



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, December 10, 2015, at 9:11 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 3:10 p.m.

Present were Chair Casey Anderson, Vice Chair Marye Wells-Harley, and Commissioner Natali Fani-González. Commissioner Amy Presley joined the meeting at 9:17 a.m. Commissioner Norman Dreyfuss was necessarily absent.

Items 1 through 8 are reported on the attached agenda.

The Board convened in Closed Session at 12:52 p.m. to take up Items 9, 13, and 14, Closed Session Items.

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 on Thursday, December 10, 2015, at 12:52 p.m. in the third-floor conference room on motion of Commissioner Fani-González, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Presley and Fani-González voting in favor of the motion, and Commissioner Dreyfuss absent. The meeting was closed under authority of Annotated Code of Maryland, General Provisions Article, §3-305(b)(7), to consult with counsel to obtain legal advice, and Annotated Code of Maryland §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 the meeting were Director Gwen Wright, Deputy Director Rose Krasnow, Robert Kronenberg, Kipling Reynolds, Mike Garcia, Leslye Howerton, Mary Jo Kishter, Marc DeOcampo, and Rich Weaver of the Planning Department; Acting Deputy Director Mitra Pedoeem, Brooke Farquar, Bill Gries, John Hench, Josh Kaye, Rachel Newhouse, Brenda Sandberg, and Bob Turnbull of the Parks Department; Principal Counsel Carol Rubin, Senior Counsels Megan Chung and David Lieb, and Associate General Counsel Nick Dumais of the Legal Department; and James Parsons of the Commissioners' Office.

In Closed Session the Board received briefing and discussed a proposed transportation-only Provisional Adequate Public Facilities determination request, a proposed land acquisition as an addition

MCPB, 12-10-15, APPROVED

to the Fairland Recreational Park, and a potential acquisition of parkland as part of the Bethesda Downtown Sector Plan.

The Closed Session meeting was adjourned at 2:12 p.m.

The Board reconvened in the auditorium at 2:17 p.m.

Item 15 and Items 10 through 12, discussed in that order, are reported on the attached agenda.

There being no further business, the meeting was adjourned at 3:10 p.m. The Planning Board will meet on Tuesday, December 15, from 4:00 p.m. to 6:00 p.m. for a worksession on the Bethesda Downtown Sector Plan. The next regular meeting of the Planning Board will be held on Thursday, December 17, 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, December 10, 2015
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. 220140490, 220150510 -220140520, Cabin Branch

RMX-1/TDR zone, 96 lots and 13 parcels; located in the area bounded by Broadway Ave., Dovekie Ave. and Bufflehead Street; Clarksburg Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220151080, Montgomery Hospice

RE-1 and RNC zones, 2 parcels and 1 outlot; located in the eastern quadrant of the intersection of Muncaster Mill Road (MD 115) and Bowie Mill Road; Upper Rock Creek Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: FANI-GONZÁLEZ/WELLS HARLEY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS & PRESLEY ABSENT

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

***C. Other Consent Items**

Century, Extension Request for Sketch Plan No. 320160020 & Site Plan No. 82003007B --- CR-2.0 C-1.25 R-1.0 H-145T Zone and in the Germantown Transit Mixed Use Overlay Zone; 57.7 gross acres; Request to extend the review period for a mixed-use project with up to 874,900 square feet of non-residential uses and up to 1,236,672 square feet of residential uses; Located on Century Boulevard opposite to Cloverleaf Center Drive; 2009 Germantown Employment Area Sector Plan
Staff Recommendation: Approval of the extension request

Sandy Spring Towns, No. 820160010: Extension of Site Plan --- Extension of Site Plan No. 820160010: an Application to construct 19 one-family attached dwellings (townhomes), located on the south side of Olney Sandy Spring Road, approximately 250 feet west of Meeting House Road; 2.3 acres, CRN 0.75 C-0.25 R-0.75 H-45; Sandy Spring Rural Village 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 Sketch Plan and Site Plan Extension requests for the Century project, and the Site Plan Extension request for the Sandy Spring Towns project cited above.

MCPB, 12-10-15, APPROVED

***D. Approval of Minutes**

Planning Board Meeting Minutes of November 19, 2015

BOARD ACTION

Motion: FANI-GONZÁLEZ/WELLS HARLEY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS & PRESLEY ABSENT

Action: Approved Planning Board Meeting Minutes of November 19, 2015, as submitted.

2. 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 ongoing and upcoming Planning Department events and activities: the status of an Urban Land Institute technical advisory panel meeting regarding office parks held on December 1 and 2, which focused on connectivity, amenities, identity, and land use; the status of a recent Public Hearing on the Montgomery Village Master Plan, and the first Planning, Housing, and Economic Development Committee worksession scheduled for January; the final worksession for the Westbard Sector Plan scheduled for the December 17 Planning Board meeting, the transmittal of the Plan to the County Council, and the County Council Public Hearing for the Plan scheduled for January 26, 2016; the status of the Bethesda Downtown Sector Plan, the fifth worksession scheduled for December 15, and the transmission of the Plan to the County Council scheduled for March 2016; the status of the Lyttonsville Sector Plan, the presentation of the working draft at the December 17 Planning Board meeting, and the Planning Board Public Hearing scheduled for February 2016; the status of the scope of work for the MARC Rail Station Plan, scheduled to be presented to the Planning Board in January 2016, with community charrettes scheduled for March 2016; the status of the ongoing Rock Spring and White Flint II Plans; the status of a recent meeting attended by representatives from engineering firms, development companies, and architectural firms regarding proposed updates to the Recreation Guidelines, and a second meeting scheduled for January 2016; the upcoming Rental Housing Study Advisory Group meeting scheduled for January 2016; the status of ongoing regulatory items regarding the Apex Building in Bethesda, the WMAL site, and possible amendments to the Washington Adventist Hospital Site Plan; the recent County Executive summit on aging and age-friendly communities held on December 3 at the Silver Spring Civic Building; and a recent Action in Montgomery rally at St. Camillus Church in Langley Park, which drew approximately 1,400 people and was attended by six County Council members, regarding the County Trust fund, afterschool programs, and affordable housing.

There followed a brief Board discussion with questions to Ms. Wright.

***3. Glenmont Metro Centre Phases 1.2 & 1.3, Site Plan Amendment No. 820150120 ---**
Request for up to 4,000 square feet of retail and up to 260 multi-family dwelling units, including 33 MPDUs in Phase 1.2; and 46 townhouses, including 6 MPDUs, in Phase 1.3, on 7.52 acres of the 30.9-acre Glenmont Metro Center project, zoned CR-2.0, C-0.25, R-2.0, H-120, located on Glenallen Avenue between Georgia Avenue and Layhill Road in the Glenmont Sector Plan area.

Staff Recommendation: Approval with Conditions and Adoption of Resolutions

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

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

Planning Department staff offered a multi-media presentation and discussed a proposed Site Plan request to construct up to 4,000 square feet of retail, townhouses, and multi-family dwelling units. The 7.52-acre site, part of a larger 30.93-acre tract formerly known as Privacy World, is located on the north side of Glenallen Avenue between its intersections with Georgia Avenue and Layhill Road and zoned Commercial/Residential within the Glenmont Sector Plan area. However, because the Development Plan for the project was approved under the entire tract's previous zoning, the Site Plan is being reviewed under the 1997 Glenmont Transit Station-Residential zone. The site is currently developed with six garden apartments and related surface parking. Staff noted that at the March 26, 2014 Planning Board meeting, the Board approved the construction of 171 townhouse units in Phase 1.1. The applicant proposes to construct an 85-foot building to accommodate up to 260 multi-family dwelling units, including 33 Moderately Priced Dwelling Units (MPDUs), and up to 4,000 square feet of retail in Phase 1.2. The applicant also proposes to construct up to 46 townhouse units, including six MPDUs in Phase 1.3. Two points of vehicular access to the site are proposed from Glenallen Avenue via Cassatt Street and Macaulay Street, and one point of vehicular access proposed from Georgia Avenue via Auden Drive. The proposed plan also includes the removal of one of the four existing garden apartment buildings currently within a stream buffer area on the northwest portion of the site. Staff noted that the removal of the remaining buildings will occur following notification to current tenants at the commencement of the next phase of development. Staff stated that at the Board's direction during the Preliminary Plan hearing, the applicant has provided additional recreation area with a proposed natural-surface, five-station exercise trail and fitness equipment within the conservation easement areas. The applicant also proposes the

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***3. Glenmont Metro Centre Phases 1.2 & 1.3, Site Plan Amendment No. 820150120**

CONTINUED

inclusion of micro-biofilters, planter boxes, and tree panel micro-bioretenion to meet stormwater management requirements. Staff also noted that in order to minimize impact to the forest floor, only the proposed trail and fitness equipment will be located within the existing Category I Easement, and no activities will be permitted within existing forested areas. The proposed Final Forest Conservation Plan for the Site Plan application includes 0.48 acres of forest planting and 0.16 acres of landscape credit.

Mr. Steve Robins, attorney representing the applicant, offered comments and concurred with the staff recommendation.

Mr. Gary Unterberg, consulting engineer for the applicant, offered comments.

Mr. James Roembke, member of applicant's team, offered comments regarding the proposed natural-surface exercise trail.

Ms. Sherley Lee representing the Layhill Citizens Association offered testimony.

There followed extensive Board discussion with questions to staff, Ms. Lee, and Mr. Unterberg.

4. Universities at Shady Grove Biomedical Sciences and Engineering Building, Mandatory Referral No. MR2016008 --- Request for a 220,000-square foot, six-story, Biomedical Sciences and Engineering building on a 6.22-acre site in the LSC Zone; located on the north side of Gudelsky Drive approximately 500 feet east of Traville Gateway Drive, in the 2010 Great Seneca Science Corridor Master Plan area.

Staff Recommendation: Approval to transmit comments to the Applicant

BOARD ACTION

Motion: FANI-GONZÁLEZ/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation to transmit comments to the Director of Facilities and Planning for the Universities at Shady Grove, as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed a Mandatory Referral request to construct a building for academic uses. The 6.22-acre site is located on the south side of Gudelsky Drive, approximately 500 feet west of the traffic circle at Traville Gateway Drive and zoned Life Sciences Center in the Great Seneca Science Corridor Master Plan area within the Piney Branch Special Protection Area (SPA). Staff noted that the site is located in the Greater Shady Grove Transportation Management District, and because the proposed development will generate 30 or more peak-hour trips during the weekday evening peak period, the applicant has submitted a traffic study in order to satisfy the Local Area Transportation Review test. The applicant proposes to construct a 220,000-square foot, six-story academic building with associated pedestrian walkways, vehicular access, stormwater management, landscaping, and lighting on an existing parking lot referred to as lot 2. Vehicular access to the proposed building will be from the existing Traville Gateway Drive and re-aligned Gudelsky Drive. A previously approved 700-space parking garage, which will replace the estimated 300 existing spaces on lot 2 that will be displaced by the proposed building, is currently under construction and scheduled to open in February 2016. Staff noted that the proposed campus parking is compliant with current Zoning Ordinance requirements. Staff stated that the proposed project encroaches slightly onto an existing stream buffer. The encroachment is within a currently paved area of Gudelsky Drive that is proposed for relocation. In place of that paved area, the applicant proposes the construction of a boardwalk deck to connect to a proposed boardwalk pedestrian path that will run through the stream buffer. Staff added that the encroachment is negligible, and that the project is in substantial conformance with environmental

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4. Universities at Shady Grove Biomedical Sciences and Engineering Building, Mandatory Referral No. MR2016008

CONTINUED

guidelines. Other proposed amenities include an on-campus bike sharing station on the northeast quadrant of the intersection of Gudelsky Drive and Traville Gateway Drive, a bike rack with weather protected bicycle parking spaces, a courtyard on the east side of the proposed building, and a lawn and amphitheater on the south side of the proposed building. Staff added that the applicant is seeking Leadership in Energy and Environmental Design Silver certification.

Ms. Karen Mitchell, member of the applicant's team, offered comments and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff.

***5. Leisure World Clubhouse II Fitness Center: Site Plan Amendment No. 81986028B ---**
Request to add approximately 5,400 square feet to the existing Clubhouse II building for a larger fitness center; provide interior upgrades to meet the Americans with Disabilities Act (ADA) requirements; and provide miscellaneous landscape improvements. Planned Retirement Community (PRC) Zone; 7.01 acres; located at the southwest quadrant of North Leisure World Boulevard and Interlachen Drive, in the Aspen Hill Master Plan area.

Staff Recommendation: Approval with Conditions and Adoption of Resolutions

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation for approval of the Limited Site Plan Amendment cited above, subject to conditions, and adopted the attached Resolution.

Planning Department staff offered a multi-media presentation and discussed a proposed Limited Site Plan Amendment request to construct an addition to an existing fitness center. The 7.01-acre site is located at the southwest quadrant of the intersection of North Leisure World Boulevard and Interlachen Drive, and zoned Planned Retirement Community in the 1994 Aspen Hill Master Plan area. Staff stated that the proposed project is being reviewed under the current Zoning Ordinance. The applicant proposes to construct up to an additional 5,400 square feet at the rear of the existing 44,500-square foot clubhouse II, including the conversion of a 1,000-square foot conference room for recreation use. The applicant also proposes to construct two new segments of sidewalk along the south and west sides of the proposed addition. The height of the proposed addition is 19 feet. Staff noted that the proposed addition meets all ten Site Plan necessary findings.

Mr. Philip Marks, member of the applicant's team, offered comments and concurred with the staff recommendation.

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

6. Reappointment of the White Flint Sector Plan and the Shady Grove Sector Plan Implementation Advisory Committees

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HARLEY/FANI-GONZÁLEZ

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Following a brief staff presentation, approved staff recommendation to reappoint members of the White Flint Sector Plan and Shady Grove Sector Plan Implementation Advisory Committees.

Following a brief Board discussion with questions to staff, the Planning Board approved staff recommendation to reappoint members of the White Flint Sector Plan Implementation Advisory Committee with four new members, and the Shady Grove Sector Plan Implementation Advisory Committee with two new members. The Board also recommended a Planning Board Resolution recognizing the contributions of out-going White Flint Sector Plan Implementation Advisory Committee member Mr. Barnaby Zall.

***7. St. Elmo Apartments** --- Preliminary Plan No. 120150200, St. Elmo Apartments, CR-5.0, C-1.0, R-4.75, H-145T, 0.70 acres, Request for one lot for a mixed-use development with up to 256,300 square feet of residential uses, including 15% MPDUs and up to 15,488 square feet of non-residential uses, located on St. Elmo Avenue and Fairmont Avenue, approximately 275 feet northeast of Old Georgetown Road; Bethesda CBD Sector Plan and Woodmont Triangle Amendment to the Bethesda CBD Sector Plan

Staff Recommendation: Approval with Conditions and Adoption of Resolutions

BOARD ACTION

Motion: FANI-GONZÁLEZ/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation for approval of the Preliminary Plan cited above, subject to revised conditions discussed during the meeting, and adopted the attached Resolution.

Planning Department staff offered a multi-media presentation and discussed a proposed Preliminary Plan request to construct 263,956 square feet of mixed-use development. The 0.7-acre site, which consists of lot 644, parcel 58, and parcels 82 through 86, is located on Fairmont Avenue and St. Elmo Avenue, approximately 275 feet northeast of Old Georgetown Road and zoned Commercial Residential in the Woodmont Triangle Amendment to the Bethesda Central Business District Sector Plan area. The site is currently developed with low-rise commercial uses and associated surface parking. The applicant proposes to combine the lot and parcels to create one 30,625-square foot lot, transfer development rights from three non-adjacent sending properties, and construct a 16-story mixed-use building to accommodate up to 256,000 square feet of residential use for up to 210 dwelling units, including 15 percent Moderately Priced Dwelling Units (MPDUs); up to 10,000 square feet of office use; and up to 6,000 square feet of retail use. Staff noted that the total non-residential use is not to exceed 15,488 square feet. A full-movement driveway from St. Elmo Avenue will provide vehicular access to a below-grade, 231-space parking structure at the west side of the site. A driveway from Fairmont Avenue on the south side of the site will provide loading access. Pedestrian and bicycle access will be provided along both St. Elmo Avenue and Fairmont Avenue. Because the project proposes activity on less than one acre and will not result in the clearing of more than 20,000 square feet of existing forest, the applicant is exempt from the requirement to submit a Forest Conservation Plan. Staff stated that the application has been reviewed and approved by other applicable County agencies.

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***7. St. Elmo Apartments**

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Staff did note correspondence received from a confronting property owner regarding the bagging and disabling of parking meters in order to allow free use of parking spaces by construction workers.

Mr. Steve Robins, attorney representing the applicant, discussed staff Condition 19 regarding demolition of the existing building. Mr. Robins requested modifying the language in the condition to allow clearing, grading, or demolition at the site in order to address safety concerns prior to Certified Site Plan approval, and concurred with the staff recommendation.

Mr. Raymond Brown, confronting property owner, offered testimony and requested that parking meters on Fairmont Avenue remain functional during construction work.

Staff noted that removal or reinstatement of metered parking is not within the Planning Board authority.

Following a brief Board discussion with questions to staff and Mr. Brown, staff agreed to the modifications to Condition 19 requested by Mr. Robins, and noted that Mr. Brown's correspondence regarding Fairmont Avenue parking meters has been forwarded to Director Ken Hartman of the Bethesda-Chevy Chase Regional Services Center.

***8. Brightview Bethesda**

A. Sketch Plan No. 320160010, Brightview Bethesda, CR-3.0 C 1.0 R 2.75, H 90T and CRN 0.5, C 0.5, R 0.25 H 35 Zones, 1.39 acres, Request for 135,321 square feet of development, including assisted living, retail, and existing office uses, located on Rugby Avenue at Glenbrook, Woodmont Avenue Amendment to the Bethesda CBD Sector Plan

Staff Recommendation: Approval with Conditions and Adoption of Resolutions

B. Preliminary Plan No. 120160010, Brightview Bethesda, CR-3.0 C 1.0 R 2.75, H 90T and CRN 0.5, C 0.5, R 0.25 H 35 Zones, 1.39 acres, Request for two lots for 135,321 square feet of development, including assisted living, retail, and existing office uses, located on Rugby Avenue at Glenbrook, Woodmont Avenue Amendment to the Bethesda CBD Sector Plan

Staff Recommendation: Approval with Conditions and Adoption of Resolutions

BOARD ACTION

Motion: A & B. FANI-GONZÁLEZ/WELLS-HARLEY

Vote:

Yea: A & B. 4-0

Nay:

Other: DREYFUSS ABSENT

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

B. 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 proposed Sketch Plan and Preliminary Plan requests to subdivide a property into two lots and construct an assisted living facility on one of the lots. The 1.39-acre site is located at the northeast quadrant of the intersection of Rugby Avenue and Glenbrook Road and is zoned Commercial/Residential on the southeast portion of the property and Commercial/Residential/Neighborhood zone on the northwest portion of the property within the Woodmont Triangle Amendment to the Bethesda Central Business District Sector Plan area. The site is also located within the Lower Rock Creek watershed. The western portion of the site, a proposed 25,733-square foot lot 1, is currently developed with a two-story office building and surface parking, both of which will remain. The eastern portion of the site, a proposed 21,113-square foot lot 2, is currently developed with two single-story commercial buildings and surface parking, which will be removed to accommodate the proposed development. The applicant proposes to construct an eight-story building for 89,780 square feet of assisted living uses, consisting of up to 120 assisted living dwelling units; up to 3,125 square feet of retail, restaurant, or service uses; and a 47-space below-grade parking

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***8. Brightview Bethesda**

CONTINUED

facility. The maximum height of the proposed building will be 90 feet, with the northwest portion of the building stepping down to 45 feet. Staff stated that the application includes 19,000 square feet of additional density from four parts of lots located on two non-adjacent sites. Access to the site is proposed from Rugby Avenue and Glenbrook Road. The applicant is proposing 6,010 square feet of total public open space on the site, 8 percent more than required by the current Zoning Ordinance.

Staff also noted that they had received correspondence from community members regarding the amount of shadow produced by the proposed development; the applicant's proposed use of public use and open space on lot 1 to fulfill lot 2 requirements; the proposed relocation of an existing pedestrian path, which connects the site to an adjacent apartment building, from proposed lot 2 onto lot 1; and a request to defer action on the application until the adoption of the Bethesda Downtown Sector Plan. To address these issues, staff stated that the results of a required shadow study show that although the proposed development would increase the amount of shadow, it would not be enough to significantly impact neighboring properties. Regarding the use of the site open space, staff stated that the Sketch Plan application encompasses both lots, so the entire site must show conformity with required open space. Approved open space on lot 1 is also counted toward open space on lot 2, and vice versa. Addressing the pedestrian path, staff noted that the plan does not propose its relocation onto lot 1. Staff did not recommend deferral, adding that while it is within the Board's authority to defer action on the application until the adoption of the Bethesda Downtown Sector Plan, approval of the application is not in conflict with adoption of the Plan.

Ms. Pat Harris, attorney representing the applicant, offered comments and concurred with the staff recommendation.

Mr. Andrew Teeters and Ms. Cynthia Shonaiya, members of the applicant's team, also offered comments.

The following speakers offered testimony: Mr. David Brown, attorney representing the adjacent property owner, Mr. John Gill; Mr. Tom Albert and Mr. Stuart Schooler, members of the lot 1 lessees' team; and Mr. John Gill, adjacent property owner.

Following extensive Board discussion with questions to staff and the speakers, Legal Counsel noted that because density transfer amounts needed to be amended, the accompanying Resolutions would be resubmitted for approval as Consent Agenda Items at a later date.

9. CLOSED SESSION

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

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

13. CLOSED SESSION

According to MD ANN 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.

The topic to be discussed is the proposed acquisition of land as an addition to Fairland Recreational Park.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

14. CLOSED SESSION

According to MD ANN 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.

The topic to be discussed is potential park acquisitions as part of the Bethesda Master Plan.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

15. Washington Episcopal Day School, Extension of Site Plan No. 820150080 --- PD-28 zone, 0.85 acres, Request for construction of a new multi-family eight-story age-restricted building, located on Landy Lane between River Road and Little Falls Parkway; Westbard Sector Plan

Staff Recommendation: Approval of the Extension

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation for approval of the proposed site plan extension cited above.

Planning Department staff offered a multi-media presentation and briefly discussed a proposed site plan extension request for the Washington Episcopal Day School project. Staff noted that the request is to allow the applicant more time for the construction of a new multi-family eight-story age-restricted building on a 0.85-acre property located on Landy Lane between River Road and Little Falls Parkway in the Westbard Sector Plan area. Staff noted that the delays in processing the site plan and the preliminary plan are related to technical issues. Staff also added that a proposed comprehensive rezoning of the area, which will most likely change the zoning of the property, in accordance with the recommendations of the Westbard Sector Plan, is in the works and does not affect this request.

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

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

There followed a brief Board discussion with questions to staff and Messrs. Kline and Knopf.

10. Proposed Changes to Fees for Sketch Plans submitted Concurrently with Preliminary and Site Plan Amendments, Site Plan Amendments, Plats, and Exemptions from Submitting a Forest Conservation Plan

Staff Recommendation: Approval and adoption of Resolution

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation for approval of the proposed changes to the Regulatory Fee Schedule for the plans cited above.

In keeping with the December 2 staff report, Planning Department staff discussed recommended revisions to the regulatory fee schedule for fees charged for sketch plans submitted concurrently with preliminary and site plan amendments, site plan amendments, plats, and exemptions from submitting a forest conservation plan. The proposed changes will take effect on February 1, 2016, and a Resolution will be submitted next Thursday, December 17, as a Consent Item for adoption by the Planning Board. Staff proposed a modification to the fee structure that will result in some exemptions having no application fee and others a small dollar increase. Fees for Forest Conservation Plan (FCP) exemptions have not changed in almost ten years. There are presently 22 exemptions from submitting an FCP available to applicants. Most exemptions have criteria that limit the amount of forest that can be removed and still be exempt from submitting an FCP. The level of review and difficulty for each exemption varies based on the type of exemption requested, the amount of forest onsite and proposed for removal, and the presence of environmentally sensitive features. Under the new process, applicants will submit the exemption request form concurrently with the initial development applications. The process does not require the preparation of a plan drawing to justify the exemption from submitting an FCP when the applicant is requesting to change a condition of approval or has not proposed any land disturbance. Less than two percent of the exemption requests filed in FY15 met this requirement. The modest increase in forest conservation exemption fees will still not be sufficient to recover all costs incurred through the review and processing of these types of plans.

There followed a brief Board discussion with questions to staff.

11. Plan Review Schedule: Adoption --- Under Section 59.7.6.3.C of the Zoning Ordinance, the Planning Board must annually adopt a plan review schedule for Sketch Plans and Site Plans.

Staff Recommendation: Approval and Adoption of Resolution

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation for approval and adoption of the proposed Review schedule for Sketch Plans and Site Plans discussed at the meeting, and adopted the attached Resolution.

Planning Department staff discussed the proposed Review Schedule for Sketch Plans and Site Plans applications. Staff noted that according to Section 59.7.6.4.C of the Zoning Ordinance, the Planning Board is required to adopt a Review Schedule for Sketch Plans and Site Plans every calendar year. The schedule must be in accordance with the timeframes established in Sections 7.3.3 and 6.3.4 of the Zoning Ordinance and must set the following: the date an accepted application will be distributed to the Development Review Committee (DRC); the date initial comments are due to staff by reviewing agencies; the date of the DRC meeting; the date by which an applicant has to resubmit plans addressing the DRC comments; the date when final staff and other agencies' recommendations and conditions are due; and the date of the public hearing. Staff noted that two schedules are necessary because the number of days from final acceptance to the Planning Board hearing is 30 days shorter for Sketch Plans than it is for Site Plans. In addition, the sketch plan timeline is more flexible in that final drawings do not need to be submitted 65 days in advance of the Planning Board hearing. Staff also requested that the Planning Board delegate the authority to adopt future Sketch and Site Plans to the Planning Director.

There followed a brief Board discussion with questions to staff.

12. Symmetry at Cloverleaf, LLC – Provisional Adequate Public Facilities --- A request for a determination of the adequacy of transportation facilities associated with a roadway improvement completed by the applicant for a now expired preliminary plan (No. 119881560) on a 25.4 acre property, zoned CR 2.0 and located on the north side of Father Hurley Boulevard, east of Crystal Rock Drive and west of I-270, in the 2009 Germantown Employment Area Sector Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: FANI-GONZÁLEZ/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

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

Planning Department staff offered a multi-media presentation and discussed a request for a determination of the adequacy of transportation facilities associated with a roadway improvement project completed by an applicant for a now-expired preliminary plan. The project is located on a 25.4-acre property on the north side of Father Hurley Boulevard, east of Crystal Rock Drive and west of I-270 in the Germantown Employment Area Sector Plan. Staff noted that the applicant is seeking Provisional Adequate Public Facilities (PAPF) approval for transportation Adequate Public Facilities (APF) for a vehicle trip maximum. A preliminary plan and site plan, or other project application can be submitted at a later time within the 85-month validity period for this transportation PAPF application. The development proposed under this application is hypothetical but was necessary to provide a basis for vehicle trip generation for the project area.

Ms. Heather Dlhopsky, attorney representing the applicant, introduced Ms. Nicole Totah of Symmetry at Cloverleaf LLC, the applicant, and Messrs. Steve Kaufman and Ed Papazian, members of the applicant’s team, discussed the proposed request, and concurred with the staff recommendation.

Ms. Totah also offered brief comments.

There followed a brief Board discussion with questions to staff and the applicant’s representative.