



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

**APPROVED
MINUTES**

The Montgomery County Planning Board met in regular session on Thursday, December 14, 2017, at 10:09 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 8:40 p.m.

Present were Chair Casey Anderson, Vice Chair Norman Dreyfuss, and Commissioners Natali Fani-González, Gerald R. Cichy, and Tina Patterson.

Items 3, 9, and 1, discussed in that order, are reported on the attached agenda.

Item 4 was removed from the Planning Board agenda.

The Board recessed for lunch at 11:23 a.m. and convened in Closed Session at 1:16 p.m. to take up Item 10, 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 Planning Board convened in Closed Session at 1:16 p.m. in the 3rd floor conference room on motion of Commissioner Patterson, seconded by Commissioner Fani-González, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor of the motion. The meeting was closed under authority of Annotated Code of Maryland §3-305(b) (7), State Government Article, Annotated Code of Maryland, to consult counsel to obtain legal advice.

Also present for the meeting were Principal Counsel Carol Rubin and Associate General Counsel Christina Sorrento of the Legal Department; Director Gwen Wright, Deputy Director Rose Krasnow, Rich Weaver, Sandra Pereira, and Doug Johnson of the Planning Department; and James Parsons of the Commissioners' Office.

In Closed Session, the Board received briefing and legal advice regarding a proposed Site Plan Amendment request for Forest Conservation purposes.

The Closed Session meeting was adjourned at 1:32 p.m.

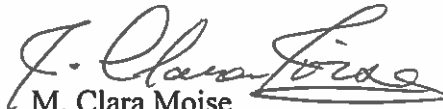
The Board reconvened in the auditorium at 1:40 p.m.

Items 11, 2, 7, 5, 8, and 6, discussed in that order, are reported on the attached agenda.

Commissioner Cichy left the meeting for the day at 6:00 p.m. prior to discussion of Item 6.

The Planning Board took a 10-minute dinner break at 7:30 p.m.

There being no further business, the meeting was adjourned at 8:40 p.m. The next regular meeting of the Planning Board will be held on Thursday, December 21, 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, December 14, 2017
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

3. MD 355 Phase 2 – Montrose Parkway Mandatory Referral

Applicant: Montgomery County Department of Transportation

Project: Review of Design Project MO344M21, design prepared by SHA for Montgomery County Department of Transportation

Limits: From west of Maple/Chapman Avenue to East of Parklawn Avenue.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: FANI-GONZÁLEZ/PATTERSON

Vote:

Yea: 4-0-1

Nay: DREYFUSS

Other:

Action: Approved staff recommendation to transmit comments to the Montgomery County Department of Transportation, as discussed during the meeting, and as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed a proposed Mandatory Referral request by the Montgomery County Department of Transportation (MCDOT) to construct a segment of a Maryland State Highway Administration (SHA) Consolidated Transportation Program (CTP) project being funded by MCDOT. The 0.62-mile long project site is located along Montrose Parkway just west of its current terminus at its intersection with Maple Avenue/Chapman Avenue in the west, and just east of Parklawn Drive, within the White Flint 2 Sector Plan and North Bethesda/Garrett Park Master Plan areas. The project also includes portions of Parklawn Drive and Randolph Road.

As part of the MD355 Phase 2 Montrose Parkway project, the applicant proposes to construct Montrose Parkway as a six-lane parkway between Rockville Pike (MD355) and Parklawn Drive, and as a four-lane parkway passing over Parklawn Drive to the project's eastern

CONTINUED ON NEXT PAGE

3. MD 355 Phase 2 – Montrose Parkway Mandatory ReferralCONTINUED

limits, connecting to the MCDOT four-lane divided Montrose Parkway East project, which is proposed to connect to Veirs Mill Road at Parkland Drive. Key design roadway elements for Montrose Parkway include a six-lane overpass bridge with a 10-foot wide sidepath over Nebel Street and the CSX railroad tracks, a four-lane overpass bridge, and an at-grade, single point urban interchange at Parklawn Drive. The key roadway design elements for Randolph Road include the termination of an approximately 225-foot segment of the road from Maple Avenue/Chapman Avenue to the Montrose Crossing Shopping Center driveway; creation of a stub road with two divided lanes per direction; and three options for westbound through traffic to reach MD355, which include Parklawn Drive north to Montrose Parkway, Parklawn Drive south to Nicholson Lane, and Veirs Mill Road to Montrose Parkway. The key design elements for pedestrian and bicycle circulation include a 10-foot wide sidepath along the entire north side of the project limits; signalized crossing of the sidepath at Parklawn Drive; crosswalks on west, north, and south legs of the intersection of Montrose Parkway and Chapman Avenue; ramps to Montrose Parkway at Parklawn Drive, with crosswalks on the east, west, and north legs of the intersection; an eight-foot wide sidewalk on the west side, and a ten-foot wide sidepath on the east side of Parklawn Drive; and eight-foot wide sidewalks on both sides of Randolph Road with a connection to Chapman Avenue.

Staff then discussed issues with the proposed project, including a lack of conformity to Urban Road Code standards; the narrow width of the Montrose Parkway sidepath; the lack of a crosswalk on the east side of the intersection of Montrose Parkway and Chapman Avenue; the need for better pedestrian and bicycle connectivity with Nebel Street; a lack of buffers proposed for Parklawn Drive; a lack of an acceptable Tree Save Plan; conflicts with current standards and priorities, such as the Vision Zero Action Plan, the Veirs Mill Road Bus Rapid Transit Study, the Veirs Mill Road Corridor Master Plan, the Interagency Working Group on Matthew Henson Trail crossing safety issues; and unresolved requests from the original 2007 Mandatory Referral review. Staff then offered recommendations to address these issues.

Mr. Bruce Johnston of MCDOT offered comments.

Mr. Christopher Conklin, also of MCDOT, offered comments, and stated that MCDOT would explore the feasibility of the staff recommendations to address the bicycle and pedestrian issues, but noted that changes to the road cross-section are difficult to make at this stage of the project.

There followed extensive Board discussion with questions to staff and Messrs. Johnston and Conklin.

***9. 9800 Medical Center Drive, Site Plan No. 81995045E** --- Request to amend a previously approved Site Plan for the addition of a 175,840-square-foot lab/office building and a 746-car parking garage, with related stormwater management, circulation, open space and landscape improvements; 18.14 acres zoned LSC; located at the southwest corner of Shady Grove Road and Medical Center Way; 2010 Great Seneca Science Corridor Master Plan. The project is within the Piney Branch Special Protection Area (SPA).

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: FANI-GONZÁLEZ/DREYFUSS

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 Limited Site Plan Amendment request to build two additional structures as part of a previously approved Site Plan application. Staff noted that the application also includes a Final Water Quality Plan (FWQP), which was approved by the Montgomery County Department of Permitting Services (MCDPS) in a letter dated November 17. The 18.14-acre site is bounded by Medical Center Drive to the north, Medical Center Way to the northeast, Shady Grove Road to the east, and is zoned Life Science Center (LSC) in the Great Seneca Science Corridor (GSSC) Master Plan area. Four existing access points provide vehicular access from the south side of Medical Center Drive. The property is currently developed with four existing research and development and office buildings, identified as Buildings A through D, varying in height from three to four stories and totaling 281,379 square feet; 581 surface parking spaces that surround the four buildings; and an interconnected network of sidewalks. The property lies within the Piney Branch Special Protection Area (SPA), with the western portion of the site containing an intermittent stream and its buffer, as well as some small wetlands and wetland buffers.

The applicant proposes to build a new five-story, 175,84-square foot research and development building, identified as Building F, at the southwest corner of the intersection of Shady Grove Road and Medical Center Way, and a six-level parking garage located to the south for 746 parking spaces, including 15 handicapped spaces, three of which will be van accessible, and spaces for motorcycles and bicycles. The two proposed buildings will be connected with an

CONTINUED ON NEXT PAGE

***9. 9800 Medical Center Drive, Site Plan No. 81995045E**

CONTINUED

arcade. Public open space will be provided along Medical Center Drive and Medical Center Way. The applicant has agreed to construct an eight-foot shared-use path along the south side of Medical Center Way, a ten-foot shared-use path along the west side of Shady Grove Road, and a five-foot sidewalk along Medical Center Drive.

Staff then discussed the FWQP, specifically Water Quality improvements, noting that the majority of the new construction will be limited to existing surface parking lots, for a reduction of 237 surface parking spaces and a minimal increase in impervious surfaces. Staff added that the proposed parking structure will allow for the removal of 15 surface parking spaces within or adjacent to a wetland buffer, which will then be restored. Staff recommends approval of the FWQP.

Staff then discussed minor corrections to the Site Plan conditions of approval, and noted an additional condition that aligns the Site Plan and Preliminary Plan so that both require that the provision of pedestrian and bicycle facilities occur prior to issuance of the first Use and Occupancy certificate.

Legal Counsel noted that this modification will most likely require a consent agenda amendment to the Preliminary Plan. Counsel added that changes to the Site Plan Resolution would be made prior to Chair Anderson signing it.

Mr. Patrick O'Neil, attorney representing the applicant, offered comments, concurred with the staff recommendation, and requested that in order to correlate the project timing, the Site Plan timing be placed on the development program for the Certified Site Plan, subject to the modification of the Preliminary Plan.

There followed a brief Board discussion with questions to staff and Mr. O'Neil, during which the Board agreed to Mr. O'Neil's request.

~~4. Bicycle Master Plan Working Draft (continuation from December 7, if needed)
Approval of Working Draft and Set Public Hearing Date for January 18, 2018 — REMOVED~~

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

1. Consent Agenda

***A. Adoption of Resolutions**

1. ZOM Bethesda Sketch Plan 320180050 – MCPB No. 17-108

BOARD ACTION

Motion: PATTERSON/FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

Action: Adopted the Resolution cited above, as submitted.

***B. Record Plats**

Subdivision Plat No. 220170870, Colesville Farm Estates--RE-1 zone, 1 lot; located on the east side of New Hampshire Avenue (MD 650), 300 feet south of Hobbs Drive; White Oak Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: DREYFUSS/FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

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

***C. Other Consent Items**

1. The Quarry --- Project Plan Amendment 92004004A: Request for an additional one-week extension to the regulatory clock for the Project Plan, to subdivide one lot approved for 47 condominium units with 44 new lots for 44 townhouses, located on the northeast side of River Road, approximately 1,500 feet west of the intersection with Seven Locks Road; 13.31 acres, Reviewed under the RMX-1 zone; Potomac Sub-Region Master Plan.

Staff Recommendation: Approval

2. Ellsworth Place (formerly City Place) Site Plan Amendment No. 81988046F --- Request to update plan for design and location of installed streetscape furnishings and elements in response to a Notice of Violation; 2.48 acres, zoned CBD-3, located south of Fenton Street, between Colesville Road and Ellsworth Drive, Silver Spring CBD Sector Plan area.

Staff Recommendation: Approval with Conditions

3. Extension Request for Offutt Estates, Site Plan No. 820150140 --- Request to extend the regulatory review period by four months to April 5, 2018, for the construction of one detached house and two duplexes (four units); located on Hillery Way approximately 450 feet west of Rockville Pike (MD 355); 0.5 acres; RT-12.5 Zone; 2010 White Flint Sector Plan area.

Staff Recommendation: Approval

BOARD ACTION

Motion: 1. FANI-GONZALEZ/PATTERSON
 2. FANI-GONZALEZ/DREYFUSS
 3. FANI-GONZALEZ/DREYFUSS

Vote:

Yea: 1. through 3. 5-0

Nay:

Other:

Action: 1. Approved staff recommendation for approval of the Project Plan Amendment Extension cited above.

 2. Approved staff recommendation for approval of the Site Plan Amendment cited above, subject to conditions, as stated in the attached adopted Resolution.

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

***D. Approval of Minutes**

Planning Board Meeting Minutes of November 30, 2017

BOARD ACTION

Motion: FANI-GONZÁLEZ/PATTERSON

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved Planning Board Meeting Minutes of November 30, 2017, as submitted.

10. CLOSED SESSION

Pursuant to §10-508(b)(7), State Government Article, Annotated Code of Maryland, to consult counsel to obtain legal advice

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

11. Rock Spring Sector Plan

Staff Recommendation: Adopt Planning Board Resolution and Transmit to M-NCPPC

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 4-0-1

Nay:

Other: PATTERSON ABSTAINED

Action: Approved staff recommendation to adopt the Planning Board Resolution for the Rock Spring Sector Plan, as submitted, and to transmit it to the Full M-NCPPC Commission for adoption.

2. Roundtable Discussion

- Planning Director's Report

BOARD ACTION**Motion:****Vote:****Yea:****Nay:****Other:****Action: Received briefing.**

Planning Department Director Gwen Wright briefed the Planning Board on the following ongoing and upcoming Planning Department events and activities: the three plans recently approved by the County Council, Rock Spring, White Flint II, and Grosvenor/Strathmore Minor Master Plan Amendment. Three other plans which are in the works, the Bicycle Master Plan with a Public Hearing scheduled for January 25; the MARC Rail Communities Plan for Boyds and Germantown, with the working draft to be approved on December 21, and a Public Hearing scheduled for February 1; and the Update to the Master Plan of Highways and Transitways, with the working draft to be approved on December 21 and a Public Hearing scheduled for February 8. Ms. Wright also noted that there are also a number of studies and projects in the work, with the completed Housing Rental Study to be updated after worksessions with the County Council regarding changes to the MPDUs laws included in two Bills that have been introduced by the Legislative; the Co-location Study to be presented to the Board in February; the Employment Trend Study and the Senior Housing Study to be presented to the Board in late Spring; the Agro-Tourism Study which has just started. Ms. Wright also talked about the Winter Speaker Series with the next event scheduled for January 24 which will focus on the Economy of the Suburbs.

Ms. Wright also mentioned the upcoming holiday festivities, with the Planning Department holiday party on December 19 at McGingty's Pub from 2:00 to 5:00 p.m. in downtown Silver Spring, the retirement party for Rose Krasnow scheduled for December 20 from 3:00 to 5:00 p.m. in the auditorium, and the staff cubicle judging context by Planning Board members scheduled for Thursday, December 21.

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

***7. Marriott International Headquarters**

A. Sketch Plan No. 320180060, CR 5.0, C 5.0, R 4.75 H 300, CR 5.0, C 4.0, R 4.75, H 165 and the Bethesda Overlay (BOZ) zones, 2.25 acres, Request for a mixed-use commercial development including up to 825,000 square feet of office space, up to 225,000 square feet of hotel (246 rooms), and an allocation of 559,140 square feet from the BOZ density to go toward the Park Impact Payment; located on Wisconsin Avenue at the southwest intersection with Norfolk Avenue; 2017 Bethesda Downtown Sector Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

B. Preliminary Plan No. 120180020, CR 5.0, C 5.0, R 4.75 H 300, CR 5.0, C 4.0, R 4.75, H 165 and the Bethesda Overlay (BOZ) zones, 2.25 acres, Request for one lot for a mixed-use commercial development including up to 825,000 square feet of office space, up to 225,000 square feet of hotel (246 rooms), and an allocation of 559,140 square feet from the BOZ density to go toward the Park Impact Payment; located on Wisconsin Avenue at the southwest intersection with Norfolk Avenue; 2017 Bethesda Downtown Sector Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

C. Site Plan No. 820180030, CR 5.0, C 5.0, R 4.75 H 300, CR 5.0, C 4.0, R 4.75, H 165 and the Bethesda Overlay (BOZ) zones, 2.25 acres, Request for a mixed-use commercial development including up to 825,000 square feet of office space, up to 225,000 square feet of hotel (246 rooms), and an allocation of 559,140 square feet from the BOZ density to go toward the Park Impact Payment; located on Wisconsin Avenue at the southwest intersection with Norfolk Avenue; 2017 Bethesda Downtown Sector Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: **A. & B. DREYFUSS/FANI-GONZÁLEZ**
 C. DREYFUSS/PATTERSON

Vote:
 Yea: **A., B., & C. 5-0**

Nay:

Other:

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

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

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

CONTINUED ON NEXT PAGE

***7. Marriott International Headquarters**

CONTINUED

In keeping with the December 1 technical staff report, Planning Department staff offered a multi-media presentation and discussed Sketch, Preliminary and Site Plan requests to build a 22-story office building and a 246-room hotel adjacent to the neighboring Bethesda Place office building for the new Marriott International Corporate Headquarters in Bethesda, Maryland. Staff noted that the request is for a mixed-use commercial development including up to 825,000 square feet of office space, up to 225,000 square feet of hotel use with 246 rooms, and an allocation of 559,140 square feet from the Bethesda Overlay Zone density to go toward the Park Impact Payment. The 2.25-acre property is located on Wisconsin Avenue at its southwest intersection with Norfolk Avenue in the Bethesda Downtown Sector Plan area. Staff noted that the two buildings will be linked by a through-block connection from Woodmont Avenue to Wisconsin Avenue to facilitate movement between the public roads and the employees accessing the buildings.

Staff noted that the proposed project is subject to the Bethesda Downtown Sector Plan, the Commercial/Residential (CR) Zone guidelines, Design Guidelines, and the Bethesda Overlay Zone (BOZ). The Sector Plan identified public benefit priorities, including minimal parking, exceptional building design, parks and environment, all of which are being incorporated into the overall design of the project. The BOZ modified specific sections of the public benefit categories and points to enable implementation of the Sector Plan. The design of the hotel and office buildings are innovative and iconic, providing a unique circulation to building surfaces and providing an efficient functionality on an L-shaped site in an urban environment. The office building will be the tallest building in Montgomery County and a landmark in downtown Bethesda. The applicant will provide eight-inch soil depth intensive green roof on both buildings and landscaping and green cover on the site area to meet the 35 percent green cover requirement. The applicant is also providing parking below the minimum required by the Zoning Ordinance and is applying the 20 percent reduction in number of required spaces pursuant to the Sector Plan and the BOZ. The applicant will also utilize the off-site public parking garage 11, as part of an agreement with Montgomery County but is not counting those parking spaces to meet the minimum parking requirement. Staff also discussed the transportation and bicycle recommendations and the need for a high-quality pedestrian network due to the transit-oriented nature of downtown Bethesda.

Mr. Bob Dalrymple, attorney representing the applicant, introduced Mr. Greg Rooney and Mr. Duncan Lyons, members of the applicant's team, briefly discussed the proposed requests and the proposed revisions to two Conditions of Approval in the Site Plan, and Condition 14 in the Preliminary Plan, which deals with the Americans with Disabilities (ADA) compliance requirements. Mr. Dalrymple then concurred with the staff recommendation.

Messrs. Rooney and Lyons offered a multi-media presentation and discussed the proposed project and the building architectural design.

At the Board's request, Transportation Planning Division staff offered comments and answered questions from Board members.

CONTINUED ON NEXT PAGE

***7. Marriott International Headquarters**

CONTINUED

Mr. Christopher Conklin from Montgomery County Department of Transportation (MCDOT) also offered comments and answered questions from the Board.

Planning Department Director Gwen Wright also offered comments regarding ADA compliance.

The following speakers offered testimony: Ms. Amanda Farber of Kentucky Avenue and representing the East Bethesda Citizens Association (EBCA); and Ms. Mary Flynn of Blackthorn Street and representing the Coalition of Bethesda Area Residents (CBAR).

There followed extensive Board discussion with questions to staff and Mr. Dalrymple.

5. Commercial/Residential and Employment Zones Incentive Density Implementation Guidelines --- Request to approve revisions to the CR and Employment Zones Incentive Density Implementation Guidelines through the inclusion of Intent Statements and more precedent images and captions to help applicants and the public better understand the goals and vision of these incentive points which are in part required through the Optional Method Development process. These additions do not change the zoning requirements of this document.

Staff Recommendations: Approval of Additions to this Document

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: By consensus, approved staff recommendation to approve the proposed revisions to the Commercial/Residential and Employment Zones Incentive Density Implementation Guidelines.

Planning Department staff offered a multi-media presentation and discussed proposed revisions to the Commercial/Residential (CR) and Employment Zones Incentive Density Implementation Guidelines through the inclusion of Intent Statements and more images and captions to help applicants and the public better understand the goals and vision of these incentive points, which are in part required through the Optional Method of Development process. Staff noted that the proposed additions do not change the zoning requirements included in the Guidelines. Staff also noted that the presentation has been divided into three parts: 1) Short-Term - Clarity to the Existing Guidelines, which will be discussed today; 2) Mid-Term – scheduled for Winter/Spring 2018 - Synchronize Bethesda Overlay Zones and Bethesda Downtown Design Guidelines with Planning goals and Incentive Points, and Suggest Modifications to the CR Incentive Density Guidelines; and 3) Long-term - Suggest changes to CR Incentive Density Guidelines to align with changing County goals and needs; additions, deletions and modifications to individual guidelines and point allocations; and amendments to Section 4.7 of the Zoning Ordinance.

Staff noted that the Mid-Term and Long-Term portions of the discussion will be scheduled as two additional presentations to the Planning Board in the coming months.

There followed extensive Board discussion with questions to staff. The Board provided comments and suggestions during the meeting to improve the Guidelines.

***8. Gilburt Residence, Site Plan No. 81992023A ---** Amendment to a Site Plan for Forest Conservation Plan purposes. A request to remove 693 square feet of an existing Category II Conservation Easement on Lot 44, Block A, Ashley Hollow, Plat No. 19170; located at 2801 Shadowridge Drive in the RE-2 zone; Olney Master Plan.

Staff Recommendation: Denial

BOARD ACTION

Motion: CICHY/PATTERSON

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the applicant's request for a deferral.

At the onset of the discussion of this Item, Legal staff clarified that the Planning Board needs to decide if it wants to release the Commission's property interest on the existing easement to the applicant and if so, review the proposed Site Plan Amendment request to see if the terms of the release are properly included and whether the amendment itself satisfies all the other requirements.

In keeping with the November 30 technical staff report, Planning Department staff offered a multi-media presentation and discussed a Site Plan Amendment request for Forest Conservation Plan purposes. Staff noted that the request is to remove and relocate 693 square feet of an existing Category II Conservation Easement on Lot 44, Block A of a property located on Shadowridge Drive in the Olney Master Plan area, to create buildable area to add a swimming pool in the rear yard. Staff noted that the existing Category II Conservation Easement is approximately 33 feet wide and runs from Lot 44 south along the rear of the neighboring properties to Lot 41 where the easement begins to widen out to approximately 45 feet. Staff noted that the proposed request raises serious concerns with the negative visual impacts; the replacement plantings; the overall impacts to remaining vegetation; enforcement of the easement; and the setting of a precedent for easement removal.

Staff noted that during the review process, staff has attempted to work with the applicant to balance his desire to add a pool and staff's goal of minimizing or eliminating impacts to the Category II Conservation Easement. The applicant has been reluctant to make any substantive alterations to the originally proposed design for the pool and patio. Staff believes that a pool of similar configuration with associated structures can be installed on the property without the removal of the easement or of any vegetation within the easement area. This would simply involve pulling the pool, patio and retaining wall closer to the house and outside of the easement. This may require a redesign or removal of the existing decking structure. Staff added that another

CONTINUED ON NEXT PAGE

***8. Gilburt Residence, Site Plan No. 81992023A**CONTINUED

option would be to redesign the shape of the pool and other structures and keep them out of the easement. Staff also discussed the previously approved Forest Conservation Plan, including the Category II Easement and the proposed removal of four canopy trees and the impact to three other trees.

Mr. Stephen Orens, attorney representing the applicant, introduced Mr. Avi Gilburt, the applicant; Mr. Peter E. Ciferri, attorney, and Messrs. Chris Cowles and Michael Norton, Landscape Architects, members of the applicant's team, discussed in detail the proposed request and did not concur with the staff's recommendation of denial.

Commissioner Fani-Gonzalez stated that she supports the staff recommendation of denial and does not recommend that the Planning Board approve the request, as submitted.

Commissioner Patterson stated that she would recommend that staff review the options for allowing the applicant to build the pool while minimizing the impact to the existing Conservation Easement.

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

Mr. Orens requested a deferral after consultation with the applicant, and added that he is amenable to working with staff to arrive at a satisfactory compromise.

***6. Westbard Self Storage**

A. Preliminary Plan No. 120170280, Westbard Self Storage, IM and R-10 Zones, 1.37 acres, Proposal for 107,030 square foot self-storage building; located on a private road paralleling the Capital Crescent Trail, approximately 100 feet south of River Road, Westbard Sector Plan.

Staff Recommendation: Approval with Conditions

B. Site Plan No. 820170110, Westbard Self Storage, IM and R-10 Zones, 1.37 acres, Proposal for 107,030 square foot self-storage building; located on a private road paralleling the Capital Crescent Trail, approximately 100 feet south of River Road, Westbard Sector Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: A. & B. DREYFUSS/FANI-GONZÁLEZ

Vote:

Yea: A. & B. 4-0

Nay:

Other: CICHY ABSENT

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

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

At the onset of the discussion of this Item, Chair Anderson stated the ground rules for testifying during the hearing.

In accordance with the December 4 technical staff report, Planning Department staff discussed in detail Preliminary and Site Plan requests for the construction of a self-storage building. The request is to build a 107,030 square-foot self-storage building on a 1.37-acre property located on a private road paralleling the Capital Crescent Trail, approximately 100 feet south of River Road in the Westbard Sector Plan area. Staff noted that the site is zoned light industrial and will have an industrial character that will be quite different than a residential or other type of office or commercial building. The proposed building design has gone through many iterations to address the building façade along the Willet Branch. Parks Department staff will be negotiating with the applicant for future treatment of the façade and opportunities for easements to address beautification once the Willett Branch is implemented. The proposed plans are consistent with the goals and recommendations of the Sector Plan for access and stormwater facilities associated with the stream buffer. Staff also discussed revised conditions of approval in the Preliminary and Site Plans.

CONTINUED ON NEXT PAGE

***6. Westbard Self Storage - Preliminary Plan No. 120170280 & Site Plan No. 820170110**CONTINUED

Mr. Timothy Dugan, attorney representing the applicant, Mr. Kelly McKone of Bethesda Self-Storage Partners, LLC, also present, introduced Messrs. Messrs. Brad Fox and Bob Kyte of Bohler Engineering, members of the applicant's team, offered a multi-media presentation, discussed the proposed request, and concurred with the staff recommendation.

The following speakers offered testimony: Ms. Sarah Morse of Dorset Avenue and representing the Little Falls Watershed Alliance; Ms. Susan Spock of Albemarle Street; Mr. Harvey Matthews, member of the Macedonia Baptist Church; Dr. Marsha Coleman-Adebayo of Earl Court and representing the Macedonia Baptist Church; Ms. Kerridwen Henry of Falconwood Drive; Mr. Kevin Berends of Eastern Avenue; Mr. Harold Pfohl of Winnebago Road and Chair of the Citizens Coordinating Committee on Friendship Heights; Ms. Lynne Battle of Westbard Avenue; Mr. Lloyd Guerci of Hunt Avenue; Mr. Robert Dyer of Albia Road; Ms. Gina McNeal of Larch Avenue; Mr. Bill Singer of River Road; Ms. Laurel Hoa of Glencrest Lane; and Mr. Robert Weaver of Newington Road.

At the Board's request, Mr. Mark Ethridge of the Department of Natural Resources offered comments regarding the proposed stormwater management.

There followed extensive Board discussion with questions to staff and Mr. Dugan.

Commissioner Patterson requested that Planning Department Director Gwen Wright and Parks Department Director Michael Riley contact Baltimore County to learn more about their Equity in Planning Committee, and offered to work with them to see if there is anything they might learn from the Committee that might be useful for the community of Westbard and throughout Montgomery County.