



**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, November 30, 2017, at 9:03 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 4:37 p.m.

Present were Chair Casey Anderson and Commissioners Natali Fani-González, Gerald R. Cichy and Tina Patterson. Vice Chair Norman Dreyfuss joined the meeting at 9:05 a.m. during discussion of Item 2.

Items 1 through 4 are reported on the attached agenda.

The Board recessed for lunch at 11:10 a.m. and reconvened in the auditorium 1:15 p.m.

Items 5 through 11 are reported on the attached agenda.

Commissioner Fani-González left for the day at 3:20 p.m. prior to discussion of Item 6.

There being no further business, the meeting was adjourned at 4:37 p.m. The next regular meeting of the Planning Board will be held on Thursday, December 7, 2017, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise  
Sr. Technical Writer/Editor

James J. Parsons  
Sr. Technical Writer/Editor

**Montgomery County Planning Board Meeting  
Thursday, November 30, 2017  
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. 220161040, Ancient Oak North**

RE-1 zone, 1 lot; located on the east side of Ancient Oak Drive, 375 feet north of Meadow View Drive; Potomac Sub-Region 2002 Master Plan.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: FANI-GONZÁLEZ/CICHY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: DREYFUSS ABSENT**

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

**\*C. Other Consent Items**

**1. Travilah Square Preliminary Plan Amendment No. 12011034C ---** Request to amend Preliminary Plan condition No. 5.b., of Planning Board Resolution MCPB No. 16-112, to replace the reference to a five-and-a-half-foot-wide bike lane with a 10-foot wide shared use path on the Site's Darnestown Road frontage in accordance with the appropriate Road Code standard; 5.56 acres, zoned CR0.75, C0.5, R0.75, H80' located at the southern corner of the intersection of Darnestown Road and Travilah Road, within the Great Seneca Science Corridor Master Plan area.

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion: FANI-GONZÁLEZ/CICHY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: DREYFUSS ABSENT**

**Action: Approved staff recommendation for approval of the Preliminary Plan Amendment cited above, as stated in the attached adopted Resolution.**

**\*D. Approval of Minutes**

Planning Board Meeting Minutes of November 9, 2017

**BOARD ACTION**

**Motion: FANI-GONZÁLEZ/PATTERSON**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: DREYFUSS ABSENT**

**Action: Approved Planning Board Meeting Minutes of November 9, 2017 as submitted.**

**\*2. The Blairs Building F1/F2, Site Plan Amendment No. 82014017B --- CR 5.0, C 0.5, R 5.0, H 200T Zone (Developed under CBD R-2 Zone), 15.55 acres, Request to increase the limits of the approved site plan to include portions of the existing retail shopping center; up to 5,400 square feet of non-residential uses for interim retail/restaurant building; temporary modifications to the existing surface parking lot; addition of temporary streetscape improvements at the existing retail buildings, potentially including sidewalk material, lighting, seating and landscaping; and the addition of temporary micro-bio-filter facilities; located at northwest corner of the intersection with Blair Mill Road and Eastern Avenue, Silver Spring CBD Sector Plan.**  
*Staff Recommendation: Approval with Conditions and Adoption of Resolution*

### **BOARD ACTION**

**Motion: FANI-GONZÁLEZ/CICHY**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Approved staff recommendation for approval of the Site Plan Amendment 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 Amendment request to construct an interim building for retail and restaurant uses. The 13.49-acre site, which includes Block F1/F2 and the future Block E, is part of the larger 30.36-acre Blairs Master Plan property and is located on the northeast side of Eastern Avenue, bounded by Portland Drive to the northwest, High Park Lane to the northeast and is zoned Commercial/Residential in the Silver Spring Central Business District (CBD) Sector Plan area. In 2014, the Planning Board approved Block F1/F2 for an up to 605,000-square foot multi-family residential building for a maximum of 507 units, which is currently under construction. There is a significant grade change of approximately 40 feet across the entire site, with a steep drop of approximately 18 feet that is reinforced by a stone retaining wall located in the center of the site, which separates the site into two areas, identified as the Upper Escarpment and the Lower Escarpment, with Block F1/F2 and the future Block E located within the Lower Escarpment.

The applicant proposes to extend the geographic limits of the previously approved Site Plan to portions of the Upper Escarpment area for a new 5,400-square foot pad site to construct an interim restaurant/retail building. All elements included in the proposed Amendment are temporary in nature, as they are located in the area that is planned for a future residential building and green space to be approved by a future Site Plan. Removal of the temporary building within the Upper Escarpment may occur at any time, as determined solely by the applicant. The proposed amendment does not propose any changes to Block F1/F2 and will not

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**\*2. The Blairs Building F1/F2, Site Plan Amendment No. 82014017B**

CONTINUED

affect the redevelopment approved for the Site.

Staff added that vehicular access to the proposed pad site will continue to be from an existing driveway on East-West Highway (MD410), with one-way vehicular circulation around the new pad site to reduce conflicts between vehicles and between vehicles and pedestrians. Pedestrian and bicycle access will be primarily via the existing drive aisle from MD410 and will be improved by proposed streetscape enhancements, which include elimination of on-street parking along the driveway, and addition of new street lighting, planters, and space dedicated to outdoor seating. Bicycles will access the pad site using the driveway in a shared lane configuration with vehicular traffic. Staff then briefly discussed minor corrections to the staff report.

There followed a brief Board discussion.

**\*3. Viva White Oak, Sketch Plan No. 320180040** --- Request for approval of a Sketch Plan for up to 12,180,320 square feet of development, including up to 6,090,160 square feet of residential uses, to transform the current sand and gravel operation and a closed WSSC facility into a mixed-use development including residential, office, academic, hotel, retail/restaurant/entertainment, service, and conference center uses; on approximately 280 acres (Percontee Property and Site II Property); zoned CR 1.0: C 1.0, R 0.5, H 220; located between Cherry Hill Road and Industrial Parkway, along FDA Boulevard, within the 2014 White Oak Science Gateway Master Plan area.

*Staff Recommendation: Approval with Conditions*

### **BOARD ACTION**

**Motion:** DREYFUSS/FANI-GONZÁLEZ

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

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

Planning Department staff offered a multi-media presentation and discussed a proposed Sketch Plan request to redevelop a property with a mixed-use development. The approximately 279-acre property, consisting of the County-owned 11-acre Site II property, and the 168-acre Global Lifesci property, commonly identified as the Percontee property, is located on the west side of Cherry Hill Road, and is zoned Commercial/Residential in the White Oak Science Gateway Master Plan area. All structures on the Site II property, a former Washington Suburban Sanitary Commission (WSSC) facility, will be demolished and the land will be graded. The Percontee property, a former sand and gravel mine, is currently used as a rubble landfill, concrete recycling center, and a sand, gravel, stone, topsoil processor and wholesaler. The Westfarm Tributary of the Paint Branch bisects the Global Lifesci property, from north to south. There are areas of wetlands associated with this stream, as well as forest within the stream valley. Other forested areas are located at the perimeter of the property.

The applicant proposes phased redevelopment of the property for up to 12,180,270 square feet of mixed-use development, including a maximum of 6,090,135 square feet of residential uses. The residential portion of the project will include a mix of multi-family housing, with live-work units, duplexes, townhouses, and a small number of single-family detached units, including a minimum of 12.5 percent Moderately Priced Dwelling Units (MPDUs). Proposed uses include but are not limited to academic, research and development, office, residential, conference center, hotel, retail, restaurant, and entertainment, to be located in four neighborhoods. The applicant

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**\*3. Viva White Oak, Sketch Plan No. 320180040**CONTINUED

will provide a master-planned co-located elementary school and 1.02-acre park site; master-planned open spaces, including a 5.34-acre passive natural park, multiple civic greens, urban plazas, neighborhood greens, neighborhood parks, one of which is a proposed 4.72-acre active recreation park, and linear greenways and parks; an extensive and well-integrated network of new vehicular, bicycle, and pedestrian facilities; landscaping and streetscape improvements; and required public benefits and amenities.

Staff noted that the proposed bicycle and pedestrian facilities will eventually connect with existing amenities such as the Paint Branch Park, the White Oak Community Recreation Center, and the Martin Luther King Recreational Park. Access to the site from Columbia Pike (US29) will be provided via an extension of Industrial Parkway through the Site II property, which will be identified as FDA Parkway and connect to existing FDA Boulevard. Also, proposed road B-5 will be extended from the adjoining Washington Adventist Hospital property through the Percontee property to connect to FDA Boulevard. Access from Cherry Hill Road will be provided via FDA Boulevard. All master-planned streets will be provided as public streets, with all other internal streets provided as private streets. Staff did receive correspondence from the Greater Colesville Citizens Association (GCCA) and the Calverton Citizens Association regarding the size of the co-located school and park site, additional bike lanes, improved pedestrian connections, and traffic monitoring. Staff then discussed minor clarifications and corrections to the staff report.

Ms. Barbara Sears, attorney representing the applicant, offered comments and concurred with the staff recommendation.

Mr. Jonathan Genn, member of the applicant's team, offered a multi-media presentation and discussed the proposed project.

The following speakers offered testimony: Ms. Betsy L. Bretz, representing the LabQuest Partnership; Mr. Peter Fosselman of the Office of the County Executive; and Mr. Dan Wilhelm, representing the GCCA.

There followed a brief Board discussion with questions to staff, during which the Board instructed staff to explore the feasibility of utilizing a single parking lot to be shared by the proposed school and the proposed adjacent park, and performing a portion of the construction work on some nearby off-site trails as part of the proposed project. The Board also instructed staff to remove the word elementary from the school requirement language in condition of approval 6 to allow the applicant to provide either an elementary, middle, or high school as needed.

4. **Amendment to the Facility Plan for the North Branch Hiker-Biker Trail** --- 2.2 miles of new trail and connections, extending from Lake Frank in Rock Creek Regional Park to a developer-built trail adjacent to the Preserve at Rock Creek. The trail extends through Rock Creek Regional park and the North Branch Stream Valley Park within the Olney and Upper Rock Creek Master Plan Areas.

*Staff Recommendation: Approval of Modifications to the Facility Plan*

### **BOARD ACTION**

**Motion:**                    **PATTERSON/CICHY**

**Vote:**

**Yea:**                    **5-0**

**Nay:**

**Other:**

**Action:**            **Approved staff recommendation to amend the Facility Plan for the 2013 North Branch Hiker-Biker Trail.**

Parks Department staff offered a multi-media presentation and discussed a proposed amendment to the 2013 Facility Plan for the North Branch Hiker-Biker Trail. The proposed 2.2-mile trail, a segment of a contiguous regional trail system that will eventually extend from the District of Columbia northward to Olney, will be located mostly within environmentally sensitive areas of Rock Creek Regional Park and the North Branch Stream Valley Park, and will connect to the existing Lakeside Trail and extend north from the eastern edge of Lake Frank to Muncaster Mill Road and the future Emory Lane Bikeway. Approximately 1,000 feet south of Muncaster Mill Road, a trail spur will cross the North Branch and connect to Meadowside Lane and the existing Muncaster Mill Bikeway. The project also includes a small segment of the Trail that will connect to and extend north from the existing Inter-County Connector (ICC) Bike Trail to a recently built development trail. In March of this year, during the detailed design phase of the project, the Norbeck Manor Homeowners Association (HOA) contacted staff with concerns regarding the proposed location of the trailhead and parking lot, which were proposed to be located on the south side of Muncaster Mill Road, just west of its intersection with Emory Lane. Specifically, the HOA members were concerned with potential crime, illegal dumping, and increased traffic congestion at Sweetbirch Drive. HOA members also expressed concern regarding the safety of a proposed at-grade crossing at Emory Lane. Following a meeting with the HOA, staff reviewed the concerns, and developed another option for the location of the trailhead and parking lot.

Staff now proposes to locate the trailhead and parking lot to the west of the original location, on the east side of Meadowside Lane, just south of Muncaster Mill Road. In order to facilitate the access of the natural surface trails to the west of the North Branch, staff also

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**4. Amendment to the Facility Plan for the North Branch Hiker-Biker Trail**

CONTINUED

recommends relocating the proposed bridge crossing near the Meadowside Nature Center to the north, just to the south of the Inter-County Connector (ICC). Staff added that at an Open Town Hall Forum held on September 13, the revised location of the trailhead and parking lot received 70 votes as opposed to 19 votes for the original location.

Mr. Joe Fritsch of Buehler Road offered testimony.

There followed a brief Board discussion with questions to staff.

**\*5. Leisure World Administration Building and Clubhouse I Site Plan No. 820170120 --** Request to approve a Site Plan for a new 20,555-square foot Administration building with a 71-space parking lot; and reconfiguration of existing entrance and exit drive aisles at Clubhouse I with a redesigned drop-off area at the clubhouse, and related stormwater management and landscaping improvements in the existing parking lot; 11.60 acres zoned Planned Retirement Community (PRC); located within Leisure World near the intersection of Rossmoor Boulevard and North Leisure World Boulevard, within the Aspen Hill Master Plan area.

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion: FANI-GONZÁLEZ/CICHY**

**Vote:**

**Yea: 3-0-1**

**Nay:**

**Other: ANDERSON ABSTAINED  
DREYFUSS RECUSED HIMSELF (SEE BELOW)**

**Action: Approved a deferral of the Site Plan cited above at the request of the applicant’s attorney.**

At the onset of the discussion, Chair Anderson explained the rules to be followed by those testifying. Legal Counsel to the Board noted that Vice Chair Norman Dreyfuss will recuse himself from the proceedings due to possible conflict of interest. Counsel added that Vice Chair Dreyfuss was previously involved in building the Leisure World Community.

In keeping with the November 17 technical staff report, Planning Department staff discussed a Site Plan request for a 20,555-square foot Administration Building and Clubhouse to be built within Leisure World, a retirement community near the intersection of Rossmoor Boulevard and North Leisure World Boulevard, within the Aspen Hill Master Plan area. Staff noted that the 616-acre Leisure World property is zoned Planned Retirement Community (PRC) and is bordered on all sides by a mix of single-family detached homes, townhouses, and older garden apartments. There is an existing shopping center, Leisure World Plaza, at the main entrance on Georgia Avenue, an office building, and an assisted living facility. Staff noted that the proposed Site Plan covers 11.60 acres and is developed with a 38,860-square foot clubhouse and an approximately 16,555-square foot administration building with office space, primarily for Leisure World employees. The administration building previously included a post office and a bank, but the bank was closed after its lease expired two year ago. A 384-space surface parking lot, including 15 handicap spaces, for these two buildings is located to the north of the administration building and clubhouse. The topography slopes up from the southeast corner of the parking lot to the clubhouse main entrance. A driveway loop from North Leisure

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**\*5. Leisure World Administration Building and Clubhouse I Site Plan No. 820170120**CONTINUED

World Boulevard provides an uncovered drop-off/pick-up area at the clubhouse main entrance on the west side. Parking for patrons using the golf course is located at the northeast corner of the parking lot. The existing sidewalks near the two buildings are not Americans with Disabilities Act (ADA) compliant.

Staff then discussed the proposed landscape plan and noted that a total of 101 new various species of shade trees and 50 existing trees will be removed. Most of the new trees will be planted along the perimeter of a new proposed 71-space parking lot. Staff also noted that the applicant proposes to install new outdoor light fixtures around the two new buildings and the parking lot.

Staff added that the applicant has complied with the submittal and noticing requirements and staff has received over 130 emails stating opposition to the proposed plan. The residents at Leisure World expressed concerns about the need for a new building, the cost of the project, the removal of trees, the location of the new parking lot, the authority of the Leisure World Board of Directors to file this application when residents are opposed to it, and the request for Vice Chair Norman Dreyfuss to recuse himself from the hearing because of his past involvement with Leisure World. Staff also discussed revisions and corrections to the staff report.

Mr. Scott Wallace, attorney representing the applicant introduced Messrs. John Sekerak, Ms. Nicole Gerke and Ms. Venessa Rai., members of the applicant's team, briefly discussed a reference to solar panels in the staff report, which they stated should be removed, and concurred with the staff recommendation.

Mr. John Sekerak offered brief comments.

Legal staff clarified the extent of the Planning Board's purview regarding this Site Plan request. Staff noted that the request must meet all of the requirements of the Zoning Ordinance and the Board must determine that the plan conforms to the Master Plan. Staff also added that Leisure World management has the authority to act on behalf of the residents and any other legal matters will have to be referred to the Court.

The following speakers offered testimony: Mr. Paul Bessel of Marble Arch Way; Ms. Barbara Braswell of Marble Arch Way; Mr. Philips Marks of Interlachen Drive; Ms. Marybeth Ardike of Gleneagles Boulevard and representing the Leisure World Green Progressive Legacy with Ms. Rosie Engman of S. Leisure World Building ceding her time; Ms. Sheryl Katzman of Chiswick Court, President of "JustUs"; Mr. David Polinsky of Leisure World Boulevard; Mr. Thomas Conger of Fitzhugh Lane; Ms. Janice McLean of North Leisure World Boulevard; Mr. Bruce MacDonald of Fiske Terrace; Mr. Bob Lin of N. Leisure World Boulevard; Ms. Carole Sloane of Tarkington Lane; Mr. Norman Holly of North Leisure World Boulevard; Mr. John Stewart of Interlachen Drive; Mr. Richard Ablard of Gleneagles Drive; Ms. Barbara Studwell of Pennfield Circle; Mr. Jordan Hardin of N. Leisure World Boulevard; Ms. Sue Gray of North Leisure World Boulevard; Ms. Brenda Kirkpatrick of Leisure World; Mr. Mark Narkus-Kramer of South Leisure World Boulevard; and Mr. William Butynski of Adderkley Court.

There followed extensive Board discussion with questions to staff and the applicant's representatives.

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**\*5. Leisure World Administration Building and Clubhouse I Site Plan No. 820170120**

CONTINUED

Commissioner Fani-Gonzalez stated that she does not support the proposed design of the Clubhouse building, especially the stairs.

Planning Department Director Gwen Wright clarified that the Planning Board can deny the Site Plan application or approve the applicant's request for a deferral,

Commissioners Fani-Gonzalez, Cichy, and Patterson recommended that the Site Plan request be deferred to allow the applicant to revise the buildings design and additional time to meet with the residents and try to solve the issues raised by the speakers during the hearing.

**\*6. Shady Grove Station, Preliminary Plan Amendment No. 12012008D** --- Request to modify an approved Preliminary Plan to replace the unbuilt 131,422 square feet of office use with a maximum of 43,000 square feet of general retail space; 90.34 acres, zoned CRT-1.0 C0.25 R 0.5 H-60 T (TDR 0.6 Overlay); located on the south side of the intersection of Shady Grove Road and Crabbs Branch Way; within the Shady Grove Sector Plan area.

*Staff Recommendation: Approval with Conditions and Adoption of Resolution*

### **BOARD ACTION**

**Motion:** CICHY/PATTERSON

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** FANI-GONZÁLEZ 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 proposed Preliminary Plan Amendment request to modify an approved Preliminary Plan to replace 131,422 square feet of unbuilt office space with a maximum of 43,000 square feet of general retail space, which is in addition to the already approved 41,828 square feet of general retail. The proposed change will impact only the portion of the property at the southwest corner. The 90.34-acre property is located on the south side of the intersection of Shady Grove Road and Crabbs Branch Way within the Shady Grove Sector Plan area. Staff noted that the applicant is seeking this change because of the demand for retail uses, such as grocery stores or neighborhood-serving retail stores, based on visibility and the increasing demand for existing and planned development on the west and east sides of Shady Grove Station and CSP Associates proposed development.

Staff also noted that the proposed amendment does not include modifications to the previously approved layout. The applicant intends to accommodate an urban format grocery store on the site. A Site Plan application will be submitted when details for the future retailer are confirmed. Staff added that a minimum of 215 parking spaces are required and the applicant proposes to provide 220 spaces in the nearby parking garage. Staff also discussed revisions and additions to the Conditions of Approval.

Mr. Phillip Hummel, attorney representing the applicant, introduced Mr. McLean Quinn of EYA, and Ms. Ronnie Warner of Montgomery County Department of General Services.

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

**\*7. Ourisman Ford at Montgomery Mall, Sketch Plan No. 320170100** --- Request for approval of a Sketch Plan to allow up to a 355,822-square-foot multi-unit building of up to 75 feet in height; 4.08 acres, zoned CRT-2.5, C-1.5, R-2.0, H-75, located at the northeast corner of the Westlake Terrace and Motor City Drive intersection; within the 2002 Potomac Sub-Region Master Plan area.

*Staff Recommendation: Approval with Conditions*

### **BOARD ACTION**

**Motion:** CICHY/DREYFUSS

**Vote:**

**Yea:** 3-1

**Nay:** PATTERSON OPPOSED

**Other:** FANI-GONZÁLEZ ABSENT

**Action:** Approved staff recommendation for approval of the Sketch Plan cited above, subject to conditions, as stated in the attached adopted Resolution.

In keeping with the November 17 technical staff report, Planning Department staff discussed a Sketch Plan request to allow the construction of a 355,822-square foot multi-unit building, including 12.5 percent Moderately Priced Dwelling Units (MPDUs), on a 4.08-acre property located at the northeast corner of the intersection of Westlake Terrace and Motor City Drive, within the Potomac Sub-Region Master Plan area. Staff noted that the property is surrounded by a mix of existing commercial, institutional, multi-family residential, office and retail uses. Staff noted that the site is the location of the former Ourisman Ford Automobile Dealership, and is currently improved with a 37,300-square foot building and a surface parking lot. The site is located next to Westfield Montgomery Mall, including the Transit Center with Metrobus and Ride-on buses. A post office and a Home Depot store are also located to the northwest and west of the property. The Countywide Zoning Rewrite and the subsequent comprehensive map amendment rezoned the property from Commercial (C-2) to Commercial/Residential/Transit (CRT-2.5), Commercial (C-1.5) and Residential (R-2) with a height of 75 feet.

Staff also noted that in addition to the proposed public open space, the applicant will provide a vegetated area with a trail at the east and south sides of the property. The proposed project also includes two private courtyards, one with an outdoor swimming pool and the other entirely enclosed within the residential building and structured parking.

Ms. Barbara Sears, attorney representing the applicant, briefly discussed the proposed request and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff and Ms. Sears.

Commissioner Patterson voted against approving the proposed Sketch Plan as submitted, stating that the Plan reflects an under allocation of MPDUs.



**8. Zoning Text Amendment No. 17-13, Exemptions - Public Taking --- ZTA 17-13** amends the Montgomery County Zoning Ordinance to remove the possibility of structures located on a lot reduced in area by a public acquisition from becoming nonconforming; allow the repair, alteration, or reconstruction of such structure under certain circumstances; and allow the lot reduced in area by public acquisition to be legal.

*Staff Recommendation: Transmit Comments to the County Council*  
**(NOTE: Action required for County Council public hearing of 12/5/17)**

**BOARD ACTION**

**Motion: CICHY/PATTERSON**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: FANI-GONZÁLEZ ABSENT**

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

In keeping with the November 20 technical staff report, Planning Department staff discussed Zoning Text Amendment (ZTA) 17-13, which would amend the Montgomery County Zoning Ordinance to remove the possibility of structures located on a lot reduced in area by a public acquisition from becoming non-conforming; allow the repair, alteration, or reconstruction of such structure under certain circumstances, and allow the lot reduced in area by public acquisition to be legal.

Staff noted that the 2014 Zoning Ordinance did not grandfather a lawful structure located on a lot that is reduced in area by a public acquisition. That acquisition could render the structure non-conforming since Section 7.7.1.A.1 applies only to structures that existed on October 30, 2014. The proposed ZTA would retain the pre-acquisition, legal status of the property. Staff stated that the proposed amendment is recommended by County Council and Executive staff for situations where less than an entire property is publicly acquired. Staff finds the amendment necessary and consistent with language in the previous Zoning Ordinance.

There followed a brief Board discussion with questions to staff.

**9. Zoning Text Amendment No. 17-14, Walls and Fences - Setback Exemption --- ZTA 17-14 amends the Montgomery County Zoning Ordinance to revise, under certain circumstance, the provisions that allow fences and walls to be exempt from setback standards.**

*Staff Recommendation: Transmit Comments to County Council*

**(NOTE: Action required for County Council public hearing of 12/5/17)**

**BOARD ACTION**

**Motion: DREYFUSS/CICHY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: FANI-GONZÁLEZ ABSENT**

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

In keeping with the November 20 technical staff report, Planning Department staff discussed Zoning Text Amendment (ZTA) 17-14, which will amend the Montgomery County Zoning Ordinance to revise, under certain circumstances, the provisions that allow fences and walls to be exempt from setback standards. Staff noted that currently, the Zoning Ordinance exempts fences and walls from setback requirements if the height of the structure is 6.5 feet or lower, with exceptions granted for deer fencing or other fences located in the Agricultural or Rural Residential zones. A homeowner who wants a higher fence is either required to meet the setback requirement or to apply for a variance. Staff noted that the sponsor of this ZTA believes that when an owner of residentially-zoned property abutting a non-residentially zoned property, an eight-foot fence should be allowed without a setback requirement or a variance.

Staff supports the proposed ZTA given that the relaxation of the height standard could assist homeowners in residential zones in minimizing possible visual and audible obtrusions associated with adjacent non-residential uses.

Ms. Vicki Vergagni, President of the Board of Directors and On-Site Community Manager for the Glen Way Gardens Condominium offered comments.

There followed a brief Board discussion with questions to staff and Ms. Vergagni.

**\*10. Artery Plaza**

**A. Sketch Plan Amendment No. 32015005B**, Artery Plaza, CR 5.0 C 5.0 R 5.0 H 170 Zone, 3.02 acres, request an addition of 14,500 square feet devoted to office and amenity space to be located on the roof where a penthouse was previously approved; located on Bethesda Avenue at the western intersection with Wisconsin Avenue, Bethesda Downtown Sector Plan  
*Staff Recommendation: Approval with Conditions & Adoption of Resolution*

**B. Preliminary Plan Amendment No. 11983015C**, Artery Plaza, CR 5.0 C 5.0 R 5.0 H 170 Zone, 3.02 acres, request an addition of 14,500 square feet devoted to office and amenity space to be located on the roof where a penthouse was previously approved; located on Bethesda Avenue at the western intersection with Wisconsin Avenue, Bethesda Downtown Sector Plan  
*Staff Recommendation: Approval with Conditions & Adoption of Resolution*

**C. Site Plan Amendment No. 81984002D**, Artery Plaza, CR 5.0 C 5.0 R 5.0 H 170 Zone, 3.02 acres, request an addition of 14,500 square feet devoted to office and amenity space to be located on the roof where a penthouse was previously approved; located on Bethesda Avenue at the western intersection with Wisconsin Avenue, Bethesda Downtown Sector Plan  
*Staff Recommendation: Approval with Conditions & Adoption of Resolution*

**BOARD ACTION**

**Motion:**                   **A. CICHY/PATTERSON**  
                                   **B. & C. CICHY/DREYFUSS**

**Vote:**  
       **Yea:**                   **A. B. & C. 4-0**

**Nay:**

**Other:**                   **FANI-GONZÁLEZ ABSENT**

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

**B. Approved staff recommendation for approval of the Preliminary Plan cited above, subject to conditions, and adopted the attached Resolution.**

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

In accordance with the November 17 technical staff report, Planning Department staff offered a multi-media presentation and discussed proposed Sketch Plan, Preliminary Plan, and Site Plan Amendment requests for the Artery Plaza project. Staff noted that the proposed amendments will add an additional floor to the new office building, increasing the non-residential gross floor area by 14,500 square feet for a total of 601,111 square feet. The 3.02-acre Artery Plaza site is located in the northwest quadrant of the intersection of Wisconsin Avenue

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**\*10. Artery Plaza – Sketch Plan Amendment, Preliminary Plan Amendment and Site Plan Amendment**CONTINUED

and Bethesda Avenue in the Bethesda Downtown Sector Plan area. The site is in proximity to the Bethesda Metro Station and a proposed southern entrance to the Metro, as well as the terminus of the proposed Purple Line. The Bethesda Row retail area is located west of the site and Elm Street Park is also within a few blocks of the property. An existing 12-story office building, the Artery Plaza, will remain on site. A smaller, eight-story, existing office and retail building will be demolished to accommodate the proposed development. A standard method, two-story retail building, presently under construction, will also remain on site.

Staff then discussed recommended additional conditions of approval for the three amendments and noted that, except as amended, and discussed during the meeting, the conditions of approval remain valid and in full effect for the Sketch Plan, Preliminary Plan, and Site Plan.

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

There followed a brief Board discussion with questions to staff and Ms. Harris.

**\*11. ZOM Property, Sketch Plan No. 320180050** --- CR 2.25, C 0.50, R 2.25 H 60, CR 2.0, C 0.25, R 2.0 H 60 and CR 1.0, C 0.25, R 1.0 H 60 zones, 1.28 acres, Request for a multi-family residential development including up to 235 residential units, including 15 percent MPDUs; includes an allocation of Bethesda Overlay Zone density; located in the southeast quadrant of the intersection with Moorland Lane and Arlington Road; Bethesda Downtown Sector Plan.

*Staff Recommendation: Approval with Conditions*

### **BOARD ACTION**

**Motion:** DREYFUSS/CICHY

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** FANI-GONZÁLEZ ABSENT

**Action:** Approved staff recommendation for approval of the Sketch plan cited above, subject to conditions, as stated in the attached Resolution.

In keeping with the November 17 technical staff report, Planning Department staff offered a multi-media presentation and discussed a Sketch Plan request to construct a residential building for up to 257,675 square feet, with up to 235 multi-family dwelling units, including an allocation of the Bethesda Overlay Zone density of up to 172,708 square feet, and 15 percent Moderately Priced Dwelling Units (MPDUs). The 1.84-acre property is located in the southeast quadrant of the intersection of Moorland Lane and Arlington Road in the Bethesda Downtown Sector Plan area and is surrounded by a mix of residential, office, and institutional uses.

Staff noted that the proposed development is limited to a maximum height of 60 feet, as specified in the Zoning Ordinance. The applicant is proposing to meet the public open space requirements of 10 percent of the site at an off-site location to be determined at Site Plan application when the final density for the entire project will be approved by the Planning Board. Staff also noted that a Forest Conservation exemption has been granted because the project qualifies for the small property exemption given the net tract area of less than 1.5 acres with no existing forest or existing specimen tree, and the afforestation requirements would not exceed 10,000 square feet. Resident parking is proposed to be contained within a structured below-grade garage, with the final quantity of parking spaces and ingress/egress into the garage to be determined at Site Plan application based on the final number of dwelling units. Staff added that the area is well served by transit which includes the Red Line Metrorail Station, Metrobus, Ride-on buses, the Bethesda Circulator, and the future Purple Line.

Ms. Heather Dlhopsky, attorney representing the applicant, offered brief comments and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff and Ms. Dlhopsky.