



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, October 30, 2014, at 9:10 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 4:45 p.m.

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

Items 1 through 4 and Item 10 are reported on the attached agenda.

The Board recessed for lunch at 12:05 p.m. and to take up Items 5 and 11 in Closed Session.

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 Board convened in Closed Session at 12:15 p.m., on motion of Commissioner Presley, seconded by Commissioner Natali Fani-González, with Chair Anderson, Commissioners Dreyfuss, Presley, and Natali Fani-González 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)(3) to consider the acquisition of real property for a public purpose and matters directly related to the acquisition.

Also present for all, or part of the Closed Session meeting were: General Counsel Adrian Gardner, Associate General Counsels William Dickerson, Carol Rubin, Megan Chung, Donna Calcote, and Sheronda Rose of the Legal Department; Planning Department Director Gwen Wright; Director Michael Riley, Judie Lai, and Mitra Pedoeem of the Parks Department; and M. Clara Moise of the Commissioners' Office.

In Closed Session the Board received briefing from General Counsel Adrian Gardner and legal staff regarding a proposed legislation, and received briefing from Parks Department and Planning Department staff regarding a proposed Park and Planning new headquarters building in Wheaton.

The Closed Session meeting was adjourned at 1:20 p.m.

The Board reconvened in the auditorium at 1:45 p.m.

Items 6 through 9 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 4:45 p.m. The next regular meeting of the Planning Board will be held on Thursday, November 6, 2014, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Sr. Technical Writer/Editor

Montgomery County Planning Board Meeting
Thursday, October 30, 2014
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

1. Alvermar Woods, Lot 17 Preliminary Plan 11999034B – **MCPB No. 14-63**

BOARD ACTION

Motion: DREYFUSS/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: WELLS-HARLEY ABSENT

Action: Adopted the Resolution cited above, as submitted.

***B. Record Plats**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Record Plats submitted for approval.

***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**

Planning Board Meeting Minutes of October 16, 2014

BOARD ACTION

Motion: PRESLEY/DREYFUSS

Vote:

Yea: 4-0

Nay:

Other: WELLS-HARLEY ABSENT

Action: Approved Planning Board Meeting Minutes of October 16, 2014, as submitted.

2. Roundtable Discussion

- Planning Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing.

Planning Director's Report – Planning Department Director Gwen Wright briefed the Board on the various on-going projects, Master Plans, and Sector Plans that Planning staff are working on. Ms. Wright reported on a property owners' forum, which was an online event for property owners in Bethesda. The video can be viewed on the Planning Department's website.

Chair Anderson congratulated staff on this new initiative and noted the Planning Board's wholehearted support.

Ms. Wright also talked about the upcoming Aspen Hill Master Plan worksession scheduled for the afternoon meeting, and the Montgomery Village Plan scheduled for presentation to the Planning Board in December. Ms. Wright also discussed the upcoming Westbard charrette to be held from November 10 to 18, the Silver Spring Placemaking workshops still going on with Councilmember Hans Riemer, and the on-going process for the construction of a new Park and Planning headquarters building in Wheaton. Ms. Wright also mentioned the series of regular monthly meetings with the Department of Permitting Services; an upcoming Development Review Committee (DRC) retreat for staff and all County agencies; and Planning staff continuing Zoning Code training sessions, and noted that the Maryland Building Association participated in one of these sessions yesterday. Ms. Wright also added that she will be making a presentation on key strategies for achieving healthy communities at the National Institutes of Health (NIH) in Bethesda on November 6 from 1:00 p.m. to 3:00 p.m.

There followed a brief Board discussion.

3. Westbard Sector Plan, Scope of Work

- Briefing and discussion

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by Board discussion.

Planning Department staff briefed the Board on the scope of work for the Westbard Sector Plan, including the Plan's boundaries and area to be studied, the planning framework, the outreach effort, the plan vision and goals, and the project timeline. Staff noted that the Sector Plan vision looks to transform these auto-oriented suburban development patterns into urban centers of residences, businesses, shops, and communities, where people walk and bike to work. The Westbard planning area

is included in the larger Bethesda/Chevy Chase Sector Plan. It reiterates five important policies of the plan, i.e., reaffirm and strengthen the residential character of the neighborhood, reduce commuter traffic that cuts through residential neighborhoods, prevent spillover parking within the neighborhoods by area employees, improve pedestrian circulation and make it less hazardous, and establish measures to abate noise emanating from the commercial/industrial area that affects nearby residents. Staff also discussed the upcoming charrettes scheduled for the month of November.

Staff noted that the Sector Plan is scheduled to be transmitted to the County Executive and the County Council at the end of July 2015. Staff will continue to work with the community, civic leaders, business and land owners, and public agencies throughout the process. Staff also discussed the proposed schedule for the Sector Plan: Planning Board review of the Plan scheduled for March 2015; Planning Board Public hearing scheduled for May 2015; Worksessions scheduled for June and July 2015; County Executive’s review scheduled for August/September 2015; and the County Council’s review and worksessions scheduled for December 2015, including public hearing and the County Council Planning, Housing and Economic Development (PHED) Committee worksessions.

There followed a brief Board discussion with questions to staff.

***4. 6450 New Hampshire Avenue**

A. Limited Preliminary Plan Amendment No. 12009021A, 6450 New Hampshire, C-2 zone and Commercial Revitalization Overlay Zone, 0.28 acres, Proposal to modify the gross floor area to construct a 4,957 sf. building for laundry use, located on the west side of New Hampshire Avenue approximately 800 feet north of Eastern Avenue, Takoma Park Master Plan
Staff Recommendation: Approval with Conditions and Adoption of Resolution

B. Site Plan Amendment No. 820130080, 6450 New Hampshire, C-2 zone and Commercial Revitalization Overlay Zone, 0.28 acres, Proposal to construct a 4,957 sf. building for laundry use, located on the west side of New Hampshire Avenue approximately 800 feet north of Eastern Avenue, Takoma Park Master Plan
Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

**Motion: A. FANI-GONZALEZ/PRESLEY
B. FANI-GONZALEZ/PRESLEY**

Vote:
**Yea: A. 4-0
B. 4-0**

Nay:

Other: WELLS-HARLEY ABSENT

**Action: A. Approved staff recommendation for approval of the proposed Preliminary Plan Amendment, subject to conditions, and adopted the attached Resolution.
B. Approved staff recommendation for approval of the proposed Site Plan Amendment, subject to conditions, and adopted the attached Resolution.**

In keeping with the October 17 technical staff report, Planning Department staff discussed the proposed request to amend a previously approved preliminary plan for 6450 New Hampshire Avenue, a 0.28-acre property, located on New Hampshire Avenue in the Commercial Revitalization Overlay Zone of the Takoma Master Plan area. The applicant is proposing a mixed-use two-story building with a total floor area of 4,957 square feet, with the ground floor occupied by a 2,442-square foot general retail use, to be occupied by a self-service laundry. The upper floor will house a 2,515-square foot office use, with a maximum height of 26 feet for the building. Parking will be provided on a surface lot at the rear of the building, vehicular access will be provided via a driveway from New Hampshire Avenue, and pedestrian access will be provided via on-site walkways to and from New Hampshire Avenue and Sligo Mill Road. The floor area of the proposed building is being increased from 2,011 square feet to 4,957 square feet, a 2,946 square feet increase over what was previously approved in the preliminary plan. A waiver of the minimum required parking spaces is requested by the applicant and recommended for approval by staff per Section 59-C-18-213(a)(1) of the Zoning Ordinance. The applicant is

***4. 6450 New Hampshire Avenue**

CONTINUED

requesting that construction costs of an on-site, master-planned walkway be credited towards the applicant's Policy Area Mobility Review (PAMR), and Transportation Policy Area Review (TPAR) mitigation requirements. However the Local Area Transportation Review (LATR) /TPAR Guidelines, and past practice in similar circumstances, allow only off-site transportation improvements to be eligible for PAMR and TPAR credit, while frontage and on-site improvements are required to be provided for the development in accordance with County and State regulations. Staff noted that the recommendations of the City of Takoma Park have been taken into consideration, and the applicant must comply with each of the recommendations as set forth in a letter received from the City, which may be amended by the City of Takoma Park provided that the amendments do not conflict with other conditions of the Plans.

Mr. Claudio Joseph of MCS Construction representing the applicant Mr. Andrew Husbands, also present, offered brief comments and concurred with the staff recommendation.

Mr. Erkin Ozberk of Maple Avenue and representing the City of Takoma offered brief comments and answered questions from the Board.

Ms. Lichelle Lawson of Sligo Mill Road, and representing the Pinecrest Community Association offered testimony.

There followed extensive Board discussion with questions to staff, the applicant's representative, and Mr. Ozberk.

10. Zoning Code Event

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Participated in the official burial of the Old Montgomery County Zoning Ordinance by Planning Board Commissioners, County Council members and staff, former Planning Board Chair Françoise M. Carrier, and Planning Department staff in Royce Hanson Park, followed by a presentation of certificates to those who contributed to the new Zoning Ordinance write-up.

5. CLOSED SESSION

According to Maryland Annotated Code, General Provisions Article, §3-305(b)(3), to consider the acquisition of real property for a public purpose and matters directly related to the acquisition. **Topic to be discussed: New Maryland Park and Planning Headquarters in Wheaton**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

11. CLOSED SESSION

According to Maryland Annotated Code, General Provisions Article, §3-305(b)(7) and (8), to consult with counsel to obtain legal advice and consult with staff, consultants, or other individuals about pending or potential litigation. **Topic to be discussed: Proposed Legislation**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

***6. Church of the Redeemer: Preliminary Plan No. 11997061B** -- A request to increase the private school enrollment from 148 to 400 students, located on the east side of Woodfield Road (MD124), approximately 500 feet south of Cliff Pine Drive, 12.9 acres, RE-1 Zone, Upper Rock Creek Master Plan
Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: PRESLEY/DREYFUSS

Vote:

Yea: 4-0

Nay:

Other: WELLS-HARLEY ABSENT

Action: Approved staff recommendation for approval, subject to conditions, as stated in the attached Resolution.

Planning Department staff offered a multi-media presentation and discussed the proposed request to increase school enrollment from 148 to 400 students at the Church of the Redeemer private school located on a 12.9-acre property on the east side of Woodfield Road (MD124), approximately 500 feet south of Cliff Pine Drive in the Upper Rock Creek Master Plan. Staff noted that there will not be an increase in the building footprint, and there will be no change in the existing parking lot or frontage road. Planning staff, Montgomery County Department of Transportation, and Maryland State Highway Administration have reviewed a traffic study done by a consultant hired by the applicant, and determined that the road capacity is adequate to serve the requested increase in student enrollment.

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

There followed a brief Board discussion with questions to staff.

***7. Center for Jewish Living: Preliminary Plan 120140090** -- Request to create one lot for a religious institution and weekday childcare from an existing lot and a parcel, located on the west side of Georgia Avenue (18320-18326 Georgia Avenue), approximately 1,500 feet north of the intersection with MD 108, 1.65 acres, R-200 Zone, 2005 Olney Master Plan

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: DREYFUSS/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: WELLS-HARLEY ABSENT

Action: Approved staff recommendation for approval, subject to revised conditions, and adopted the attached Resolution.

In keeping with the October 17 technical staff report, Planning Department staff discussed the request to create one lot for the construction of a religious institution, Rabbi residence, and weekday childcare facility, on a 1.05-acre lot and a parcel located on the west side of Georgia Avenue, approximately 1,500 feet north of its intersection with MD 108, in the Olney Master Plan area. Staff noted that a tree variance has been requested by the applicant to allow for the removal of seven trees, and the impact to three additional trees. The property is located within the Patuxent Primary Management Area, but is not subject to an impervious cap because the Olney Master Plan provides relief for properties with zoning more dense than Residential-2 (RE-2). The applicant has provided justification for the proposed impervious surfaces, and has minimized imperviousness where possible. Staff also added that the property is not subject to the Re-subdivision Analysis based on the Planning Board's interpretation that re-subdivision does not apply to non-residential uses. Staff also discussed revisions to the conditions of approval.

Ms. Rebecca Walker, attorney representing the applicant, offered brief comments and concurred with the staff recommendation.

Ms. Mary Kerr representing the Brookeville Knolls Homeowners Association (HOA) offered testimony.

In reply to a question from Chair Anderson, Legal counsel to the Board noted that it is up to the Brookeville Knolls HOA to agree to install a pedestrian connection through one of their properties via a natural surface or paved trail. The Planning Board can recommend that the applicant work with the Brookeville Knolls HOA to find an amicable solution for both parties.

There followed a brief board discussion with questions to staff and the applicant's representative.

**8. Presentation and Discussion of Parks Budget
~~Planning Department, CAS and Commissioners' Office Budget~~**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing on the proposed Parks Department FY16 Budget Update following the Planning Board recommendations at the October 2 meeting.

Parks Department staff noted that at the October 2 meeting, the Planning Board approved the Department of Parks' request to prepare the FY16 Parks Department operating budget at the base budget plus new initiatives level. The Planning Board also requested that the Department of Parks follow-up on the cultural resources program, including archaeological support and cultural resources sites. The Park Police Chief noted that following the October 2 meeting, Park Police evaluated the body worn camera products and related software currently available, and made the decision not to move forward at this time. Several other agencies, both locally and nationally, are evaluating different body camera options. The results of these evaluations will be available to all agencies.

Parks staff noted that the Parks Department proposed FY16 budget request represents a 7.1 percent increase over the FY15 budget.

There followed a brief Board discussion with questions to staff.

9. Aspen Hill Minor Master Plan Amendment: Worksession No. 2

Possible Topics: Land Use, Zoning, Design Guidelines, and Transportation

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by Board discussion.

At the onset of the meeting, Chair Anderson noted that he will allow additional public testimony on issues that have been agreed upon with staff, before staff's presentation and Board discussion.

The following speakers offered testimony: Mr. David Lynch of Washington Avenue and representing the Law Office of G. Macy Nelson, LLC; Mr. Sotirios Nasios of Aspen Hill Road; Ms. Jane Salzano of Briarwood Terrace; Ms. Sheila Convey; Ms. Carla Steinborn of Iris Street; and Ms. Susan Eisendrath of Manorville Court.

Staff noted that they have prepared a worksheet with issues raised at the public hearing and other testimony received during the open comment period. During the first worksession, staff began a presentation on property specific topics, and further presentation and discussion will continue during this worksession. In addition, representatives for the VITRO/BAE property owner submitted an amended zoning request for the Board's consideration. A third worksession is scheduled for November 20 during which the Board will review and approve the Planning Board Draft of the Master Plan for transmittal to the County Executive and the County Council.

Planning staff extensively discussed a comparison of uses by zone for the Aspen Hill area. Staff also offered a multi-media presentation and discussed proposed design guidelines.

Commissioner Dreyfuss offered comments on the last worksession, which he did not attend, but viewed the video. Commissioner Dreyfuss noted that he does not agree with staff's recommendation of Commercial/Residential Town (CRT) zoning for the 10-acre vacant site at the corner of Aspen Hill Road and Connecticut Avenue, and would recommend Neighborhood Retail (NR) zoning instead.

Planning Department Director Gwen Wright noted that there are a number of properties in Aspen Hill that are zoned CRT and will need to be considered for rezoning.

There followed extensive Board discussion with questions to staff.