



**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 20, 2011, at 9:13 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 6:35 p.m.

Present were Chair Françoise M. Carrier, Vice Chair Marye Wells-Harley, and Commissioners Norman Dreyfuss and Amy Presley. Commissioner Joe Alfandre was necessarily absent.

Items 1, 12, and 2 through 5, are reported on the attached agenda.

The Board recessed at 3:00 p.m. for lunch and to take up Item 14 in Closed Session.

In compliance with §10-509(c)(2), State Government Article, Annotated Code of Maryland, the following is a report of the Board's Closed Session:

The Board convened in Closed Session at 3:10 p.m. in the third floor conference room, on motion of Commissioner Presley, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Dreyfuss, and Presley present and voting in favor of the motion. The meeting was closed under authority of §10-508(a)(7), State Government Article, Annotated Code of Maryland, to consult with counsel to obtain legal advice.

Also present for the Closed Session were: General Counsel Adrian Gardner; Associate General Counsels David Lieb, Sean Dixon and Christina Sorrento; Parks Department Deputy Director Michael Riley; Darien Manley, Chief of the Montgomery County Park Police Division; and M. Clara Moise of the Commissioners' Office.

In Closed Session, the Board received briefing from the General Counsel and Parks Department staff regarding the proposed Bill introduced by the Montgomery County Executive proposing the transfer of The Maryland-National Capital Park Police – Montgomery County Division to the Montgomery County Police Department, followed by extensive discussion.

The Closed Session was adjourned at 4:000 p.m. and the Board reconvened in open session in the third floor conference room.

The Board reconvened in the auditorium at 4:05 p.m.

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Items 6, 7, 9, 11, and 13 are reported on the attached agenda.

Items 8 and 10 were postponed.

There being no further business, the meeting was adjourned at 6:35 p.m. The next regular meeting of the Planning Board will be held on Thursday, February 3, 2011, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye  
Technical Writer

M. Clara Moise  
Technical Writer

**Montgomery County Planning Board Meeting**  
**Thursday, January 20, 2011**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600

**1. Consent Agenda**

**A. Adoption of Resolutions**

CRI Building Site Plan Amendment 81984118A – ADOPTION OF MCPB RESOLUTION No. 10-171

**BOARD ACTION**

**Motion:** WELLS-HARLEY/PRESLEY

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** ALFANDRE ABSENT

**Action:** Adopted the Board Resolution cited above.

**B. Record Plats**

**1. Subdivision Plat No. 220110180, Somerset Heights - R-60 zone, 1 lot; located on the north side of Essex Avenue, 350 feet east of Surrey Street; Bethesda-Chevy Chase.**

*Staff Recommendation: Approval*

**2. Subdivision Plat No. 220110360, Bradley Hills – English Village - R-90 zone, 1 lot; located on the west side of Aberdeen Road, 450 feet north of Wilson Lane (MD 188); Bethesda-Chevy Chase.**

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:** PRESLEY/WELLS-HARLEY

**Vote:**

**Yea:** 4-0

**Nay:**

MCPB, 1-20-11, APPROVED

**Other: ALFANDRE ABSENT**

**Action: Approved the Record Plats cited above.**

**C. Other Consent Items**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

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**D. Approval of Minutes**

Minutes of December 9, 2010

**BOARD ACTION**

**Motion: WELLS-HARLEY/PRESLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: ALFANDRE ABSENT**

**Action: Approved the minutes of December 9, 2010, as presented.**

12. [White Flint Staging](#)

**BOARD ACTION**

**Motion:** DREYFUSS/WELLS-HARLEY

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** ALFANDRE ABSENT

**Action:** Approved the staff recommendation to approve Recommendation 1 in the staff report discussed last week, thus completing the January 13, 2011, action on White Flint Staging.

Planning Department staff provided additional information and clarification from County Council staff, in response to questions from the Board at the January 13 meeting related to the action on White Flint staging of development. In taking the action at that meeting to approve the recommended findings that would allow additional development to move forward in White Flint, the Board refrained from approving Recommendation 1, pending additional clarification.

Recommendation 1, which the Board questioned, reads: "Find that prerequisites have been met that will allow additional development applications in White Flint to proceed subject to existing regulatory requirements (including LATR and PAMR) until July 23, 2011. 'Proceed' means that the Planning Board may review and approve sketch plans, preliminary plans, and site plans."

The question the Board raised related to those "prerequisites" to allow development, specifically, which "public entities or financing mechanisms necessary to implement the Sector Plan" were required to be created within six months of adopting the sectional map amendment, and whether that prerequisite has been met so that finding can be made.

Following the clarification presented in the staff report, staff recommended that the Board proceed to make that finding and approve that recommendation, incorporating it into the January 13, 2011, action.

**2. Briefing: Sketch Plan Review**

Development under the optional method in the CR zones requires approval of a sketch plan. This type of application has specific criteria, requirements, and findings. Staff will present a brief overview of the goals of a sketch plan review.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received briefing and discussed.**

Items 2 through 5 were discussed together, beginning with an overview briefing about sketch plans for optional method development in the CR zones, followed by discussion of the first three sketch plans submitted under these new zones. Action on the individual sketch plans followed discussion of all three.

Development Review staff presented an overview of the approval process for sketch plans for development under the optional method in the CR zones, including the goals, findings, binding elements, and conditions.

There followed some discussion of binding elements and conditions, and the process of site plan review following sketch plan approval, including the changes expected and permitted at site plan.

**3. [Sketch Plan Review No. 320110010, Mid-Pike Plaza](#)**

CR 3.0 zone; 24.38 acres; mixed-use development including over 1.5 million square feet of commercial uses and 1.9 million square feet residential space; located on (MD) 355 Rockville Pike, at the north intersection of Old Georgetown Road; White Flint  
*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion: DREYFUSS/WELLS-HARLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: ALFANDRE ABSENT**

**Action: Approved the staff recommendation to approve, subject to conditions as revised in discussion, as stated in the attached Board Resolution.**

Items 2 through 5 were discussed together, as noted under Item 2.

Development Review staff presented the sketch plan for a multi-phased, mixed-use development of over 1.5 million square feet of commercial uses and 1.9 million square feet of residential space, as detailed in the staff report. Staff reviewed the proposed development and uses, including heights, circulation, public use space, public benefits, and phasing.

There followed considerable discussion of the public benefits list, the amount of benefits required for the associated incentive density, the changes that can be made at site plan, and at whose discretion the changes can be made.

Ms. Barbara Sears, attorney representing the applicant, and Mr. Don Briggs and Mr. Evan Goldman of the applicant company, provided additional information and made a multi-media presentation on the proposed development. Mr. Briggs noted that the submitted public benefits list contains more benefits than required, with the idea that the applicant has flexibility and discretion at site plan to remove and adjust items, as long as the requirements are met.

Ms. Meredith Josef, representing the Timberlawn Homeowners Association; Ms. Cheryl Cort, representing the Washington Smart Growth Alliance; Ms. Della Stolsworth, representing the Luxmanor Citizens Association; Mr. John King, representing the Garrett Park Citizen's Association; Ms. Natalie Goldberg, representing the Garrett Park Estates-White Flint Park Citizens Association; and Mr. Robert Cope, representing the Citizens Coordinating Committee for Friendship Heights, offered comments.

Additional discussion ensued about the public benefits list and changes at site plan. Discussion touched on the need to provide flexibility to the developer, while providing the community with assurances that a public benefits package is being provided in exchange for increased density. Legal Counsel to the Board noted that the Board approves a sketch plan in concept, subject to detailed review at site plan. Ms. Sears submitted proposed new language for standard condition 2, which relates to the public benefits, and the Board went through several iterations in discussion. Ms. Sears concurred in the final revision.

#### **4. Sketch Plan Review No. 320110020, North Bethesda Gateway**

CR zone; 11.04 acres; mixed-use development including up to 1,236,648 square feet of commercial uses and up to 1,073,288 square feet of residential space; located on (MD) 355 Rockville Pike, approximately 250 feet south of Nicholson Lane; White Flint

*Staff Recommendation: Approval with Conditions*

#### **BOARD ACTION**

**Motion:** DREYFUSS/PRESLEY

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** ALFANDRE ABSENT

**Action:** **Approved the staff recommendation to approve, subject to conditions as revised in discussion, as stated in the attached Board Resolution.**

Items 2 through 5 were discussed together, as noted under Item 2.

Development Review staff presented the sketch plan for multi-phased, mixed-use development of 1,236,648 square feet of commercial uses and up to 1,073,288 square feet of residential space, with a total cumulative density of 1,700,241 square feet, as detailed in the staff report. The proposed development is on three contiguous and/or confronting properties under separate ownership, and includes a hotel, three residential buildings, three office buildings, and retail uses. Staff reviewed the

proposed development and uses, including incentive density and public benefits, pedestrian and vehicular circulation, and phasing on the different properties. Staff distributed revised conditions of approval, a revised transportation memorandum, and a staff report errata sheet. Staff also noted that the owners of the abutting property oppose a proposed pedestrian-only street, which staff supports.

Mr. Bill Kominers and Mr. Jody Kline, attorneys representing the applicant, Ms. Hilary Goldfarb of the applicant company, and Mr. Eric Liebmann, the architect, offered a presentation and elaborated on the proposed development.

Mr. Ken Hurdle of Rockville; Ms. Natalie Goldberg, representing the Garrett Park Estates-White Flint Park Citizens Association; and Ms. Erica Leatham, representing Combined Properties, owners of the abutting property, offered comments.

There followed some discussion of transportation issues, including the proposed pedestrian-only street and a letter from County Department of Transportation (DOT), dated January 4, 2011, with extensive comments in anticipation of submission of preliminary plans.

Prior to the Board action, Mr. Kominers and Mr. Kline concurred in the revised wording of the standard condition about incentive density and public benefits, as discussed in the context of the review of Item 3.

5. [Sketch Plan Review No. 320110030, North Bethesda Market II](#)

CR zone; 4.41 acres; mixed-use development including up to 368,000 square feet of commercial uses and up to 372,528 square feet of residential space; located on (MD) 355 Rockville Pike, approximately 200 feet south of Nicholson Lane; White Flint

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion: PRESLEY/WELLS-HARLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: ALFANDRE ABSENT**

**Action: Approved the staff recommendation to approve, subject to conditions as revised in discussion, as stated in the attached Board Resolution.**

Items 2 through 5 were discussed together, as noted under Item 2.

Development Review staff presented the sketch plan for a mixed-use development for up to 368,000 square feet of commercial uses, including one existing office building, and up to 372,528 square feet of residential space, as detailed in the staff report. The development will serve as an extension of the almost-complete North Bethesda Market mixed-use development to the south across Executive Boulevard. Staff reviewed the proposed development and uses, including incentive density and public benefits, pedestrian and vehicular circulation, parking, and public space.



Mr. Steve Robbins, attorney representing the applicant, and Mr. Steve Trimmer of the applicant company, offered a presentation and elaborated on the proposed development. Mr. Robbins offered suggested revisions to several conditions.

Ms. Natalie Goldberg, representing the Garrett Park Estates-White Flint Park Citizens Association, offered comments.

Prior to the Board action, Mr. Robbins concurred in the revised wording of the standard condition about incentive density and public benefits, as discussed in the context of the review of Item 3.

#### **14. Closed Session**

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(7) to consult with counsel to obtain legal advice

#### **BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

#### **6. Rock Creek Regional Park**

Authorization to acquire 17.71 acres, more or less, unimproved, located southeast of Needwood Road, north of Beach Drive, from the Maryland State Highway Administration (SHA) with funding from the Lake Needwood Modifications CIP Project.

*Staff Recommendation: Approval*

#### **BOARD ACTION**

**Motion:** WELLS-HARLEY/PRESLEY

**Vote:**

**Yea:** 4-0

**Nay:**

**Other: ALFANDRE ABSENT**

**Action: Approved staff recommendation for approval of proposed parkland acquisition.**

Parks Department staff presented highlights of the request to acquire 17.71 acres of parkland, more or less unimproved, located southeast of Needwood Road, north of Beach Drive, from the Maryland State Highway Administration (SHA). Staff noted that the proposed acquisition will be funded by the Lake Needwood Modifications Capital Improvements Program Project.

**11. Little Falls Stream Valley Park, Unit 1**

Authorization to grant an access easement to EYA in Little Falls Stream Valley Park, Unit 1

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: DREYFUSS/PRESLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: ALFANDRE ABSENT**

**Action: Instructed staff to modify the Resolution granting access easement as discussed during the meeting, and to resubmit the Resolution for Planning Board adoption.**

Parks Department staff presented the request to grant an access easement to EYA, LLC, in Little Falls Stream Valley Park. Staff noted that EYA, LLC, is planning to redevelop the Hoyt Property as a townhouse subdivision and is requesting an access easement in Little Falls Stream Valley Park to build an access road to serve the new development because it is land locked without direct access to any public streets.

Mr. Bob Harris, attorney representing EYA, LLC, offered comments and concurred with the staff recommendation.

Mr. Norman Knopf, attorney representing the Citizens Coordinating Committee on Friendship Heights, offered testimony.

There followed a brief Board discussion and the Board instructed staff to incorporate a condition in the Board Resolution stipulating that the easement will be granted after approval of a contract/agreement between the Commission and the applicant containing all the requirements necessary to grant the easement, and to bring the Resolution back to the Planning Board for adoption.

**13. CR Zones Zoning Text Amendment Worksession**

Continued discussion of modifications to the CR zones to add CR “Neighborhood” and CR “Town” zoning categories, topics based on presentation given to the Board on January 13, 2011

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received briefing followed by discussion and questions to staff.**

Planning Department staff continued the January 13 discussion of Section 59-C-15, Commercial/ Residential Zones of the Zoning Text Amendment and discussed the changes proposed by Board members.

**7. Roundtable Discussion**

**A. Clarksburg Town Center;** Site Plan 820070220; to provide a briefing to the Planning Board as a requirement of the conditions of site plan approval

**B. Planning Director's Report - POSTPONED**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: A. Received briefing.**

**A. Clarksburg Town Center** - Mr. Todd Brown, attorney for the applicant Mr. Douglas Delano of Newland Communities, offered a briefing on the Clarksburg Town Center project to update the Board on any new developments since the last update six months ago.

**8. Parks Department In-Service Training Presentation – POSTPONED**

The Parks Department will make a presentation about the Southern Park Division -- its organizational content, relative size, and several issues it faces regularly.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: This item was postponed.**

**9. Zoning Code Rewrite Presentation**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received presentation.**

Planning Department Director, Mr. Rollin Stanley, and Planning Department staff offered a presentation on the Zoning Code Rewrite, which was presented to the County Council last week.

**10. Site Plan Amendment Review No. 8200032C, Discovery Communications Inc., Headquarters (Limited) - POSTPONED**

CBD-2 zone; 3.44 acres; Amendment to decrease the amount of public use space within the building and in the Discovery Garden, install an 8-foot-tall fence in the Garden, modify landscaping and add a door from the building directly into the child day care playground; located in the southwest quadrant of the intersection with Georgia Avenue and Colesville Road; Silver Spring CBD  
*Staff Recommendation: TBD*

MCPB, 1-20-11, APPROVED

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:      This item was postponed.**