



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

**APPROVED
MINUTES**

Following Item 1, a scheduled tour of the Westbard Sector Plan area, and lunch, the Montgomery County Planning Board met in regular session on Thursday, September 17, 2015, at 1:02 p.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 6:35 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 1:02 p.m. to take up Item 2, 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 1:02 p.m. in the 3rd floor conference room on motion of Vice Chair Wells-Harley, seconded by Commissioner Presley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioner Presley, voting in favor of the motion, and Commissioners Dreyfuss and Fani-González temporarily absent. The meeting was closed under authority of Annotated Code of Maryland §3-305(b)(9), to conduct collective bargaining negotiations or consider matters that relate to the negotiations.

Also present for the Closed Session were Director Gwen Wright, Anjali Sood, and Karen Warnick of the Planning Department; Acting Deputy Director Mitra Pedoeem, Nancy Steen, Trish Swann, and Suchi Vera of the Parks Department; Melinda Duong, John Kroll, and Oge Nwafor of the Department of Human Resources and Management; Secretary/Treasurer Joe Zimmerman of the Finance Department; and James Parsons of the Commissioners' Office.

In Closed Session the Board received briefing and discussed the FY17 proposed budget.

The Closed Session meeting was adjourned at 1:54 p.m.

The Board reconvened in the auditorium at 2:00 p.m.

Commissioners Dreyfuss and Presley joined the meeting during discussion of Item 5.

Items 4 through 11 are reported on the attached agenda, and Item 3 was postponed.

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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, September 24, 2015, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Sr. Technical Writer/Editor

James J. Parsons
Technical Writer

Montgomery County Planning Board Meeting
Thursday, September 17, 2015
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Westbard Sector Plan Tour

Staff Recommendation: N/A

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Toured the Westbard Sector Plan area and received briefing from Planning Department staff.

2. CLOSED SESSION

According to MD ANN Code, General Provisions Article, §3-305(b)(9), to conduct collective bargaining negotiations or consider matters that relate to the negotiations.

The topic to be discussed is the proposed FY17 Budget

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

3. — CLOSED SESSION

~~According to MD ANN Code, General Provisions Article, §3-305(b)(13), to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter. The topic to be discussed are: Approval of Closed Session Minutes~~

~~REMOVED~~

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This Item was removed from the Agenda.

4. 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. 220151260, Spring House at Norbeck

RE-2/TDR zone, 1 lot; located on the south side of Norbeck Road, 500 feet west of Baileys Lane; Aspen Hill Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HARLEY/FANI-GONZÁLEZ

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS & PRESLEY ABSENT

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

***C. Other Consent Items**

Tapestry: Preliminary Plan Amendment 12005095A & Site Plan Amendment 82005037A Request to amend the Preliminary Plan and Site Plan for the purpose of amending the Forest Conservation Plan to revise the forest retention, clearing and planting calculations to account for an existing PEPCO tree clear easement and to update the net tract area to include additional offsite disturbance for a water line connection; located at the intersection of Frederick Road (MD 355) and West Old Baltimore Road; 30.33 acres; R-200 Zone; 1994 Clarksburg Master Plan and Hyattstown Special Study Area.

Staff Recommendation: Approval with Conditions and Adoption of Resolutions

Correction of Resolution for Grosvenor Place Site Plan No. 820150070, MCPB No. 15-66

BOARD ACTION

Motion: WELLS-HARLEY/FANI-GONZÁLEZ

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS & PRESLEY ABSENT

Action: Approved staff recommendation for approval of the Preliminary Plan and Site Plan Amendments for the Tapestry project cited above.

***D. Approval of Minutes**

Planning Board Meeting Minutes of September 3, 2015

BOARD ACTION

Motion: FANI-GONZÁLEZ/WELLS-HARLEY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS & PRESLEY ABSENT

Action: Approved Planning Board Meeting Minutes of September 3, 2015, as submitted.

5. Roundtable Discussion

- Parks Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing.

Parks Director's Report - Parks Department Deputy Director John Nissel briefed the Planning Board on the following ongoing and upcoming activities: The Commission won the Gold Medal award on Tuesday at the National Recreation and Park Association conference. This award is given to park systems who demonstrate the highest standards in Parks and Recreation management. The Commission has set a record by winning six of these medals, and this milestone will be celebrated in the coming weeks; the Parks Department summer camp programs were completely full this summer, and Parks staff did a great job at providing wonderful experiences for children in the parks; introduction of Mr. Michael Nardolilli as the newly selected Montgomery Parks Foundation Executive Director, and Ms. Nancy Steen as the new Parks Department Budget Manager.

Vice Chair Wells-Harley thanked and congratulated Parks Department staff on behalf of the Planning Board for the sixth Gold Medal award win.

There followed comments by Board members and questions to Mr. Nissel.

6. [FY 2015 Development Application Submissions and Processing](#) - Briefing

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing.

In keeping with the September 10 technical staff report, Planning Department staff offered a multi-media presentation and briefed the Board on the FY2015 Development Application Submissions and Processing. Staff noted that a major function of the Development Applications and Regulatory Coordination (DARC) Division is the processing and tracking of all development applications submitted to the Planning Department. Staff discussed the number of development plans received by DARC, the number of plans approved, and the review times for various application types. Staff also compared FY2015 data to previous years' data.

Planning Department Director Gwen Wright offered comments and also answered questions from the Board.

There followed a brief Board discussion with questions to staff.

*7. [Lot 667 Woodmont](#), Preliminary Plan No. 120150050 --- CBD-2 Zone, 0.42 acres, Request one lot for 18,564 square feet: reconstruction of existing 7,000 square feet and additional construction of 5,429 square feet, located on Fairmont Avenue at the western intersection with Norfolk Avenue; Bethesda CBD Sector Plan and Woodmont Triangle Amendment to the Bethesda Sector Plan

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

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

Planning Department staff offered a multi-media presentation and discussed the proposed preliminary plan request for Lot 667 Woodmont located on a 0.42-acre property, as described in the September 4 technical staff report. The applicant is requesting to construct one lot for 18,564 square feet, reconstruct an existing 7,000 square feet of additional construction of 5,429 square feet. The property is located on Fairmont Avenue at the western intersection with Norfolk Avenue in the Bethesda Central Business District Sector Plan and the Woodmont Triangle Amendment to the Bethesda Sector Plan.

Mr. Todd Brown, attorney representing the applicant, Mr. Richard Greenberg of Greenhill Realty Co., also present, offered brief comments and concurred with the staff recommendation.

There followed a brief Board discussion with question to staff.

***8. 819 Silver Spring Avenue**

A. Sketch Plan No. 320150080, 819 Silver Spring Avenue, CR-3.0 C 2.0 R 2.75, H 60T Zone and Fenton Village Overlay Zone, 0.24 acres, Request for 12,110 sf of commercial uses, located at 819 Silver Spring Avenue, approximately 60 feet east of Fenton Street; Silver Spring CBD Sector Plan
Staff Recommendation: Approval with Conditions

B. Site Plan No. 820140090, 819 Silver Spring Avenue, CR-3.0 C 2.0 R 2.75, H 60T Zone and Fenton Village Overlay Zone, 0.24 acres, Request for 12,110 sf of commercial office, located at 819 Silver Spring Avenue, approximately 60 feet east of Fenton Street; Silver Spring CBD Sector Plan
Staff Recommendation: Approval with Conditions

BOARD ACTION

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

Vote:
**Yea: A. 5-0
 B. 5-0**

Nay:

Other:

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

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

In keeping with the September 4 technical staff report, Planning Department staff offered a multi-media presentation and discussed the Sketch Plan request for 819 Silver Spring Avenue, a 12,110 total square feet of non-residential uses, including general office, retail, and restaurant uses. The property is vacant and is located on Silver Spring Avenue, 60 feet East of Fenton Street in the Fenton

Village Overlay in the Silver Spring Central Business District Sector Plan area. Under the provisions of the Fenton Village Overlay Zone, which covers this property, a development of this size would be allowed to proceed under the Standard Method requirements. However to take advantage of the flexibility afforded to small sites like this for public and open space, the applicant elected to pursue the Optional Method of development for the project, including provision of public benefits.

Mr. Jaime Winthuysen Aparisi, attorney representing the applicant, accompanied by Mr. Rich Markus, architect for the project and Mr. Charles Grimsley of Landmark Engineering Inc. offered brief comments and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff.

***9. Wheaton Woods Elementary School Modernization** --- Request to replace the existing one-story structure with a new two-story building with walk out basement and associated site improvements. Located at 4510 Faroe Place, Rockville; 8.03 acres zoned R-60 in the 1994 Aspen Hill Master Plan area.

A. Preliminary Forest Conservation Plan

Staff Recommendation: Approval with Conditions and Adoption of Resolution

B. Mandatory Referral No. MR2016001

Staff Recommendation: Approval to Transmit Comments to Montgomery County Public Schools (MCPS)

BOARD ACTION

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

Vote:
Yea: **A. 5-0**
 B. 5-0

Nay:

Other:

Action: **A. Approved staff recommendation for approval of the Preliminary Forest Conservation Plan, subject to conditions, and adopted the attached Resolution.**

B. Approved staff recommendation for approval to transmit comments and recommendations to Montgomery County Public Schools, as stated in the attached transmittal letter.

In keeping with the September 4 technical staff report, Planning Department staff offered a multi-media presentation and discussed the Preliminary Forest Conservation Plan (PFCP) for the Wheaton Woods Elementary School Modernization proposed by Montgomery County Public Schools (MCPS). Staff noted that the school is located on an 8.03-acre property on Faroe Place in Rockville in the Aspen Hill Master Plan area. The applicant proposes to meet the 1.24-acre forest conservation

planning requirement off-site; to remove 12 trees and impact 12 trees that require a variance request; and plant 33 3-inch caliper native shade trees on the property as mitigation for removal of the trees that require a variance. Staff also added that pursuant to Chapter 22A of the County Code, the Planning Board's action on the PFCP is regulatory and binding. MCPS proposes to replace the existing one-story 55,763-square foot building with a two-story 120,154 square-foot building and related site improvements. The proposed request would increase core capacity from 368 students to 740 students.

At the Planning Board's request, Mr. Joseph DeRosa of MCPS offered brief comments. There followed a brief Board discussion with questions to staff and Mr. DeRosa.

10. Tomahawk Estates, Lot 107, Lot 108 and Lot 113: Preliminary Plan Amendment 12000094B (in response to forest conservation easement violations)

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

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

Planning Department staff discussed the proposal by applicants Messrs. Chris Brown, David Pleasants, and David Schellhardt to remove 1.97 acres of Category I conservation easement on lots 107, 108, and 113, by relocating 1.35 acres of new Category I conservation easement on site and taking 0.62 acres to an off-site location at a 2:1 ratio. The lots are located in the Tomahawk Estates Development at the intersection of Burnt Hill Road and Snowden Farm Parkway in Clarksburg in the Damascus Master Plan area. On-site easement inspections were conducted on November 14, 2011 and November 21, 2011 by staff as part of the requirement to monitor and verify the integrity of each of the conservation easements at least once every three years. During these inspections staff discovered that lots 107, 108, 113, and two additional lots, 111 and 114, were not in compliance with the terms of the conservation easement recorded in the Montgomery County Office of Land Records. The property owners were issued Notices of Violation in December 2011 for the encroachments and violations of the terms of the easement agreement. The property owners decided to jointly submit one preliminary plan amendment which was revised on March 30, 2015 when the owners of Lots 111 and 114 decided to remove themselves from the application and adhere to the terms of the existing Category I Conservation Easements on their lots. After review of the proposed preliminary plan amendment, staff is recommending Planning Board approval to revise the forest conservation plan and conservation easements on lots 107, 108, and 113 with the conditions of approval listed in the staff report.

Ms. Michelle Rosenfeld, attorney representing the applicants, introduced Mr. David McKee, member of the applicant's team, offered brief comments and concurred with the staff recommendation.

There followed a brief Board discussion, with questions to staff, Legal Counsel to the Board, and Ms. Rosenfeld.

11. Bethesda Downtown Sector Plan - Worksession #2

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Action: Received briefing followed by discussion.

Planning Department staff discussed in detail the zoning and building height recommendations outlined in the Public Hearing draft, along with the zoning and building height changes requested by property owners for the Bethesda Row, Woodmont Triangle, and Pearl Districts. Staff noted that the Plan envisions Bethesda Row as a walkable mid-rise scale destination with vibrant streets and a central green space. Bethesda Row serves as the heart of downtown Bethesda and is a regional destination and model for place-making with thriving retail, human-scaled design, and an active streetscape environment. The proposed zoning and urban design recommendations aim to build on this success and better connect this established center of activity with the Capital Crescent Trail, the proposed Purple Line Station, and the new Bethesda Metrorail Station entrance, as well as other downtown Bethesda districts. The Plan also envisions Woodmont Triangle as an eclectic district that balances small retail character, active public spaces, and new development. Woodmont Triangle is a mixed-use district that balances high-rise residential development with small-scale retail and arts amenities. The district serves as an office and retail center during the day and as a restaurant district during the evenings and weekends. However, the Woodmont Triangle now includes a higher percentage of residential uses to support the non-residential activities. The district's diverse business activity, low-scale buildings and low-speed street pattern contribute to the area's appeal. The predominance of low buildings on small parcels in Woodmont Triangle creates a strong contrast with the higher density residential blocks that have recently developed in the district as well as in the Metro Core. The Plan also envisions the Pearl District as a gateway to Downtown with recreational space and a street enlivened by new retail. As the eastern gateway to the Sector Plan area, the Pearl District is an emerging center of activity with potential for concentrated retail growth along Pearl Street between East-West Highway and Montgomery Avenue. Current buildings range from small-scale commercial uses in single-family homes to high-rise commercial and residential buildings with poor street presence. The proposed concept for this district is to promote open space & street activity through a mixed-use environment with improved pedestrian connectivity.

The following developer, property owner, and attorneys offered testimony: Mr. Vince Burke of BF Saul; Mr. Chander Khoset of Auburn Avenue; Ms. Francoise Carrier of Bregman, Berbert & Schwartz; Messrs. Robert Brewer, Bill Kominers, and Steve Robins of Lerch, Early & Brewer; Ms.

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Emily Vaias, Ms. Heather Dlhopsky, and Messrs. Bob Dalrymple and Todd Brown of Linowes & Blocher.

There followed extensive Board discussion with questions to staff and Legal Counsel to the Board.