



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

**APPROVED
MINUTES**

Following a Welcome Back reception, the Montgomery County Planning Board met in regular session on Thursday, September 8, 2016, at 9:32 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 4:25 p.m.

Present were Chair Casey Anderson, Vice Chair Marye Wells-Harley, and Commissioner Gerald Cichy. Commissioners Norman Dreyfuss and Natali Fani-González were necessarily absent.

Item 3 and Items 2 through 8, discussed in that order, are reported on the attached agenda.

The Board recessed for lunch at 10:38 a.m. and convened in Closed Session at 11:57 a.m. to take up Items 10 and 9, 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 in the 3rd floor conference room at 11:57 a.m. on motion of Vice Chair Wells-Harley, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Wells-Harley, and Commissioner Cichy voting in favor of the motion, and Commissioners Dreyfuss and Fani-González absent. The meeting was closed under authority of Annotated Code of Maryland §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)(7) and (8), to consult with counsel to obtain legal advice about pending litigation.

Also present for the meeting were General Counsel Adrian Gardner, Principal Counsels William Dickerson and Carol Rubin, Senior Counsel David Lieb, and Associate General Counsel Nick Dumais of the Legal Department; and James Parsons of the Commissioners' Office.

In Closed Session, the Board approved the Closed Session Minutes of April, May, June, and July 2016, and received briefing and legal advice regarding the pending litigation case *Pulte v. Montgomery County et al.*

The Closed Session meeting was adjourned at 12:14 p.m.

The Board convened in the auditorium at 12:31 p.m. with the Prince George's County Planning Board, as the Maryland-National Capital Park and Planning Commission (Full Commission), via telephone conference. Following a brief statement from Chair Anderson, the Full Commission voted to convene in Closed Session at 12:37 p.m. to take up Item 11, a Closed Session Item.

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 in the auditorium at 12:37 p.m. with the Prince George's County Planning Board, as the Maryland-National Capital Park and Planning Commission (Full Commission), via telephone conference. The meeting was closed under authority of Annotated Code of Maryland §3-305(b)(7) and (8), to consult with counsel to obtain legal advice about pending litigation.

Also present for the meeting on the Montgomery County side were General Counsel Adrian Gardner, Principal Counsels William Dickerson and Carol Rubin, Senior Counsel 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 advice regarding the pending litigation case *Pulte v. Montgomery County et al.* An open session report will be included in the Full Commission Meeting Minutes.

The Closed Session meeting was adjourned at 12:40 p.m.

The Board reconvened in the auditorium at 1:05 p.m.

Items 12 through 19 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 4:25 p.m. The next regular meeting of the Planning Board will be held on Thursday, September 15, 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, September 8, 2016
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

3. Announce Parks and Planning Staff Photo Contest Winners

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing.

Planning Department staff offered a multi-media presentation and discussed the winners of the Parks and Planning Staff Photo Contest. The contest theme this year was civic and industrial buildings. The winners include Ben Berbert's photograph of a path suspended below an overpass in Richmond, Virginia; Simona Jones's entry depicting the Silver Spring Library; Roberto Duke's photograph of the grand staircase at Meridian Hill Park in Washington, DC; Calvin Nelson's entry of a Restaurant Depot warehouse in Alexandria, Virginia; and John Marcolin's photograph taken at High Line Park in New York City.

There followed a brief Board discussion.

MCPB, 9-8-16, APPROVED

1. Consent Agenda

***A. Adoption of Resolutions**

1. 8008 Wisconsin Avenue Project Plan 92015002A – MCPB No. 16-055
2. 8008 Wisconsin Avenue Preliminary Plan 120160050 – MCPB No. 16-083
3. 8008 Wisconsin Avenue Site Plan 820160130 – MCPB No. 16-084

BOARD ACTION

Motion: WELLS-HARLEY/CICHY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS & FANI-GONZÁLEZ ABSENT

Action: Adopted the Resolutions cited above, as submitted.

***B. Record Plats**

Subdivision Plat No. 220151130 - 220151140, Cabin Branch

CRT zone (formerly MXPB); 65 lots, 5 parcels; located on the west side of Cabin Branch Avenue in the vicinity of Skimmer Street; Clarksburg Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220151380 - 220151410 Cabin Branch

CRT zone (formerly MXPB); 75 lots, 10 parcels; located in the northwest corner of the intersection of West Old Baltimore Road and Broadway Avenue; Clarksburg Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220161050, Washington Adventist University

R-60 zone; 1 lot; located in the northwest quadrant of the intersection of Carroll Avenue (MD 195) and Flower Avenue (MD 787); Takoma Park Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220161150, Chevy Chase, Section 3

R-60 zone; 1 lot; located on the west side of the northern terminus of Fulton Street; Bethesda - Chevy Chase Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HARLEY/CICHY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS & FANI-GONZÁLEZ ABSENT

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

***C. Other Consent Items**

1. Colesville Senior Living Facility Preliminary Plan No. 12016011A

Request to amend Condition No. 8 regarding timing and implementation of the required shared use path and associated public improvement easement (PIE), R-200 Zone; 5.9 acres; located at 13908 New Hampshire Avenue, within the 1997 White Oak Master Plan.

Staff Recommendation: Approval

2. Adoption of Corrected Resolution for Brightview Bethesda Site Plan 820160120 - MCPB No. 16-058

BOARD ACTION

Motion: 1 & 2. WELLS-HARLEY/CICHY

Vote:

Yea: 1 & 2. 3-0

Nay:

Other: DREYFUSS & FANI-GONZÁLEZ ABSENT

Action: 1. Approved staff recommendation for approval of the Preliminary Plan Amendment cited above and adopted the attached Resolution.

2. Adopted the corrected Resolution cited above, as submitted.

MCPB, 9-8-16, APPROVED

***D. Approval of Minutes**

Planning Board Meeting Minutes of July 21 and July 28, 2016

BOARD ACTION

Motion: **WELLS-HARLEY/CICHY**

Vote:

Yea: **3-0**

Nay:

Other: **DREYFUSS & FANI-GONZÁLEZ ABSENT**

Action: **Approved Planning Board Meeting Minutes of July 21 and 28, 2016, 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 ongoing building improvements at the Montgomery Regional Office; the status of the Westbard Sector Plan, with presentation of a proposed Sectional Map Amendment (SMA) scheduled for later today, a County Council public hearing regarding the SMA scheduled for September 20, and the regulatory review of the Equity One property scheduled to be presented to the Board later this calendar year; the recent transmittal of the Bethesda Downtown Sector Plan to the County Council, with recent staff briefings to stakeholders, property owners, and community groups, and a Council public hearing scheduled for October; the recent transmittal of the Lyttonsville Sector Plan to the County Council, with a Council public hearing scheduled for September 27; the recent transmittal of the Subdivision Staging Policy (SSP) to the County Council, with a Council public hearing scheduled for September 13, and the hearing to approve the SSP scheduled for November 15; the ongoing work for the White Flint 2 Sector Plan and the Rock Spring Master Plan, with discussion of additional implementation recommendations for the White Flint 2 Sector Plan scheduled for September 29, and presentation of the working draft of the Rock Spring Master Plan scheduled for October; the status of the MARC Rail Communities Plan, with presentation of preliminary recommendations scheduled for October; the status of the Recreation Guidelines, with the presentation of the Working Draft scheduled before the Planning Board on September 29; the status of the Bicycle Master Plan, with a worksession scheduled for later today; the status of the Grosvenor-Strathmore Metro Area Minor Master Plan, with presentation of the Scope of Work for the Plan scheduled for September 15; the recent Advisory Committee meeting for the Rental Housing Study held on August 24; the status of the Subdivision Regulations update, and a Planning, Housing, and Economic Development (PHED) Committee meeting scheduled for September 12; the status of the Master Plan Reality Check study, with Friendship Heights scheduled as the next area for study; the recent award by National Capital Area Chapter of the American Planning Association for the staff-developed interactive Bicycle Stress Map; the recent

CONTINUED ON NEXT PAGE

2. Roundtable Discussion

CONTINUED

honoring of the *Montgomery Modern* book with first place in the illustrated text category in the 2016 Washington Publishers' Book Design and Effectiveness Competition; the upcoming Design Excellence Ceremony scheduled for October 20, with the jury scheduled to convene next week to evaluate approximately 25 entries; and the upcoming Artomatic regional arts festival, to be held in Montgomery County for the first time, scheduled for October.

There followed a brief Board discussion.

4. Local Map Amendments H-113 & H-114 Gude Drive, Properties III and IV Request for a reclassification from IH 2.5, H 70 (Industrial Heavy) Zone to IMF 2.5, H 70 (Industrial Moderate- Floating)

A. H-113 (Gude Drive Properties III): Two lots consisting of a total of 11.21 acres of land to allow potential future addition of approximately 146,628 square feet gross floor area (GFA) to the existing developments located at 800 and 850 East Gude Drive in Rockville, known as Lots 3 and 4 Cotler Industrial Park, 2004 Upper Rock Creek Master Plan.

Staff Recommendation: Approval

B. H-114 (Gude Drive Properties IV): Two parcels consisting of a total of 14.17 acres and currently improved with a self-storage facility and a warehouse, to allow potential future addition of approximately 149,805 square feet GFA, located at 851 and 861 East Gude Drive in Rockville, known as Part of Parcel E and Parcel F Ensor Property, 2004 Upper Rock Creek Master Plan.

Staff Recommendation: Approval

(NOTE: Action required for Hearing Examiner Public Hearing on September 16, 2016)

BOARD ACTION

Motion: A & B. CICHY/WELLS-HARLEY

Vote:

Yea: A & B. 3-0

Nay:

Other: DREYFUSS & FANI-GONZÁLEZ ABSENT

Action: A & B. Approved staff recommendation to transmit comments to the Hearing Examiner, as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed the proposed Local Map Amendment (LMA) requests to rezone two confronting properties, identified as Gude Drive Properties III and Gude Drive Properties IV, from the Industrial Heavy zone to the Industrial Moderate-Floating zone. Both properties are located in the Upper Rock Creek Master Plan area within the Middle Rock Creek watershed. The 11.21-acre Gude Drive Properties III, which consists of 4.56-acre lot 3 and 6.65-acre 4, is located on the east side of East Gude Drive, approximately 1,100 feet north of its intersection with Southlawn Lane, in the Cotler Industrial Park. Lot 3 is currently developed with a 51,359-square foot, 35.7-foot high warehouse building with associated surface parking. Lot 4 is currently developed with an 82,800 square-foot, 35.7-foot high warehouse building with associated

CONTINUED ON NEXT PAGE

4. Local Map Amendments H-113 & H-114 Gude Drive, Properties III and IV Request for a reclassification from IH 2.5, H 70 (Industrial Heavy) Zone to IMF 2.5, H 70 (Industrial Moderate- Floating)

CONTINUED

surface parking. Currently, both buildings are occupied by light industrial businesses, including parts and service suppliers and warehouses, as well as offices and showrooms. Two full movement vehicle driveway access points are located at the northern and southern ends of the East Gude Drive frontage. The 14.17-acre Gude Drive Properties IV, identified as 7.36-acre parcel E and 6.81-acre parcel F of the Ensor Property, is located on the northwest quadrant of the intersection of East Gude Drive and Dover Road. Parcel E is currently developed with a self-storage facility with heights ranging between 8.67 feet and 10.5 feet, and parcel F is developed with a 65,000 square-foot, 28-foot high warehouse building with associated parking. Access to the site is provided by an existing full movement vehicle driveway from East Gude Drive and an existing full movement driveway from Dover Road.

The applicant proposes to rezone the properties in order to accommodate the potential future addition of approximately 146,628 square feet of Gross Floor Area (GFA) to Gude Drive Properties III and approximately 149,805 square feet of GFA to Gude Drive Properties IV. The footprints of the current existing development will be retained by employing various internal and external modification methods, including constructing mezzanines in the existing stand-alone buildings and adding second stories to the existing self-storage facility buildings. The applicant proposes to build any additional spaces on a tenant-by-tenant basis as new leases are signed or as existing leases expire.

Ms. Erin Girard, attorney representing the applicant, offered comments and concurred with the staff recommendation.

There followed a brief Board discussion.

***5. Goshen Estates: Preliminary Plan No. 120160100** --- Request to subdivide Parcels 890 & 920 to create 5 lots; Located on Woodfield Road, 100 feet northwest of Cutty Sark Way; 15.3 acres; RE-2 Zone; Preservation of Agriculture & Rural Open Space Master Plan.

Staff Recommendation: Approval with Conditions and Adoption of the Resolution

BOARD ACTION

Motion: CICHY/WELLS-HARLEY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS & FANI-GONZÁLEZ ABSENT

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 a proposed Preliminary Plan request to subdivide two parcels of land. The 15.3-acre site, which consists of two unplatted parcels, is located on the west side of Woodfield Road, 100 feet northwest of its intersection with Cutty Sark Way, and is zoned Residential Estate in the Preservation of Agriculture and Rural Open Space Master Plan area, within the Upper Great Seneca Creek watershed. The site is currently unimproved and contains 14.58 acres of existing forest.

The applicant proposes to subdivide the property into five lots, proposed lots 46 through 50, for the construction of five single-family detached dwelling units with frontage on Woodfield Road. Access from Woodfield Road to lots 46 through 49, two of which are pipestem lots, will be provided by a 20-foot shared driveway. A separate single 10-foot-wide asphalt driveway will be constructed from Woodfield Road to access lot 50. The applicant will dedicate approximately 58,311 square feet along the property frontage to achieve the full right-of-way required for Woodfield Road. All Forest Conservation requirements will be met on-site by retaining 5.18 acres in a Category 1 Conservation Easement. The applicant is requesting a variance to remove seven specimen trees, one of which is located offsite within the area being dedicated for the Woodfield Road right-of-way. Staff stated that two emails were received from residents regarding the proposed Category I Conservation Easement, specifically the fencing along the easement and abutting subdivision.

Mr. Eric Tidd, 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. Tidd.

***6. Schramm Property: Preliminary Plan No.120150140** --- Requested to create a 2.63-acre lot from Parcel 554 (8365 Warfield Road); Located on the north side of Warfield Road, approximately 700 feet east of Doubleland Road; 2.72 acres; RE-2 Zone; Agricultural and Rural Open Space Master Plan.

Staff Recommendation: Approval with Conditions and Adoption of the Resolution

BOARD ACTION

Motion: WELLS-HARLEY/CICHY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS & FANI-GONZÁLEZ ABSENT

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 a proposed Preliminary Plan request to create one lot from an unplatted parcel. The 2.72-acre property, identified as parcel 554, is located on the north side of Warfield Road, approximately 700 feet west of its intersection with Doubleland Drive, and is zoned Residential Estate in the Preservation of Agriculture and Rural Open Space Master Plan area, within the Upper Great Seneca Creek watershed. The site is currently unimproved, partially forested, and contains three specimen trees.

The applicant proposes to convert the existing parcel into a 2.63-acre lot for the construction of a single-family detached dwelling unit. Access from Warfield Road will be provided via a new paved driveway. The applicant will dedicate 3,835 square feet along the property frontage to achieve the full right-of-way required for Warfield Road. A private well will be installed, but the property will be connected to the existing public community sewer. Stormwater will be managed onsite through the use of a micro biofiltration system. The applicant proposes removing 0.54 acres of existing forest, which staff noted does not require any forest planting. The remaining 0.93 acres of forest will be protected in a Category I Conservation Easement. The applicant is also requesting a variance to remove one specimen tree and impact two others, which staff supports.

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

There followed a brief Board discussion.

***7. Westbard Sector Plan, Sectional Map Amendment H-116** --- Request to transmit comments recommending approval of Sectional Map Amendment (SMA) H-116 to implement the recommendation of the Approved and Adopted Westbard Sector Plan and several corrective amendments.

Staff Recommendation: Approval to Transmit Comments Recommending Approval to the District Council

BOARD ACTION

Motion: CICHY/WELLS-HARLEY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS & FANI-GONZÁLEZ ABSENT

Action: Received briefing and approved staff recommendation for approval to file a Sectional Map Amendment for the Adopted Westbard Sector Plan with the District Council.

8. Abandonment AB2016001, Green Acres --- Petition to abandon Greenway Drive; R-60 Zone, 0.23 acres, located in the northwest quadrant of the intersection with Allendale Road and Greenway Drive; Bethesda-Chevy Chase Master Plan.

Staff Recommendation: Approval with Conditions and Adoption of the Resolution

BOARD ACTION

Motion: CICHY/WELLS-HARLEY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS & FANI-GONZÁLEZ ABSENT

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

Planning Department staff briefly discussed the proposed abandonment of a public right-of-way (ROW) in order to create a new lot. The 0.40-acre site, which consists of the 11,052-square foot unimproved ROW and adjacent 6,675-square foot platted lot 1, is located in the northwest quadrant of the intersection of Greenwood Drive and Allendale Road in the Green Acres subdivision, and is zoned Residential in the Bethesda-Chevy Chase Master Plan area. The ROW, a previously dedicated but unbuilt extension of Greenway Drive connecting Allendale Road and Little Falls Parkway, is currently undeveloped and covered in grasses and other vegetation. Lot 1 is currently developed with an existing single-family detached dwelling unit.

The applicant is requesting the abandonment of the ROW in order to consolidate a 4,377-square foot portion of it with lot 1 to record a new lot. The property would then be subdivided by consolidating a 3,206-square foot portion of the ROW located southeast of the lot 1 rear property line with existing lot 1 to create a new 9,881-square foot lot, identified as lot 3. As a condition of approval, the applicant must then convey a 1,171-square foot portion of the ROW located southwest of the lot 1 rear property line, identified as outlot A, to the Maryland-National Capital Park and Planning Commission as parkland for an addition to Little Falls Stream Valley Park Unit 1.

There followed a brief Board discussion with questions to staff.

10. CLOSED SESSION

According to MD ANN Code, General Provisions Article, §3-305(b)(7) and (8), to consult with counsel to obtain legal advice about pending litigation.

The topic to be discussed is Pulte v. Montgomery County et al.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

9. 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.

11. CLOSED SESSION - Teleconference Meeting of the Maryland-National Capital Park and Planning Commission (Full Commission)

According to MD ANN Code, General Provisions Article, §3-305(b)(7) and (8), to consult with counsel to obtain legal advice about pending litigation.

The topic to be discussed is Pulte v. Montgomery County et al.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Discussed in Closed Session. See State citation and open session report in narrative Meeting Minutes of the Maryland-National Capital Park and Planning Commission.

***12. The Collection (formerly Chevy Chase Center)**

A. Site Plan Amendment No. 82001013C, The Collection II (formerly Chevy Chase Center), CR 2.0 C 2.0 R 1.5 H 90T Zone and Chevy Chase Neighborhood Retail Overlay Zone, 3.44 acres, Request to make modifications to the public use and amenity space, on-site pedestrian and vehicular circulation, and building architecture; calculation of on-site parking under the standards of the New Zoning Ordinance; located at the northeast quadrant of the intersection with Wisconsin Avenue and Wisconsin Circle, Friendship Heights Sector Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

B. Site Plan Amendment No. 82001021E, The Collection I (formerly Chevy Chase Center), CR 0.75 C 0.75 R 0.25 H 55T Zone and Chevy Chase Neighborhood Retail Overlay Zone, 4.78 acres, Request to make modifications to the public use and amenity space, on-site pedestrian and vehicular circulation, and building architecture; calculation of on-site parking under the standards of the New Zoning Ordinance; located at the northeast quadrant of the intersection with Wisconsin Avenue and Wisconsin Circle, Friendship Heights Sector Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: **A. WELLS-HARLEY/CICHY**
 B. WELLS-HARLEY/CICHY

Vote:
 Yea: **A. & B. 3-0**

Other: **DREYFUSS & FANI-GONZÁLEZ ABSENT**

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

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

Planning Department staff discussed two site plan amendment requests for the Collection I and II projects, formerly known as the Chevy Chase Center project. Staff noted that the applicant is requesting to make modifications to the public use and amenity space, on-site pedestrian and vehicular circulation, and the building architecture. The project is located on a 3.44-acre property at the northeast quadrant of the intersection with Wisconsin Avenue and Wisconsin Circle in the Friendship Heights Sector Plan area. The property is located on a split-zoned site that is governed by project plan, development plan, preliminary plan, and site plan amendments, all of which were approved between 1999 and 2013. Staff added that the proposed modifications will not alter the overall character of the development with respect to the original findings of approval. Furthermore, these modifications will not affect the compatibility of the development and the surrounding neighborhood.

CONTINUED ON NEXT PAGE

***12. The Collection (formerly Chevy Chase Center)**

CONTINUED

Mr. Steve Robins, attorney representing the applicant, introduced Messrs. Thomas Regnell, President and CEO of the Chevy Chase Land Company, the applicant, Ian Duke, and Luis Gonzales, members of the applicant's team, offered brief comments, and concurred with the staff recommendation.

Mr. Regnell also offered brief comments.

The following speakers offered testimony: Ms. Shena Davis Cooke, Chevy Chase Village City Manager; Mr. Michael Denger of Connecticut Avenue; and Mr. Scott Fosler of Willow Lane and Mayor of Chevy Chase Village.

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

***13. East Village at North Bethesda Gateway**

A. Preliminary Plan No. 120140240: Request to subdivide the property into one lot, for up to 557,918 square feet of residential development with up to 614 dwelling units, of which a minimum of 12.5% must be Moderately-Priced Dwelling Units (MPDUs), and up to 34,000 square feet of retail uses, CR3, C1.5, R2.5, H200 Zone; approximately 5.1 acres; located in the southeast quadrant of the intersection of Huff Court and Nicholson Lane, within the 2010 White Flint Sector Plan area.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

B. Site Plan No. 820140180: Request for approval of two mixed-use buildings for up to 557,918 square feet of residential development with up to 614 dwelling units, of which a minimum of 12.5% (77 units) must be Moderately-Priced Dwelling Units (MPDUs), and up to 34,000 square feet of retail uses, CR3, C1.5, R2.5, H200 Zone; approximately 5.1 acres; located in the southeast quadrant of the intersection of Huff Court and Nicholson Lane, within the 2010 White Flint Sector Plan area.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: **A. CICHY/WELLS-HARLEY**
 B. CICHY/WELLS-HARLEY

Vote:
 Yea: **A. & B. 3-0**

Nay:

Other: **DREYFUSS & FANI-GONZÁLEZ ABSENT**

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

B. Approved staff recommendation for approval, subject to conditions, and adopted the attached Resolution.

Planning Department staff offered a multi-media presentation and discussed preliminary and site plan requests for the East Village at North Bethesda Gateway project. Staff noted that the applicant proposes to subdivide the 5.1-acre property into one lot for up to 557,918 square feet of residential development with up to 614 dwelling units, of which a minimum of 12.5 percent must be Moderately-Priced Dwelling Units (MPDUs), and up to 34,000 square feet of retail uses. The property is located in the southwest quadrant of the intersection of Huff Court and Nicholson Lane, within the 2010 White Flint Sector Plan area. Staff discussed the conditions of approval and the public facilities requirements for the project. Staff noted that the project will be carried out in two phases, each phase comprising a combination of retail and residential.

CONTINUED ON NEXT PAGE

***13. East Village at North Bethesda Gateway**

CONTINUED

The building in Phase I will include up to 342,187 square feet of residential development for up to 382 dwelling units and up to 20,000 square feet of retail uses on the ground floor along Nicholson Lane and Huff Court. A three-level, below grade garage with 416 parking spaces will also be constructed. The Phase II building will include up to 215,667 square feet of residential development for up to 232 dwelling units on a portion of the first floor and above and up to 14,000 square feet of retail uses on the ground floor along Huff Court and the proposed plaza. A three-level, below grade garage with 285 parking spaces will also be constructed. Both residential buildings will be up to 85 feet high.

Ms. Barbara Sears, attorney representing the applicant, introduced Messrs. Rob Eisinger, Jeremy Sharp, Phil Hummel, Jaqdish Mandavia, Jamie Chapman, and Jody Etter, members of the applicant's team, offered brief comments and concurred with the staff recommendation.

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

14. Zoning Text Amendment No. 16-06 --- Delete provisions for limited duration signs; revise the provisions concerning temporary signs and prohibited signs; and add provisions concerning the treatment of prohibited signs in the right-of-way.

Staff Recommendation: Transmit Comments to County Council.

(NOTE: Action required for PHED Committee worksession on 9/12/16)

BOARD ACTION

Motion: WELLS-HARLEY/CICHY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS & FANI-GONZÁLEZ ABSENT

Action: Approved staff recommendation to transmit comments to the County Council and the County Council Committee on Planning, Housing, and Economic Development (PHED), as stated in the attached transmittal letter.

Planning Department staff discussed a proposed Zoning Text Amendment (ZTA 16-06) which would prohibit all non-permanent signs in public rights-of-way and specify enforcement procedures for illegal signs in rights-of-way. Currently, all private temporary signs in Montgomery County’s public rights-of-way are illegal. The current code allows for limited duration signs by permit, but the Department of Permitting Services has no applications or permits on file. The sponsor of the proposed ZTA considers the use of public rights-of-way for temporary signs as both a safety hazard and an eyesore. Adding enforcement actions in the Zoning Code will provide notice to potential violators. The proposed ZTA would also delete the entire category of signs called “limited duration signs.” Such signs on private property would continue to be allowed as temporary, which would be redefined to be restricted only by the type of material used and not the duration of the sign.

Staff noted its support for the proposed ZTA but added that providing enforcement procedures for prohibited signs in the public rights-of-way would be beneficial, provided the other proposed measures of the text amendment are not approved.

There followed a brief Board discussion with questions to staff.

15. Zoning Text Amendment No. 16-08 --- Allow additional building density in certain Commercial/Residential T Zones under which workforce housing is provided; and allow additional building height in certain Commercial/Residential T Zones under which workforce housing and public facilities are provided.

Staff Recommendation: Transmit Comments to County Council.
(NOTE: Action required for PHED Committee worksession on 9/12/16)

BOARD ACTION

Motion: CICHY/WELLS-HARLEY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS & FANI-GONZÁLEZ ABSENT

Action: Approved staff recommendation to transmit comments to the County Council and the County Council Committee on Planning, Housing, and Economic Development (PHED), as stated in the attached transmittal letter.

Planning Department staff discussed a proposed Zoning Text Amendment (ZTA 16-08) which would allow additional building density in certain Commercial/Residential “T” zones when workforce housing is provided, and allow additional building height in certain “T” zones when workforce housing and public facilities are provided as part of the same project. Staff noted that the Zoning Ordinance Rewrite was implemented by a District Map Amendment that rezoned all properties within the Council’s jurisdiction. Commercial/Residential (CR) “T” zones were applied to properties in Central Business District (CBD) zones. CR zones were intended to have absolute height and density limits and were mapped as such. The previous CBD zones had some flexibility to exceed height and density limits in order to provide Moderately Priced Dwelling Units (MPDUs) or Workforce Housing units. The Council used the “T” designation to distinguish properties formerly in the CBD family of zones and allowed them to retain height and density flexibility under certain circumstances. Under the current Zoning Code, height flexibility for CR “T” zones is allowed with the provision of workforce housing; density flexibility with the provision of workforce housing is not currently allowed, although it was permitted in the previous Zoning Ordinance.

Staff recommended approval of the proposed ZTA, as discussed, and noted that the original intent of ZTA 16-08 is to reinstate one of the affordable housing tools deemed necessary to implement the County’s affordable housing goals.

There followed a brief Board discussion with questions to staff.

16. Zoning Text Amendment No. 16-11 --- Revise the building setback requirements from streets in Rural Residential and Residential zones.

Staff Recommendation: Transmit Comments to County Council.

(NOTE: Action required for County Council Public Hearing on 9/13/16)

BOARD ACTION

Motion: WELLS-HARLEY/CICHY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS & FANI-GONZÁLEZ ABSENT

Action: Approved staff recommendation to transmit comments to the County Council for its September 13 Public Hearing, as stated in the attached transmittal letter.

Planning Department staff discussed a proposed Zoning Text Amendment (ZTA 16-11) which would revise the building setback requirements from the streets in rural residential and residential zones. ZTA 16-11 would specifically make the required setback for public and private roads equal, if the reduced setback is approved through the site plan approval process. Staff noted that the Planning, Housing, and Economic Development (PHED) Committee sponsored the proposed ZTA. The current code provides an unintended incentive for subdivision applications to propose private roads. The PHED Committee believes that private roads can potentially be a future public concern for a number of reasons, among which: the private road ownership arrangements are subject to future failure; future owners will object to private maintenance fees in addition to general taxes; and when maintenance fails, the County will be petitioned to fix the problem and accept the road as a public road; when a private road is used for public transit, inadequate private maintenance becomes a public issue; the County's flexibility to accommodate future network connections, such as new utilities or above or below grade transportation, will be restrained; and future water and sewer connections, that will not go on private roads, may be far less efficient.

Staff added that the proposed ZTA is also intended to create another incentive for choosing public roads over private roads in the residential and townhouse zones by making the required setbacks for single-family residential structures the same for either type of road. Staff noted its support of the proposed ZTA as another means of leveling the playing field in making the choice between public and private roads, and promoting the preference for public roads in most situations. Staff also noted its concern with the possible reduction of building setback requirements, in some cases from 35 feet to 10 feet, is minimized by requiring site plan approval for use of the reduced setback thereby continuing to ensure development compatible with neighboring property.

There followed a brief Board discussion with questions to staff.

17. Zoning Text Amendment No. 16-12 --- Delete building permit directions and procedures from various sections of the code.

Staff Recommendation: Transmit Comments to County Council.

(NOTE: Action required for County Council Public Hearing on 9/13/16)

BOARD ACTION

Motion: CICHY/WELLS-HARLEY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS & FANI-GONZÁLEZ ABSENT

Action: Approved staff recommendation to transmit comments to the County Council for its September 13 Public Hearing, as stated in the attached transmittal letter.

Planning Department staff discussed a proposed Zoning Text Amendment (ZTA 16-12) which would delete building permit directions and procedures from various sections of the Zoning Ordinance and place them in Chapter 8 “Building Permits” of the Montgomery County Code. Staff noted that the Planning, Housing, and Economic Development (PHED) Committee is the lead sponsor of this ZTA. During review of the Subdivision Regulations Rewrite, it was recognized that there are building permit application regulations located outside of the Code’s building permit Chapter 8. The PHED Committee determined that all building permit provisions should be in the building permit chapter of the Code. The Committee’s proposed building permit deletions from Chapter 59 are included in Bill 35-16, submitted as an attachment to the staff report. This Bill will consolidate building permit provisions currently in Chapters 50 and 59 and will allow code users to more easily find all building permit provisions.

Staff expressed its support for the proposed consolidation of the building permit provisions via ZTA 16-12.

There followed a brief Board discussion with questions to staff.

18. Zoning Text Amendment No. 16-13 --- Amend the provisions for exempted parking design requirements for residential buildings and the applicability of landscaping, lighting and screening requirements for parking associated with residential zones and uses.

Staff Recommendation: Transmit Comments to County Council.

(NOTE: Action required for County Council Public Hearing on 9/13/16)

BOARD ACTION

Motion: WELLS-HARLEY/CICHY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS & FANI-GONZÁLEZ ABSENT

Action: Approved staff recommendation to transmit comments to the County Council for its September 13 Public Hearing, as stated in the attached transmittal letter.

Planning Department staff discussed a proposed Zoning Text Amendment (ZTA 16-13) which would amend the provisions for exempted parking, design requirements for residential buildings and the applicability of landscaping, lighting, and screening requirements for parking associated with residential zones and uses. Staff noted that this ZTA was introduced at the request of the Office of Zoning and Administrative Hearings. The ZTA would exempt single-family detached houses from most of the detailed screening standards for Conditional Uses, except for compatibility. The Hearing Examiner found that the detailed screening standards are never actually applied to applications for a conditional use in a detached single-family house. In the opinion of the Hearing Examiner, it is misleading to the public to have statutory standards that are never appropriate to apply in a class of cases. The Planning Department routinely recommends common sense compatibility standards in applications concerning detached houses through the use of waivers or alternative compliance. Planning Department staff must justify applications for waivers and alternative compliance. The Hearing Examiner would then address this analysis in his/her report.

Staff expressed its agreement with the Hearing Examiner's office that the detailed screening standards are rarely applied to applications for a conditional use in a detached single-family house. The detailed screening requirements are mainly applied to conditional use applications where new non-residential structures are proposed.

Staff also added that a table prepared by the Hearing Examiner's office, depicting conditional use applications that have requested waivers from the requirements of Article 6 in single-family detached houses, is attached to the staff report.

There followed a brief Board discussion with questions to staff.

19. Framework of the Bicycle Master Plan – Worksession #1

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by discussion.

Planning Department staff offered a multi-media presentation and briefed the Board on the major issues and comments from the public testimony received at the July 28 Planning Board meeting. Staff noted that three major issues were brought up by the public, which will be discussed during this worksession.

The first issue is that some feel that the report marginalizes moderate-stress bicycling. staff noted that the Bicycle Master Plan should focus on achieving a low-stress bicycling network. The intent of the Plan is to attract the 50 percent of the adult population and many children who would bicycle more if they felt comfortable doing so. The second issue is a concern with replacement of the Dual Bikeway Facility Type. Staff's recommendation simply represents a change in the name of the bicycle facility type to more clearly articulate the bikeway recommendation to the public. A weakness of the 2005 Countywide Bikeways Functional Master Plan is that the legend in the bikeway map is difficult to follow. Staff's approach would simplify the bikeway map legend without actually changing the bikeway recommendation by showing it as two separate lines. This is the approach taken in our most recent plans, including the 2016 Montgomery Village Plan, the 2015 White Oak Science Gateway Plan, the 2013 Chevy Chase Lake Plan, and a few others. The third issue is that the focus on low-stress bicycling will result in the removal of bike lanes. Staff noted that bicyclists rely on the ability to bicycle at high speed for travel efficiency. The suburban pattern of development in the County creates a greater distance between destinations and therefore bicycling is only a feasible option for many bicyclists who travel longer distances when they can travel at a higher speed. Staff believes there is a misunderstanding of the Framework Plan, which intends to preserve the ability of bicyclists to travel at a high speed where appropriate. The intent of side-path recommendations in the Framework Report is to improve the safety of bicycling by recommending improved design quality of side-paths where pedestrian volume is low, and to provide a network of separated bike lanes where shared use with pedestrians would be unsafe. However, staff added that there is a legacy of poor design of side-paths throughout the United States. They were built to sub-standard widths with poor sight distance, no or limited separation from traffic, obstructions within the path or a meandering path to avoid obstructions or conflicts with turning vehicles. The intent of the Framework Report is to create a standard for side-

CONTINUED ON NEXT PAGE

19. Framework of the Bicycle Master Plan – Worksession #1

CONTINUED

path and separated bike lane design that elevates the design to be equivalent to the design of a street with high quality construction, appropriate widths, straight designs, elimination of vertical hazards, etc. The recommendation will take time to implement, therefore the focus will be on high priority bikeways that connect the County's major activity centers.

Staff added that while phasing from conventional bike lanes to separated bikeways, side-paths and separated bike lanes is recommended, this is only appropriate to do once separated bikeways are designed to the equivalence of a street.

Staff introduced Mr. Bill Schultheiss of Toole Design Group who walked the Planning Board through a review of side-path and separated bike lane designs in the Netherlands, which enable bicyclists to travel safely while minimizing delay on a network that reduces conflict with motor vehicles.

Mr. Jack Cochrane of Thomas Branch Drive and representing Montgomery Bicycle Advocates (Mo Bike) offered comments.

There followed extensive Board discussion with questions to staff.