



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

**APPROVED  
MINUTES**

The Montgomery County Planning Board met in regular session via Microsoft Teams video conference on Thursday, April 23, 2020, at 9:04 a.m., and adjourned at 6:02 p.m.

Present were Chair Casey Anderson, and Commissioners Gerald R. Cichy, Tina Patterson, and Partap Verma.

Vice Chair Natali Fani-González was necessarily absent.

Items 1 and 3 are reported on the attached agenda.

Item 2 was removed from the Planning Board agenda.

The Planning Board recessed at 10:11 a.m. to allow Chair Anderson to participate in an FY21 Budget conference call, and reconvened at 10:54 a.m.

Item 4 is reported on the attached agenda.

The Planning Board recessed for lunch at 11:26 a.m. and reconvened at 12:15 p.m.

Item 5 is reported on the attached agenda.

Commissioner Patterson left the meeting during discussion of Item 5.

The Planning Board recessed at 2:09 p.m. during discussion of Item 5 to allow Chair Anderson, and Planning Department Director Gwen Wright, to participate in a conference call with the County Council and reconvened at 4:57 p.m. to continue discussion of Item 5.

Item 6 is reported on the attached agenda.

There being no further business, the meeting was adjourned at 6:02 p.m. The next regular meeting of the Planning Board will be held on Thursday, April 30, 2020, via video conference.

*M. Clara Moise*

M. Clara Moise  
Sr. Technical Writer/Editor

**Montgomery County Planning Board Meeting**  
**Thursday, April 23, 2020**  
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. 220200180, Waredaca Estates** -- AR zone; 1 lot; located on the west side of Howard Chapel Road, approximately 1,900 feet north of Damascus Road (MD 650); Olney Master Plan.

*Staff Recommendation: Approval*

**Subdivision Plat No. 220200060, Little Tavern Tract** -- CR zone (Fenton Village Overlay); 1 parcel, 1 out-lot; located on the west side of Dixon Avenue (formerly Colonial Lane), 150 feet south of Ripley Street; Silver Spring CBD Sector Plan.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:** CICHY/VERMA

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** FANI-GONZÁLEZ ABSENT

**Action:** Approved the Record Plats cited above, as submitted.

**\*C. Other Consent Items**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**      **There were no Other Consent Items submitted for approval.**

**\*D. Approval of Minutes**

Planning Board Meeting Minutes of April 9, 2020

**BOARD ACTION**

**Motion:** CICHY/VERMA

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** FANI-GONZÁLEZ ABSENT

**Action:** Approved Planning Board Meeting Minutes of April 9, 2020, as submitted.

**2. Roundtable Discussion**

- Parks Department Director's Report -- **REMOVED**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**\*3. 7000 Wisconsin Avenue**

**A. 7000 Wisconsin Avenue, Preliminary Plan No. 120200090**---CR 3.0 C 3.0 R 2.75 H 120 zone and the Bethesda Overlay zone, 0.46 acres, Request for 210,000 square feet of development including up to 200,000 square feet of multi-family residential use, with 17.6 percent MPDUS, and up to 10,000 square feet of non-residential uses; and a payment of the Park Impact Payment through the Bethesda Overlay Zone; located at 7000 Wisconsin Avenue; 2017 Bethesda Downtown Sector Plan.

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

**B. 7000 Wisconsin Avenue, Site Plan No. 820200090**---CR 3.0 C 3.0 R 2.75 H 120 zone and the Bethesda Overlay zone, 0.46 acres, Request for 210,000 square feet of development including up to 200 multi-family residential dwelling units with 17.6 percent MPDUS and up to 10,000 square feet of non-residential uses; and a payment of the Park Impact Payment through the Bethesda Overlay Zone; located at 7000 Wisconsin Avenue; 2017 Bethesda Downtown Sector Plan.

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

**BOARD ACTION**

**Motion:                   A. CICHY/VERMA  
                                  B. CICHY/VERMA**

**Vote:  
  Yea:                    A. & B. 3-0-1**

**Nay:                     PATTERSON**

**Other:                  FANI-GONZÁLEZ ABSENT**

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

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

Chair Anderson noted that he will start with public testimony before staff presentation.

The following speakers offered testimony: Mr. Tim Eden of Wisconsin Avenue; Mr. Bob Levey of Wisconsin Avenue and representing the Adagio Condominium Development Committee; Mr. Gerald Robin of Wisconsin Avenue, and Mr. Steven Seelig of Wisconsin Avenue and representing the Council of Unit Owners of the Adagio Condominium.

Planning Department staff offered a multi-media presentation and discussed Preliminary and Site Plan requests for a proposed development at 7000 Wisconsin Avenue. Staff noted that the 0.71-acre property is in the Bethesda Overlay Zone within the Bethesda Downtown Sector Plan area. The request is for the creation of one lot for a mixed-use project of up to 210,000 total square feet including up to 200,000 square feet of residential uses, up to 200 dwelling units, and

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**A. 7000 Wisconsin Avenue, Preliminary Plan No. 120200090 & B. 7000 Wisconsin Avenue, Site Plan No. 820200090**CONTINUED

up to 10,000 square feet of retail uses. The project includes an allocation of the Bethesda Overlay Zone density and a minimum of 17.6 percent of Moderately Priced Dwelling Units (MPDUs). There is an existing single-story retail building and a surface parking lot on the site. The applicant must pay a Park Impact Payment of \$970,043 to the Parks Department, prior to the release of the first above-grade building permit, or as may be adjusted through a minor amendment as set forth in Condition of Approval 5.c. The property is located within the block south of Woodmont Avenue, south of a single-story FedEx store and the recently developed 120-foot tall Bethesda Solaire project that is located across Woodmont Avenue, to the north. The project proposes sole vehicular access from the adjacent public alley in accordance with Section 59.6.1.3.C. of the Zoning Ordinance. Both Planning staff and Montgomery County Department of Transportation (MCDOT) have reviewed the access concept and recommend approval. Staff has received community correspondence raising concerns about impacts to the public alley operations as a result of the project.

Staff then discussed the project traffic impact and noted that based on trip generation guidance included in the 2017 Local Area Transportation Review Guidelines, the project is estimated to generate fewer trips than the existing retail use it is replacing, and therefore the applicant was not required to conduct a traffic impact analysis on the adjacent transportation network. However, the project proposes to consolidate all access onto the public alley, and Planning Department staff and MCDOT requested a study of the potential impacts to safety and circulation within the rear public alley. That study evaluated truck turning maneuvers and loading operations based on existing obstructions within the alley, i.e. dumpsters, utility poles, etc. and projected traffic volumes in the alley. After reviewing the results of the study and the design of loading and garage bay entrances, staff at both agencies concluded the public alley has sufficient capacity to meet demand once the project is constructed. Staff stated that it is important to note that the forecasted number of trips is likely conservative, considering that the applicant is proposing fewer than the minimum parking spaces required by the Zoning Ordinance and that no adjustments to trip generation were made as a result of the applicant's proposed minimum parking public benefit. Use of the alley as the primary means of ingress to the site was further confirmed in a letter dated October 17, 2019 from MCDOT. As required in Chapter 49-31(p) of the County Code, both the Director of Transportation and the Planning Board must concur that the dimensions and specifications of a public alley provide adequate primary vehicular access to a proposed project. Based on the analysis submitted by the applicant, requirements set forth in the Zoning Ordinance, Chapter 49, and the findings of the Director of Transportation, staff supports use of the public alley and recommends the Planning Board approve the vehicular circulation, as proposed in the request.

Mr. Bob Dalrymple, attorney representing the applicant introduced members of the applicant's team, offered comments and concurred with the staff recommendation.

Mr. Will Zeid of Wells and Associates, member of the applicant's team, offered comments on traffic.

There followed extensive Board discussion on traffic and transportation issues, with questions to staff, Mr. Dalrymple and Mr. Zeid.



**\*4. 4857, 4998, 4900, & 4949 Battery Lane, Preliminary Plan 120190240** --- C R 3.5 C 0.5 R 3.5 H 120 zone, CR 1.5 C 0.5 R 1.5 H 120, and the Bethesda Overlay Zone, 9.65 acres, proposal for four lots for up to 1,341,000 square feet of development including 6,000 square feet of non-residential uses and 1,335,000 square feet of residential uses for up to 1130 units; located on Battery Lane between Old Georgetown Road and Woodmont Avenue; 2017 Bethesda Downtown Sector Plan.

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion: CICHY/VERMA**

**Vote:**

**Yea: 3-0**

**Nay:**

**Other: PATTERSON ABSTAINED  
FANI-GONZÁLEZ ABSENT**

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

Chair Anderson noted that he will start the meeting with public testimony before the staff presentation.

The following speakers offered testimony: Mr. Nick Mazzeo of Stonehall Condominium on Woodmont Avenue; Ms. Alexandra Kosmides of Battery Lane; Ms. Holly Clemans of Battery Lane; Mr. Michael Fetchko of Battery Lane; and Mr. Ruwan Salgado of Inman Park Circle.

In keeping with the April 10 technical staff report, Planning Department staff offered a multi-media presentation and discussed a Preliminary Plan request to for four lots for up to 1,341,000 square feet of development including 6,000 square feet of non-residential uses and 1,335,000 square feet of residential uses for up to 1,130 units. There currently are five buildings totaling 483,386 square feet and 411 units of garden-style apartments with associated surface parking. The 9.65-acre site is located on Battery Lane between Old Georgetown Road and Woodmont Avenue in the Bethesda Downtown Sector Plan area. The surrounding uses along Battery Lane are predominantly mid-rise residential buildings varying from three stories and garden apartments, to ten stories in height. To the south of the site there is a single-family detached zone along Rugby Avenue with a mix of newer development including the newly constructed Brightview Bethesda Senior Living, and the 2nd District Police Station, Parking Garage 35, and other commercial uses. The National Institutes of Health (NIH) Campus is located on the north side of the site and Battery Lane Urban Park is in the middle of the site.,

Staff noted that on December 12, 2019, the Planning Board approved Sketch Plan 320190080 and Resolution No. MCPB 19-134 to allow up to 1,752,000 square feet of total

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**\*4. 4857, 4998, 4900, & 4949 Battery Lane, Preliminary Plan 120190240**CONTINUED

development on five sites including up to 12,000 square feet of non-residential uses and up to 1,740,000 square feet of residential uses with an overall average of 20 percent Moderately Priced Dwelling Units (MPDUs) project wide and a minimum of 15percent MPDUs on each site, and a request of density from the Bethesda Overlay Zone. The Sketch Plan is envisioned to be implemented over the next 10 to 15 years and through multiple phases.

Staff added that the applicant proposes to create four lots totaling 9.65 tract areas: Site A containing 0.98 acres, Site C, 2.93 acres, Site D, 3.05 acres, and Site E, 1.95 acres, to allow the redevelopment of the property with four high-rise residential buildings and one high-rise mixed-use building (Site D). Each site will provide appropriate right-of-way (ROW) dedication to Battery Lane to achieve the master planned 70-foot width, as well as vehicular and pedestrian access from Battery Lane. The applicant also proposes to redesign the existing Battery Lane ROW to provide a separated two-way bike facility on the south side as recommended in the Bicycle Master Plan and the Bethesda Downtown Plan. The exclusion of Site B from this Preliminary Plan application, which is the fifth site included in the approved Sketch Plan, is due to the applicant's expected build-out period to be beyond the ten years that is allowed by the Adequate Public Facilities Regulations. There is no forest on-site or adjacent to the property, however there is an afforestation requirement of approximately 1.51 acres which will be addressed off-site, via a certificate of compliance from an off-site bank.

Ms. Nancy Regelin, 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. Regelin.

**5. Alef Bet Montessori School - Adequate Public Facilities Ordinance Review, APF202001**---Request for transportation Adequate Public Facilities approval to expand enrollment of a private school on Tuckerman Lane from 33 students to 90 students; located at 6125 Tuckerman Lane in North Bethesda; approximately 26,245 square feet in size; zoned R-200; within the 1992 North Bethesda Garrett Park Master Plan area.

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

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

**Action: At the request of the Applicant’s Attorney, voted by consensus to defer this Item to allow staff and the attorney to work on an additional Condition of Approval.**

The following speakers offered testimony: Mr. Michael Strauss of Rosemont Drive, a Community Association Representative; Mr. Daniel Darnell of Rosemont Drive, adjacent property owner, offered a multi-media presentation; Ms. Cynthia Darnell of Rosemont Drive, adjacent property owner; Ms. Michele Rosenfeld, attorney representing Mr. Michael Strauss and Mr. Richard and Ms. Joan Wolff of Rosemont Drive, also offered a multi-media presentation; Mr. Mark Quinn of Windermere Court and representing the Heritage Walk Homes Corporation and the Windermere Homeowners Association; Rabbi Stephen Baars of Roseland Drive; Mr. Peter Hebert of Windermere Court and co-founder of the Coalition of Windermere Neighbors; and Ms. Nermine Demopoulos of Roseland Drive.

Planning Department staff offered a multi-media presentation and in accordance with he April 13 technical staff report, discussed a transportation Adequate Public Facilities (APF) request to expand enrollment in a private Jewish school on Tuckerman Lane from 33 students to 90 students. The 26,245 square-foot Alef Bet Montessori School is located on a 0.59-acre property on Tuckerman Lane in North Bethesda within the North Bethesda Garrett Park Master Plan area. Staff noted that this review is limited to the transportation (APF) determination and no expansion of the existing building is proposed. The property is a recorded lot created by Plat No. 7383 in 1964, and neither a Preliminary Plan nor a Site Plan are required. According to Chapter 8-32 of the Zoning Ordinance, the Planning Board must find whether all applicable existing public facilities will be adequate to support the proposed development. The property, identified as Lot 19, as recorded in 1964 on Plat No. 7383, is zoned Residential (R-200), and currently operates as a school for children from preschool to elementary students. The existing single-family home was converted into a school in 2019. The school operates Monday through Friday from 7:30 a.m. to 3:00 p.m., with after-school programs from 3:00 to 6:30 p.m. The school’s current enrollment is 38 students. The Department of Permitting Services (DPS) approved an

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**5. Alef Bet Montessori School - Adequate Public Facilities Ordinance Review, APF202001**CONTINUED

enrollment of 33 students in August 2017 and the occupancy permit was later amended to allow a maximum of 39 students following the submission of a traffic statement which determined the project would generate fewer than 50 peak-hour trips and was exempt from a Local Area Transportation Review (LATR) approval. The school features programs for early care, toddlers, preschool children, and elementary age children. Arrival time is staggered by 30 minutes for each group, with the first group arriving at 7:30 a.m. and the last group arriving at 9:00 a.m.

Staff then discussed traffic and parking noting that access to the property is served by a circular one-way drive aisle off Tuckerman Lane. Two travel lanes for pick-up and drop-off accommodates 12 vehicles, up to eight in the carpool lane and four parking spaces that are unoccupied during the morning drop-off and evening pick-up periods. Queuing onto Tuckerman Lane is prohibited. Four employees facilitate the drop-off process and guide children from their parents' vehicles to the building entrance. A Montgomery County police officer is stationed at the school driveway on Tuckerman Lane from 8:00-9:15 a.m. to control turning movements into and out of the site and to stop cross-traffic on Tuckerman Lane as necessary. As a condition of the Transportation Management Plan, the school will provide a certified traffic manager to facilitate the pick-up/drop-off process prior to issuance of the Use and Occupancy Certificate for the additional 51 students. Most students are released at or before 3:00 p.m., to reduce impact on the evening commuter peak period. The Planning Department and Montgomery County Department of Transportation (MCDOT) request a \$1,200 contribution to fund traffic signal modifications at the intersection of Old Georgetown Road and Tuckerman Lane, which MCDOT estimates will cost \$20,000 overall. The requested contribution is proportional to Alef Bet's congestion impact at the intersection of Old Georgetown Road and Tuckerman Lane: 3.9 seconds in the AM peak period and 1.1 seconds in the PM peak period. Thirteen parking spaces are provided on-site in the following configuration: six spaces in front of the school and seven tandem spaces in the rear for staff parking. The six front parking spaces are not occupied during the pick-up and drop-off periods and function as visitor parking at all other times. Limited on-street parking is provided on Tuckerman Lane east and west of the property, but on-street parking is prohibited along the frontage of the property, in accordance with discussion and recommendations from MCDOT.

Ms. Nancy Regelin, attorney representing the applicant, offered detailed comments and concurred with the staff recommendation.

Staff noted that after discussion with the applicant's team, conditions of approval related to traffic were revised.

At the Planning Board's request, Legal Counsel to the Board clarified the need for an agreement with MCDOT or an additional condition of approval regarding queuing and the number of cars accessing the site daily.

There followed extensive Board discussion with questions to staff and Ms. Regelin, during which Chair Anderson recommended that the applicant request a deferral to work with staff on an additional condition of approval to ensure there is no traffic queuing and no more than the approved number of cars during drop-off and pick-up times, or the applicant would be required to pay an agreed-upon fine.

**6. Conditional Use No. CU2020-02 -- Milestone Senior Germantown**

**A. Preliminary Forest Conservation Plan No. CU2020-02**---Request for approval of a preliminary forest conservation plan and variance as part of a conditional use application to construct a 111-unit independent living facility for seniors located about 0.2 miles north of the intersection of Wheatfield Drive and Frederick Road in Germantown; 2.64 acres R-90 Zone; 2009 Germantown Employment Area Sector Plan.

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

**B. Conditional Use No. CU2020-02**---Request to transmit comments to the Hearing Examiner on an application to construction of a 111-unit independent living facility for seniors, located about 0.2 miles north of the intersection of Wheatfield Drive and Frederick Road in Germantown; 2.64 acres R-90 Zone; 2009 Germantown Employment Area Sector Plan.

*Staff Recommendation: Approval with Conditions*

**(NOTE: Action required for Hearing by the Hearing Examiner on May 11, 2020)**

**BOARD ACTION**

**Motion:**                    **A. CICHY/VERMA  
B. CICHY/VERMA**

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

**Nay:**

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

**Action:**                **Approved staff recommendation for approval of the Conditional Use Request and associated Preliminary Forest Conservation Plan cited above, subject to conditions, and adopted the attached Resolution.**

In keeping with the April 10 technical staff report, Planning Department staff offered a multi-media presentation and discussed a Conditional Use (CU) request and the associated Preliminary Forest Conservation Plan (PFCP) to construct an 111-unit independent living facility for seniors on a 2.64-acre property located about 0.2 miles north of the intersection of Wheatfield Drive and Frederick Road in the Germantown Employment Area Sector Plan. Staff noted that the property is an approximately 2.6-acre parcel of undeveloped land with access from Frederick Road. Presently, there is a paved driveway from Frederick Road that provides access to the adjacent property to the south. The site has varied topography with areas of relatively steep slopes covered with mature trees on the entire property. The parcel is irregularly shaped with 408 feet of frontage along Frederick Road. There are no wetlands, intermittent or perennial streams on, or within 100 feet of the Property. No known rare, threatened, or endangered species exist and there are no designated historic sites on or near the property.

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**A. Preliminary Forest Conservation Plan No. CU2020-02 & B. Conditional Use No. CU2020-02 - Milestone Senior Germanton**CONTINUED

Staff also noted that the neighborhood itself consists primarily of suburban residential with limited commercial uses, including a gas station, restaurant, fraternal club, and a credit union. Much of the neighborhood to the east was developed from 1992 to 1993. The residences directly across Frederick Road were developed around 1962. The building housing the fraternal lodge and restaurant, adjacent property to the north, was built in 1940. South of the site, a small portion of the Great Seneca Stream Valley Park lies within the southern portion of the neighborhood. There is no known pending or proposed development approvals within the defined neighborhood vicinity.

Staff added that there is a total of one off-site tree being impacted and nine on-site trees proposed for removal in a variance request from the applicant. All of the nine trees proposed for removal are located within the existing forest stand on the property. It has been the Planning Department policy not to require mitigation for specimen trees removed within forest stands since the removal of the forest stand is compensated for through the Forest Conservation Worksheet. Additionally, no mitigation is required for trees that are impacted, but retained.

Mr. Jody Kline, attorney representing the applicant, offered brief comments and concurred with the staff recommendation.

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