



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

**APPROVED
MINUTES**

Following a scheduled tour of the Greater Lyttonsville Sector Plan area, the Montgomery County Planning Board met in regular session on Thursday, February 11, 2016, at 1:34 p.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 8:25 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 1:34 p.m. to take up Items 10 and 12, 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 at 1:34 p.m. in the 3rd floor conference room on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Presley, and Fani-González voting in favor of the motion. The meeting was closed under authority of Annotated Code of Maryland, General Provisions Article, §3-305(b)(7), to consult with counsel to obtain legal advice.

Also present for the meeting were Director Gwen Wright, Deputy Director Rose Krasnow, and Kip Reynolds of the Planning Department; Principal Counsel Carol Rubin 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 advice from counsel regarding a request for a Preliminary Plan reconsideration and a Legislative Review item.

The Closed Session meeting was adjourned at 1:47 p.m.

The Board reconvened in the auditorium at 2:01 p.m.

Items 1, 11, 2 through 4, 8, and 9, discussed in that order, are reported on the attached agenda.

The Board recessed for dinner at 5:03 p.m.

MCPB, 2-11-16, APPROVED

The Board reconvened in the auditorium at 6:32 p.m. to receive testimony for Item 7 – Public Hearing for Greater Lyttonsville Sector Plan.

There being no further business, the meeting was adjourned at 8:25 p.m. The next regular meeting of the Planning Board will be held on Thursday, February 18, 2016, 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, February 11, 2016
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

10. CLOSED SESSION

Pursuant to Section 3-305(b)(7) of the General Provisions Article of the Maryland Annotated Code, to consult with counsel to obtain legal advice.

The topic to be discussed is a request for reconsideration of a Planning Board decision

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

12. CLOSED SESSION

Pursuant to Section 3-305(b)(7) of the General Provisions Article of the Maryland Annotated Code, to consult with counsel to obtain legal advice.

The topic to be discussed is Legislative Review

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

1. Consent Agenda

***A. Adoption of Resolutions**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Resolutions submitted for adoption.

***B. Record Plats**

Subdivision Plat No. 220160070, Spring Lawn Farm

R-200 zone; 3 lots; located at the terminus of Crystal Spring Terrace, 75 feet east of Crystal Spring Drive; Sandy Spring - Ashton Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

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

***C. Other Consent Items**

Staging Allocation Request No. 26400 for Pike and Rose-Phase II, Site Plan No.820130120 --- Staging Allocation Request for 75,000 square feet of non-residential development for Buildings 3, 4, and a Park Kiosk approved as part of Pike and Rose-Phase II. CR3 C1.5 R2.5 H-200 and CR4 C3.5 R3.5 H-300 Zones; 13.21 gross acres located along Rose Avenue west of Rockville Pike (MD 355) in the White Flint Sector Plan area.

Staff Recommendation: Approval and Adoption of Resolution

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Staging Allocation Request cited above and adopted the attached Resolution.

***D. Approval of Minutes**

Planning Board Meeting Minutes of January 21, 2016

BOARD ACTION

Motion: FANI-GONZÁLEZ/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved Planning Board Meeting Minutes of January 21, 2016, as submitted.

11. Reconsideration Request for Woodfield Commons, Preliminary Plan No. 120150170 (MCPB No. 15-153) & Woodfield Commons, Site Plan No. 820150090 (MCPB Resolution No. 15-154) --- The Board will decide whether or not to reconsider its previous decisions. If it grants the petition, a new hearing will be set at a later date.

No testimony will be taken

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: No motion was made to reconsider.

Following a brief Board discussion regarding the applicant's reconsideration request for the Woodfield Commons Preliminary Plan, the Board made no motion to approve the request to reconsider its previous decision.

2. Roundtable Discussion

- Parks Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing.

Parks Department Director's Report –Parks Department Deputy Director John Nissel offered a multi-media presentation and briefed the Board on the following ongoing and upcoming Parks Department events and activities: the status of two Capital Improvements Program (CIP) public hearings, with the first held last evening, and the second scheduled for this evening; the continuing progress of snow removal work; the status of recent discussions with the Planning, Housing, and Economic Development Committee regarding the decision by Montgomery County Public Schools to end programs at the Maydale Nature Center at Maydale Conservation Park; the status of ongoing work at Josiah Henson Park, the Seneca/Poole's Store, the Brainard Warner House, and the Jesup Blair house; the status of a luncheon sponsored by the Cultural Resources Stewardship Section in honor of its nearly 100 volunteers scheduled for March 6; the recent hiring of Robert Ehrman in the Natural Surface Trails Construction unit; the success of the 2016 Washington Parent Camp Expo held on January 31, during which 524 attendees visited the Parks Department display table; the status of 2016 summer camp enrollment, with 404 registrations received since enrollment opened on January 19; the awarding of bronze, silver, and gold medals to 12 ice dance pairs from Wheaton Ice Arena in national and international competitions this winter; Cabin John Ice Arena patron Maria Yang's 18th place at the U.S. Figure Skating Championship, with the intermediate pair team of Julia Choi and Aiden Brown placing 10th; the recent installation of a new environmental control system at the Pauline Betz Addie Tennis facility, and the Spring Open House scheduled for March 19; the installation of new amenities, including three Mongolian style tents, a new playground, pedal karts, and a jumping pillow, and the recent hiring of David Williams as Campground Manager at Little Bennett Regional Park; the status of Brookside Gardens Maple Sugaring Season programs, which 31 groups registered to attend, selling out all eight days of the scheduled programs and requiring the addition of two more days of programs; the launching of the Effective Supervisors Institute, a program that will offer training to supervisors in areas such as coaching, emotional intelligence, maximizing productivity, and managing diversity and inclusion; the recent hiring of Gary Burnett as the Regional Operations Manager for Northern Parks; the second rescue by

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2. Roundtable Discussion

CONTINUED

Parks Department staff in three weeks of a citizen in distress, this time a disoriented young girl with Down's syndrome who had run away from Einstein High School and gotten lost in the woods for several hours near Sligo-Dennis Avenue on February 8; the recent awarding of the Wintergreen Award to the Parks Department for their work at Evans Parkway Local Park; and the recent recognition of Germantown Town Center Urban Park as one of 35 winners of the Built by Women of the District of Columbia (BxW DC) design competition.

There followed extensive Board discussion with questions to staff regarding the CIP and the potential renovation and continued use of the Maydale Nature Center site.

3. Zoning Text Amendment No. 16-01 --- Amend the development standards for the Ripley/Silver Spring South Overlay Zone.

Staff Recommendation: Transmit Comments to County Council

(NOTE: Action required for County Council public hearing of 2/23/2016)

BOARD ACTION

Motion: WELLS-HARLEY/DREYFUSS

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to transmit comments to the County Council, as stated in the attached transmittal letter.

In keeping with the February 4 technical staff report, Planning Department staff discussed a proposed Zoning Text Amendment (ZTA 16-01), which will amend the Ripley/Silver Spring South Overlay Zone by deleting the height restriction that this provision has been interpreted to impose along Newell Street. Staff noted that the Circuit Court of Montgomery County has interpreted the Overlay Zone to limit the maximum building height to 45 feet along Eastern Avenue and Newell Street. This ZTA would apply these building height limitations only to Eastern Avenue. Staff noted that it does not believe that the height limits were intended to apply along the full extent of Newell Street, but instead along the portion of Newell Street where it intersects with Eastern Avenue, and across from residential property located in the District of Columbia.

The following speakers offered testimony: Mr. David Brown, attorney representing an adjacent property owner; Mr. Maynard Mack, adjacent property owner; Mr. Adam Jung of Newell Street; and Mr. Jody Kline, attorney with Miller, Miller & Canby.

Legal Counsel to the Planning Board clarified the issue of intent as interpreted by the Circuit Court of Maryland judge.

There followed a brief Board discussion with questions to staff and the speakers.

4. Zoning Text Amendment No. 16-02 --- Exempt certain dwellings in the Agricultural Zone from the calculation of density under certain circumstances; and generally amend the provisions concerning the special requirements for the transfer of density.

Staff Recommendation: Transmit Comments to County Council

(NOTE: Action required for County Council public hearing of 2/23/2016)

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to transmit comments to the County Council, as stated in the attached transmittal letter.

In keeping with the February 4 technical staff report, Planning Department staff discussed a proposed Zoning Text Amendment (ZTA 16-02), which would exempt certain dwellings in the Agricultural (Ag.) Reserve Zone from the calculation of density under certain circumstances, and generally amend the provisions concerning the special requirements for the transfer of density. Staff noted that under the current code, a development right is not required for farm tenant dwellings or an accessory apartment as long as the dwelling unit remains accessory to farming. However, if a property in the Ag. Reserve is subdivided, these units are not excluded from the calculation of density. A subdivision applicant under the current zoning code would need to prove the existence of a retained Transferable Development Rights (TDR) for the principal dwelling, any excluded unit, and the proposed new lot.

Until July 2010, the Planning Board did not require a retained TDR for a tenant dwelling when that dwelling unit remained accessory to the principle dwelling and both the principal dwelling and the tenant dwelling remained on a single lot or parcel with the farm. In reliance on this interpretation, land owners who negotiated agricultural easements with tenant houses retained only the TDRs necessary for new units, but did not retain one for any existing tenant house. An additional provision in ZTA 16-02 would allow the creation of a child lot on property without a retained TDR for a tenant dwelling or detached accessory apartment when an agricultural easement does not encumber the property. Staff also added that it has no objection to grandfathering the Planning Board's pre-2010 interpretation for property that sold an agricultural easement.

The following speakers offered testimony: Mr. Jim Clifford, attorney; and Ms. Carolyn Taylor of Hughes Road and representing Montgomery Countryside Alliance.

There followed a brief board discussion with questions to staff and the speakers.

~~5. — Review of County Executive’s Recommended FY17 Capital Budget and FY17-22 Capital Improvements Program (CIP) —~~ **REMOVED**

Staff Recommendation: Transmit Comments to County Council

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This Item was removed from the Planning Board Agenda.

~~*6. — Silver Spring Center Limited Site Plan Amendment No. 81982069A --- CBD-3 Zone, 0.74 acres, Request for a 4,635 sf. addition and associated changes to public use space, public art and pedestrian circulation; located in Downtown Silver Spring, on Colesville Road, approximately 475 feet southwest of Georgia Avenue, Silver Spring CBD Sector Plan. —~~ **REMOVED**

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This Item was removed from the Planning Board Agenda.

***8. 7272 Wisconsin Avenue Sketch Plan (Apex Building/Purple Line Station), Sketch Plan No. 320160040** --- CR-8.0 C 7.5 R 7.5, H 250 Zone, 2.69 acres, Request for a maximum of 937,184 square feet of development, including, up to 878,610 square feet of residential uses, and 878,610 square feet of non-residential uses, located on the west side of Wisconsin Avenue, south of the intersection with Wisconsin Avenue and Elm Street; Bethesda Purple Line Minor Master Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: FANI-GONZÁLEZ/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

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

Planning Department staff offered a multi-media presentation and discussed a proposed sketch plan for the Apex Building on Wisconsin Avenue, as discussed in detail in the February 1 technical staff report. Staff noted that the request is for a maximum of 937,184 square feet of development, including up to 878,610 square feet of residential uses, and 878,610 square feet of non-residential uses with a maximum standard building height of 250 feet, on a 2.69-acre property located on the west side of Wisconsin Avenue, south of its intersection with Wisconsin Avenue and Elm Street in the Bethesda Purple Line Minor Master Plan area and the Bethesda Downtown Plan area, which is currently under review by the Planning Board. Staff noted that the site is located at the junction of the Metro Red Line, the proposed Purple Line light-rail, and the Capital Crescent Trail, and is directly assessed from the commercial development along Wisconsin Avenue and the mixed-residential and retail development along Wisconsin Avenue. Provision of affordable housing beyond the minimum requirement could yield additional density and/or height. Distribution of residential and commercial density will be determined during preliminary and site plans review. The former Community Paint and Hardware Store, currently housing a United Bank branch, is located in the southwest corner of the property and is a designated historic site. The potential relocation of this building.

The project will provide transit access within the property to the future Purple Line station and the new southern entrance elevators to the Bethesda Metrorail Red Line station, expected to be located under the abutting Elm Street right-of-way. Since the proposed development is within the Bethesda Central Business District (CBD) Policy area, the project is

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***8. 7272 Wisconsin Avenue Sketch Plan (Apex Building/Purple Line Station), Sketch Plan No. 320160040**

CONTINUED

considered to be adequate under the roadway test and exempt from the transit test set forth in the 2012-16 Subdivision Staging Policy. As a result, the applicant is not required to pay the transportation impact tax to satisfy the Transportation Policy Area Review (TPAR) requirement. The proposed project will be built in one phase, which may be sequenced or modified to account for construction of the Purple Line.

Mr. Bob Harris, attorney representing the applicant, introduced Mr. Oliver Carr, the applicant, and Messrs. Austin Holderness and Robert Sponsellar, members of the applicant's team, offered comments and concurred with the staff recommendation.

Mr. Oliver Carr, offered brief comments.

Mr. Robert Sponsellar, architect for the applicant, offered a multi-media presentation and discussed the proposed project architectural design.

The following speakers offered testimony: Mr. Greg Drury representing the Coalition for the Capital Crescent Trail; Mr. John Bickerman, Vice-Mayor of the Town of Chevy Chase; Ms. Deborah A. Vollmer of 44th Street in Chevy Chase; Ms. Mona Sarfaty of Leland Street, adjacent property owner; Ms. Deborah Ingram of Elm Street; and Mr. William Kominers, attorney representing the Wisconsin Avenue Building Corporation.

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

9. Bethesda-Chevy Chase High School Addition, Mandatory Referral No. MR2016014 --- R-60 Zone, 16.36 acres, Request a building addition to the B-CC High School in order to accommodate projected enrollment from 1,683 students to 2,398 students in 34 new classrooms and support space, located on East-West Highway northwest of the intersection with Chelton Road; Bethesda CBD Master Plan.

Staff Recommendation: Approval to transmit comments to Montgomery County Public Schools

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Mandatory Referral Request cited above, and to transmit comments to Montgomery County Public Schools, as stated in the attached transmittal letter.

In keeping with the January 29 technical staff report, Planning Department staff offered a multi-media presentation and discussed a request by Montgomery County Public Schools (MCPS) to build an addition to the existing Bethesda/Chevy Chase High School in order to increase student capacity. Student enrollment is currently 2,007 students and is projected to be 2,434 by the 2021-2022 school year. The addition will increase the capacity of the school from the current 1,683 students to 2,398 students and add 34 new classrooms and support space. The 16.36-acre school property is located on East-West Highway, bounded by Pearl Street to the west and Chelton Road to the north, in the Bethesda Central Business District area.

The proposed addition to the building will consist of 87,804 square feet added to the north and west of the existing building. A two-story wing will be constructed along the north face of the existing building, and a four-story wing will be built directly west of the existing gymnasium. In addition to these new wings, a new raised tennis court structure, with surface parking below, will be constructed to the west of the four-story wing. The new structure will increase parking capacity by 62 additional spaces, from 233 to 295. Staff noted that MCPS proposal for the addition requires a mandatory referral review process, and the Planning Board is required by law to review the proposed location, character, grade, and extent of any road, park, public way or ground, or public utility prior to the project being approved and constructed. Transportation staff and Environmental staff have reviewed the proposed request and have no objections.

At the Board's request, Mr. Seth Adams representing MCPS offered comments.

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

7. Greater Lyttonsville Sector Plan, Public Hearing

Staff Recommendation: N/A

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received testimony.

**A VERBATIM TRANSCRIPT OF THIS ITEM IS AVAILABLE IN THE
MONTGOMERY COUNTY REGIONAL OFFICE OF THE PARK AND PLANNING
COMMISSION.**