the applicant's options, staff noted that the Board is not authorized to change the zoning of a property, but the applicant can select one of the following three options: request a zoning change from the County Council; submit a Site Plan under the current Zoning Ordinance; or submit a Site Plan using an optional method of development.

Ms. Rosenfeld concurred with the staff recommendation.