



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, March 10, 2016, at 10:13 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 5:03 p.m.

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

Items 1 through 3 and Item 5 are reported on the attached agenda.

Item 4 was postponed.

The Board recessed for lunch at 12:24 p.m. and convened in Closed Session at 1:10 p.m. to take up Items 8 and 6, Closed Session Items, discussed in that order.

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 1:10 p.m. in the 3rd floor conference room on motion of Commissioner Fani-González, seconded by Commissioner Dreyfuss, 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)(13), to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter, and §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 Planning Department Director Gwen Wright; Director Mike Riley, Acting Deputy Director Mitra Pedoeem, Dominic Quattrocchi, John Hench, Brenda Sandberg, and Bill Gries of the Parks Department; and James Parsons of the Commissioners' Office.

In Closed Session the Board approved Closed Session Minutes of January and February 2016, received briefing, and discussed a proposed land acquisition as an addition to Black Hill Regional Park.

Commissioner Presley joined the Closed Session meeting at 1:15 p.m. following discussion of Item 8.

MCPB, 3-10-16, APPROVED

The Closed Session meeting was adjourned at 1:28 p.m.

The Board reconvened in the auditorium at 1:38 p.m. to take up Item 7, a worksession for the Bethesda Downtown Sector Plan.

There being no further business, the meeting was adjourned at 5:03 p.m. The next regular meeting of the Planning Board will be held on Thursday, March 17, 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, March 10, 2016
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

1. Century Preliminary Plan 12002095B – MCPB No. 15-161
2. Century Site Plan 82003007B – MCPB No. 15-162

BOARD ACTION

Motion: FANI-GONZÁLEZ/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Adopted the Resolutions cited above, as submitted.

***B. Record Plats**

Subdivision Plat No. 220160110 through 0140, Manor Oaks

RE-2/TDR-2 zone; 54 lots and 20 parcels; located on the east side of Georgia Avenue (MD 97) approximately 400 feet south of the intersection with Gold Mine Road; Olney Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: FANI-GONZÁLEZ/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**

8711 Georgia Avenue (Wells Fargo Bank), Limited Site Plan Amendment 82008023C --- CBD-2 Zone, 0.87 acres; Request to extend 120-day review period from March 10, 2016, to April 21, 2016; located at 8711 Georgia Avenue approximately 250 feet northeast of Cameron Street, Silver Spring CBD Sector Plan.

Staff Recommendation: Approval of Extension Request

BOARD ACTION

Motion: WELLS-HARLEY/DREYFUSS

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Site Plan Extension cited above.

MCPB, 3-10-16, APPROVED

***D. Approval of Minutes**

Planning Board Meeting Minutes of February 25, 2016

BOARD ACTION

Motion: PRESLEY/FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved Planning Board Meeting Minutes of February 25, 2016, as submitted.

2. Roundtable Discussion

- Parks Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing.

Parks Department Director's Report – Parks Department Director Mike Riley briefed the Board on the status of the Parks Capital Improvements Program (CIP) and a full County Council worksession held on March 8, at which the Council supported the Planning, Housing, and Economic Development (PHED) Committee's recommendations to restore a significant portion of the \$28,000,000 that the County Executive removed from the requested budget, with the majority of the restorations going to fund Level of Effort projects, including Planned Lifecycle Asset Replacement (PLAR) and minor new construction, and stand-alone projects, including Ovid Hazen Wells Recreational Park. Mr. Riley noted that the Council did not include funding for the Wall Urban Park Garage and Little Bennett Connector Trail projects. The Council did recommend \$250,000 to re-open the Maydale Nature Center with a trailer currently used at the Shady Grove Maintenance Depot to serve as the nature center building. The final CIP will not be approved by the full Council until May 2016. Mr. Riley continued the briefing on the following ongoing and upcoming Parks Department events and activities: the status of the Operating Budget, with County Executive recommendations for all agencies scheduled for March 15, and hearings scheduled for April 5, 6, and 7; the status of Bond Bill Saturday, at which the State legislature is briefed on requested bond bills, scheduled for March 12, which will include three sponsored Parks Department bond bills, including a \$125,000 request sponsored by Senator Brian Feldman and Delegate David Fraser-Hidalgo for the 2.1-mile natural surface Western Piedmont Trail project in Little Bennett Regional Park, a \$75,000 request sponsored by Senator Craig Zucker and Delegate Eric Luedtke for Maydale Nature Center, and a \$100,000 request sponsored by Senator Jamie Raskin and Delegate Sheila Hixson for Americans with Disability Act and ballfield improvements for Martin Luther King Recreational Park; the success of a recent Leadership Conference at Josiah Henson Park held on February 22 that included speakers Al Wynn and Catherine Leggett, among others; and a recent visit to the Reggio Preschool in Bethesda, which is located in a former park facility building that was closed due to budgetary restrictions and is now leased by the school, which donated \$2,425 raised by parents to the Parks Foundation.

CONTINUED ON NEXT PAGE

2. Roundtable Discussion

CONTINUED

There followed a brief Board discussion with questions to Mr. Riley regarding the possible permitting of the trailer proposed at the Maydale Nature Center for public use without staff present.

***3. Black Hill**

A. Black Hill: Project Plan Amendment No. 92012004A --- A request to modify the conditions of approval in order to eliminate the age-restriction on the housing inventory, adjust the development phasing, decrease the total number of residential uses, revise the public use space, internal circulation, and parking facilities. The subject property is located north of Father Hurley Boulevard and west of I-270 along Crystal Rock Drive; 107.70 gross acres; zoned TMX-2; Germantown Employment Area Sector Plan.

Staff Recommendation: Approval with Conditions

B. Black Hill: Preliminary Plan Amendment No. 12012021A --- A request to modify the number of lot (size and dimensions), revise the traffic study to reflect changes to the office, assisted living facility and residential uses (non-age restriction), modify the conditions of approval and the SWM concept. The subject property is located north of Father Hurley Boulevard and west of I-270 along Crystal Rock Drive; 3,284,000 sf. (0.7 FAR) on 107.70 gross acres; zoned TMX-2; Germantown Employment Area Sector Plan.

Staff Recommendation: Approval with Conditions

C. Black Hill: Site Plan No. 820150060 --- A request to construct Phase IIA (Phases 2a and 3 on the approved Project Plan), which consists of 649 residential units (including 12.63% MPDUs) and 7,325 square feet of commercial uses, parking facilities, landscape and lighting. The subject property is located north of Father Hurley Boulevard and west of I-270 along Crystal Rock Drive; 29.54 gross acres; zoned TMX-2; Germantown Employment Area Sector Plan.

Staff Recommendation: Approval with Conditions

D. Black Hill: Site Plan Amendment No. 82013025A --- A request to update the SWM and Forest Conservation Plan. The subject property is located north of Father Hurley Boulevard and west of I-270 along Crystal Rock Drive; 107.70 gross acres; zoned TMX-2; Germantown Employment Area Sector Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

- Motion:**
- A. PRESLEY/WELLS-HARLEY**
 - B. PRESLEY/FANI-GONZÁLEZ**
 - C. PRESLEY/DREYFUSS**
 - D. PRESLEY/WELLS-HARLEY**

Vote:

Yea: A, B, C, & D. 5-0

Nay:

Other:

CONTINUED ON NEXT PAGE

***3. Black Hill**

CONTINUED

Action: A. Approved staff recommendation for approval of the Project Plan Amendment cited above, subject to revised conditions discussed during the meeting, as stated in the attached adopted Resolution.

B. Approved staff recommendation for approval of the Preliminary Plan Amendment cited above, subject to revised conditions discussed during the meeting, as stated in the attached adopted Resolution.

C. Approved staff recommendation for approval of the Site Plan cited above, subject to revised conditions discussed during the meeting, as stated in the attached adopted Resolution.

D. Approved staff recommendation for approval of the Site Plan Amendment cited above, subject to revised conditions discussed during the meeting, as stated in the attached adopted Resolution.

Planning Department staff offered a multi-media presentation and discussed proposed Project Plan Amendment and Preliminary Plan Amendment requests to decrease the number of residential units, modify the housing mix, eliminate the age restrictions on multi-family dwelling units, decrease the total number of parking spaces, eliminate the green roofs, modify the stormwater management (SWM) concept, and modify the circulation network of a previously approved mixed-use development project. Staff also discussed the proposed Site Plan and Site Plan Amendment requests to construct phase 2A of the same project, and to update the SWM and Final Forest Conservation Plan (FFCP). The approximately 107.7-acre site is located 0.6 miles north of the Ridge Road/Father Hurley Boulevard (MD 27) and I-270 interchange, and is zoned Transit Mixed-Use in the Germantown Employment Area Sector Plan. The Site Plan application applies to a 29.54-acre portion of the site. Other large developments surrounding the site include Cloverleaf Center, Century, Milestone, and Shops at Seneca Meadows.

Staff stated that the Project and Preliminary Plans were originally approved in May 2013. The applicant proposes to modify the Project and Preliminary Plans in order to decrease the approved number of residential units from 1,618 to 1,229. Staff noted that the required traffic study was updated to reflect the decrease in the number of residential units. Staff added that the decrease in housing will keep residential uses below 60 percent of the total proposed uses. There are no modifications proposed for the employment use, which will remain at 1,097,800 square feet of office use, 91,400 square feet of retail use, and 243,240 square feet of hotel use. The applicant also proposes to eliminate the proposed 2nd Street; reconfigure the lots along proposed Crystal Rock Drive, Century Boulevard, Main Street, 5th Street, B Street, and C Street; relocate the retail use away from the proposed neighborhood central green area; eliminate below grade parking; increase surface parking; construct car canopies, and revise the SWM concept approval.

CONTINUED ON NEXT PAGE

***3. Black Hill**

CONTINUED

Staff noted that the applicant proposes to construct 53 percent of the total proposed residential uses, which includes 649 multi-family apartment units, including 82 MPDUs; 7,325 square feet of the total proposed retail uses; 23.1 percent of the total public use space; and 945 parking spaces. Proposed public amenities for the site include a large open lawn space that will extend from proposed C Street east to Century Boulevard and will include public art, seating, and pavilions; a linear neighborhood park along the southern portion of the site, which will include a hiker/biker trail, a pet friendly area, and an open play area; ten proposed corner parks with bocce ball gardens, seat walls, picnic tables, and public art; a club house with a year-round spa, swimming pool, and a covered porch; and a transit plaza with a new bus transit stop, car charging stations, real-time transit monitors, and a future bike share location. Staff added that the proposed development will be located within walking distance of a Corridor Cities Transitway transit station. Staff noted that the applicant is requesting the proposed Site Plan Amendment in order to update the FFCP to include the changes proposed in the Project Plan Amendment, Preliminary Plan Amendment, and Site Plan.

Staff then briefly discussed revisions and corrections to the conditions in the proposed plans.

Mr. Robert Brewer, attorney representing the applicant, offered comments, recommended minor revisions to a Site Plan condition regarding the maximum number of stairs allowed for access to sidewalks along Crystal Rock Drive and Century Boulevard from the entrances of the multi-family units, and concurred with the staff recommendation.

Messrs. Jim Policaro, Miguel Irola, Chris Schein, and Frank Andre, members of the applicant's team, also offered comments.

The following speakers offered testimony: Mr. Michael Conley of Winchester Homes, and Mr. Chris Turnbull of Wells & Associates Real Estate.

There followed extensive Board discussion with questions to staff, Mr. Brewer, and Mr. Conley.

~~*4. 8711 Georgia Avenue (Wells Fargo Bank), Limited Site Plan Amendment 82008023C --- CBD-2 Zone, 0.87 acres, Request to add a drive-up ATM and teller in the alley along the south building face and reduce the public use space on site; located at 8711 Georgia Avenue approximately 250 feet northeast of Cameron Street, Silver Spring CBD Sector Plan. ---~~ **REMOVED**

Staff Recommendation: Denial of the Limited Amendment

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

***5. Nora School, Site Plan No. 820160040** --- CR 3.0 C 2.0 R 2.75 H 110T Zone, 0.39 acres, Request for addition of a 7,533 square foot second story to an existing private school; located on Sligo Avenue, approximately 50 feet east of the intersection with Mayor Lane, Silver Spring CBD Sector Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Site 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 Site Plan request to build a second-story addition to an existing educational facility. The 16,926-square foot platted lot is located on the north side of Sligo Avenue, approximately 50 feet east of its intersection with Mayor Lane, and zoned Commercial/Residential in the Silver Spring Central Business District Sector Plan area, the Fenton Village Overlay Zone, and the Silver Spring Parking Lot District. The site is currently developed with an existing single-story private high school and four surface parking spaces.

The applicant proposes to construct a second floor on top of the existing school building, a new elevator structure on the west side of the building, a new stairwell structure on the north side of the building, and a new concrete sidewalk that will connect the main entrance to the parking spaces at the northwest portion of the property. The proposed additions will increase the total area of the school from 7,236 square feet to 15,030 square feet. Staff noted that the applicant has requested to increase the total height of the building from 37 feet to 40 feet, which staff supports. The proposed additions will not significantly increase the building footprint, and the level of usage will remain limited to 80 students and 20 staff members. The applicant also proposes to replace one of the four existing parking spaces with a small area of grass. Staff noted that because the site is located within the Parking Lot District, use of nearby public parking facilities will allow the applicant to meet onsite parking requirements.

Mr. Ray Norris, 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. Norris.

8. 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 is the approval of Closed Session Minutes

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

6. 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 the Black Hill Regional Park

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

7. Bethesda Downtown Sector Plan, Worksession #9

Staff Recommendation: N/A

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing and testimony followed by Discussion.

At the start of the briefing, Planning Department staff noted that the Planning Board will continue to receive testimony regarding parks and open space recommendations for the Bethesda Downtown Sector Plan area, which was not completed during the worksession on February 25, and will be followed by a staff briefing on environmental issues and the privately owned public use space at Metro Station Plaza.

The following speakers offered testimony: Ms. Mary Flynn of Blackthorn Street and representing the Coalition of Bethesda Area Residents (CBAR); Ms. Ellen Rader of Wisconsin Avenue; Ms. Deborah Vollmer of 44th Street; Ms. Melanie Manfield of Leland Street; Mr. Al Ladg of Wildwood Drive, Mayor of the Town of Chevy Chase; Ms. Naomi Spinrad of DeRussy Parkway representing the Chevy Chase West Neighborhood Association; Ms. Mona Sarfaty of Leland Street and representing the Bethesda Coalition; Ms. Stacy Silber of Lerch, Early & Brewer; and Ms. Barbara Sears of Linowes & Blocher.

Parks Department staff offered a multi-media presentation and discussed a summary of the parks and open space recommendations discussed at the last worksession on February 25. Staff noted that the recommendations for the parks, trails, and open spaces in the Plan achieve three major goals, i.e., to support the centers of activity with civic green gathering spaces; to provide linkages and signature gateways to the major trail systems, and to create livable communities and appropriate transitions by greening and buffering the edges. New parks are envisioned to have different roles and functions in order to create a full system of open space opportunities for the residents and workers of Bethesda. The recommendations include new parks for active recreation, central gathering spaces, walkability to neighborhood parks, and an interconnected system of trails to connect the various open spaces. The recommendations follow the guidance in the 2012 Park Recreation and Open Space (PROS) Plan to provide a system of parks and open spaces for every urban master plan or sector plan area through a combination of public and private efforts. The urban open space systems should support a vibrant and sustainable urban center by creating open spaces that are comfortable, attractive, easily accessible, and provide a range of experiences.

CONTINUED ON NEXT PAGE

7. Bethesda Downtown Sector Plan, Worksession #9

CONTINUED

Staff noted that speakers have signed up to discuss the privately owned public use space at Metro Station Plaza in Bethesda with a multi-media presentation and new proposal for the redevelopment of the site.

The following speakers offered testimony: Mr. Bob Harris, attorney from Lerch, Early & Brewer representing the Brookfield building owners; Mr. Jody Kline, attorney from Miller, Miller & Canby representing Mr. Bob Eisenberg, property owner, and Mr. David Kitchen of Cooper Carry Associates, who also offered testimony; Mr. Simon Carney, Brookfield building owner; Mr. Kim Van Holsbethe and Ms. Heather Arnold, members of the Brookfield team; and Ms. Morgan Blackwood Patel representing the Meridian Group/Hyatt Regency Hotel at Bethesda Metro Plaza.

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

Chair Anderson noted that the Board will not discuss the environmental issues today but will take testimony from the speakers who are present in the audience and want to testify today.

The following speakers offered testimony: Ms. Michal Freedman of the Sierra Club of Montgomery County; Mr. Dave Sears of the Sierra Club of Montgomery County; Ms. Veronique Marier of Cordell Avenue and representing Bethesda Green; and Ms. Kristen Friedel of Carroll Avenue and representing the Chesapeake Climate Action Network (CCAN).