

# Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

## APPROVED MINUTES AND SUMMARY

### SUMMARY

**Thursday, March 9, 2023**

2425 Reedie Drive  
Wheaton, MD 20902  
301-495-4605

The Montgomery County Planning Board met in regular session in the Wheaton Headquarters Building in Wheaton, Maryland, and via Microsoft Teams video conference on Thursday, March 9, 2023, beginning at 10:31 a.m. and adjourned at 4:31 p.m.

Present were Chair Jeff Zyontz, Vice Chair Roberto Piñero, and Commissioners Shawn Bartley, James Hedrick, and Mitra Pedoeem.

Chair Zyontz introduced new members of the Planning Board, Shawn Bartley, James Hedrick, and Mitra Pedoeem, and each gave a brief introduction.

Items 1 through 4, Item 10, and Item 5 were discussed in that order and reported in the attached Minutes.

The Planning Board recessed for lunch at 12:14 p.m. and reconvened in the auditorium and via video conference at 1:17 p.m. to discuss Items 6 through 9 as reported in the attached Minutes.

There being no further business, the meeting was adjourned 4:31 p.m. The next regular meeting of the Planning Board will be held on Thursday, March 16, 2023, in the Wheaton Headquarters Building in Wheaton, Maryland, and via video conference.

*Rachel Roehrich*

Rachel Roehrich  
Technical Writer/Legal Assistant

MINUTES

**Item 1. Preliminary Matters**

**A. Adoption of Resolutions**

**BOARD ACTION**

**Motion:**

**Vote:**

**Other:**

**Action:** There were no Resolutions submitted for adoption.

**B. Approval of Minutes**

**BOARD ACTION**

**Motion:**

**Vote:**

**Other:**

**Action:** There were no Minutes submitted for approval.

**C. Other Preliminary Matters**

**BOARD ACTION**

**Motion:**

**Vote:**

**Other:**

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

**Item 2. Record Plats (Public Hearing)**

**BOARD ACTION**

**Motion:**

**Vote:**

**Other:**

**Action: There were no Record Plats submitted for approval.**

**Item 3. Regulatory Extension Requests (Public Hearing)**

**Glenmont Metro Center, Site Plan No. 820210180, Site Plan Amendment No. 82015012D and Preliminary Plan Amendment No. 12013008B, Regulatory Extension Request No. 4 - Request to extend the regulatory review period from March 9, 2023 to July 6, 2023.**

*Staff recommendation: Approval of the Extension Request.*

P. Smith

**BOARD ACTION**

**Motion: Piñero/Hedrick**

**Vote: 5-0**

**Other:**

**Action: Approved staff recommendation for approval of the Regulatory Extension Request cited above.**

**Sketch Plan No. 320220100 & Preliminary Plan No. 120220140, Federal Plaza West, Regulatory Extension Request No. 3 - Request to extend the regulatory review period from March 9, 2023 to April 27, 2023.**

*Staff Recommendation: Approval of the Extension Request*

A. Lindsey

**BOARD ACTION**

**Motion: Piñero/Bartley**

**Vote: 5-0**

**Other:**

**Action: Approved staff recommendation for approval of the Regulatory Extension Request cited above.**

**Item 4. Roundtable Discussion**

Planning Director's Report  
T. Stern

**BOARD ACTION**

**Motion:**

**Vote:**

**Other:**

**Action: Received briefing.**

Acting Planning Director Tanya Stern presented a multi-media presentation providing a look ahead into the Planning Department's work program for 2023.

Some focus areas for 2023 include: the implementation of Thrive Montgomery 2050, continued progress with Equity Agenda in planning, supporting housing for all through master plans and other initiatives, applying a data-driven approach to all planning work, and supporting the County's Vision Zero initiative.

Acting Director Stern gave an overview of the current master plans and projects in progress as well as examples of plans that the Montgomery County Council and the Planning Board will review. The Clarksburg Master Plan and Silver Spring Communities Master Plan were also highlighted as they will be launching in the near future.

Several studies and special projects were also discussed including: the Wheaton Downtown Study, Incentive Density Guidelines update, Friendship Heights Urban Design Study, Innovative Housing Toolkit, Life Sciences Industry and Market Study, Attainable Housing Strategies Initiative, and the Growth and Infrastructure Policy Update.

Acting Director Stern discussed legislation the Montgomery County Council and Planning are involved in which includes the No Net Loss of Forest Amendments to the County's Forest Conservation Law. Some of the bill's goals to achieve no net loss of forest County-wide include: encouraging more forest planting, continued protection for existing forests, and incentivizing less forest clearing.

Remarkable Montgomery: Untold Stories Historical Markers, which has been a joint effort between the Planning Department and Montgomery Parks, was also highlighted. These markers will be placed throughout Montgomery County with the first two markers appearing in a pedestrian walkway near the entrance of the Forest Glen Metro and Wheaton Veterans Park. Installation and ribbon cutting of the markers is projected for the Spring of 2023.

Acting Director Stern highlighted the return of the Design Excellence Awards, which will take place on October 19, 2023, as well as development of the Placemaking Strategic Plan to intentionally determine how to advance placemaking throughout the County.

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Lastly, Acting Director Stern discussed the Community Equity Index and numerous regional agencies that partner with the Planning Department including: the Metropolitan Washington Council of Government's Planning Director's Technical Advisory Committee, Region Forward Coalition, Washington Housing Conservancy Stakeholder Council, ULI Washington, NAOIP, and Maryland Building Industry Association.

The Board offered comments regarding interest in developments with Fairland Briggs Chaney and requested that information be provided for future participation of Commissioners in regional Planning initiatives.

**Item 10. 7340 Wisconsin Avenue, Sketch Plan Amendment No. 32020001A, Preliminary Plan Amendment No. 11994080C, and Site Plan No. 820230010 (Continued Public Hearing – Request to Set Hearing Date of March 23, 2023)**

A. Sketch Plan No. 32020001A – Request to amend previous approved uses senior living and commercial to multi-family residential and commercial, to redistribute density between uses, to revise the public benefit schedule, and to revise plans to reflect an updated design; located at the northwest quadrant of the intersection of Hampden Lane and Wisconsin Avenue; zoned CR-5.0 C-5.0 R-4.75 H-250 and Bethesda Overlay Zone; 2017 Bethesda Downtown Sector Plan.

B. Preliminary Plan No. 11994080C – Request to amend the previous approval to allow for a maximum of 315,500 square feet of development density, to include 306,849 square feet of multi-family residential density use, consisting of no more than 308 multi-family dwelling units, and including up to 8,651 square feet of commercial use and Live/Work Units; located at the northwest quadrant of the intersection of Hampden Lane and Wisconsin Avenue; zoned CR-5.0 C-5.0 R-4.75 H-250 and Bethesda Overlay Zone; 2017 Bethesda Downtown Sector Plan.

C. Site Plan No. 820230010 - Request to develop a 250-foot tall, 315,500 square-foot mixed-use building comprised of 306,849 square feet of residential uses for a maximum of 308 units with 15 percent MPDUs, and 8,651 square feet of commercial uses, with 142,475 square feet of Bethesda Overlay Zone (BOZ) density and associated PIP payment. located at the northwest quadrant of the intersection of Hampden Lane and Wisconsin Avenue; zoned CR-5.0 C-5.0 R-4.75 H-250 and Bethesda Overlay Zone; 2017 Bethesda Downtown Sector Plan.

*Staff recommendation: Approval with Conditions*

A. Bossi

**BOARD ACTION**

**Motion:** Bartley/Hedrick

**Vote:** 5-0

**Other:**

**Action:** Approved request for continuance until the March 23, 2023 Planning Board meeting.

Patricia Harris of Lerch, Early & Brewer, on behalf of the Applicant, requested that the Board continue the above-cited applications to the March 23, 2023 Planning Board meeting. The Board had previously granted a continuance to its March 30, 2023 meeting and approved the Applicant's request to continue the public hearing to an earlier date.

**Item 5. Corso Chevy Chase, Local Map Amendment H-148 & Preliminary Forest Conservation Plan (Public Hearing)**

A. Local Map Amendment H-148: Request to rezone a 13.64 acre property from R-60 to CRNF-1.5, C-0.25, R-1.25, H-70' to allow the construction of a Residential Care Facility (over 16 persons) containing up to 287 independent dwelling units, 190 assisted living beds, and 30 memory care beds, and up to 5,000 square feet of commercial/retail use; Located at 7100 Connecticut Avenue, approximately 1300 feet north of Bradley Boulevard; 13.64 acres; 1990 Bethesda Chevy Chase Master Plan.

B. Preliminary Forest Conservation Plan H-148  
*Staff recommendation: Approval with Conditions*  
T. Gatling

**A. BOARD ACTION**

**Motion: Hedrick/Pedoeem**

**Vote: 5-0**

**Other:**

**Action: Approved staff recommendation to transmit recommendations to the Hearing Examiner for Local Map Amendment H-148, as stated in a transmittal letter to be prepared at a later date.**

**B. BOARD ACTION**

**Motion: Piñero/Pedoeem**

**Vote: 5-0**

**Other:**

**Action: Approved staff recommendation for approval of the Preliminary Forest Conservation Plan H-148 cited above, subject to conditions as amended during the hearing, which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.**

Tsaiquan Gatling, Planner III, presented a multi-media presentation regarding Corso Chevy Chase, Local Map Amendment H-148 and Preliminary Forest Conservation Plan H-148. Further information can be found in the Staff Report dated February 27, 2023.

The Property is located within the municipal boundary of the Town of Chevy Chase, which has a private development agreement with the Applicant. The Mayor and Town Manager have been actively involved in the review and the Town Council voted in favor of the project. Chevy Chase Section 3 confronts the Property to the east across Connecticut Avenue.

The Applicant proposes to rezone 13.64 acres of land from the R-60 Zone to the CRNF (Commercial Residential Neighborhood) Floating Zone. The rezoning would allow redevelopment of the Property, that was most recently used by the National 4-H Council as a Conference Center, to a residentially scaled senior care community. The Applicant proposes to remove the existing buildings in order to construct this project which consists of a maximum mixed-use density of 700,000 square feet. The Project would provide a minimum of 15 percent of the independent



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living units as Moderately Priced Dwelling Units (MPDUs), subject to review by the Department of Housing and Community Affairs during the Site Plan stage of review.

Joel Rubin, Vice Mayor for the Town of Chevy Chase, offered testimony including comments and suggested revisions to the proposed binding elements.

Andy Leon Harney, Section 3, Village of Chevy Chase, offered testimony and a multi-media presentation regarding concerns with overall safety of the proposed entrance/exit location as well as increased traffic within the area. Ms. Harney recommended revisions to the proposed binding elements.

Steve Robbins of Lerch, Early & Brewer presented a multi-media presentation and offered comments on behalf of the Applicant.

Tim Gary of Galerie Living (the Applicant team), offered comments regarding the project.

Grant Epstein of Community Three (the Applicant team), offered comments regarding the project, community outreach, and input from the Town of Chevy Chase.

Sarah Alexander of Torti Gallas (the Applicant team), offered comments and presented a multi-media presentation portraying the compatibility of the design into the surrounding neighborhood.

Elizabeth Rogers of Lerch, Early & Brewer, on behalf of the Applicant, offered comments regarding the project and agreed with the findings and binding elements in the staff report. Ms. Rogers also noted agreement with several of the modifications suggested during testimony.

The Board asked questions regarding timing of potential traffic/parking studies, the commercial retail component, bus stop location, potential bike path, setbacks and street trees on Connecticut Avenue, and the forest conservation plan.

Staff offered comments and responses to the Board's questions.

Based on the testimony presented at the hearing, Staff offered proposed modifications to the following binding elements:

- Number 2: Adding a sentence to confirm that the Applicant will coordinate with the Village of Chevy Chase on traffic impacts
- Number 3: Requiring submission of the Parking Demand Analysis before submission of the Preliminary Plan and/or Site Plan applications
- Number 5: Adding "southern" to the description of protected forest areas
- Number 12: Replacing the term "site lighting" with "exterior lighting"
- Number 17: Specifying the maximum height, with a buffer to accommodate any slight modifications, in addition to the maximum number of stories for the outward-facing buildings

The Planning Board, Staff, and Applicant team were in agreement with the modifications above.

**Item 6. 4824 Edgemoor, Preliminary Plan Amendment No. 12020007A & Site Plan Amendment 82021004A (Public Hearing)**

A. Preliminary Plan Amendment 12020007A – Request to amend previous approval to increase the number of units from up to 76 units to up to 111 units, with the option to convert up to 65 units to short term hotel rentals in the CR-2.5, C-0.5, R-2.5, H-120 zone, 0.20-acres, within the 2017 Bethesda Downtown Sector Plan area; additional modifications include revised bicycle parking to reflect the requirement of 112 units, minor changes in fenestration and the inclusion of additional balconies on the eastern and northern elevations, and additional windows added to elevations to accommodate the proposed additional units.

B. Site Plan Amendment 82021004A – Request to amend previous approval to incorporate building modifications which include revised bicycle parking to reflect the requirement of 111 units, minor changes in fenestration and the inclusion of additional balconies on the eastern and northern elevations, and additional windows added to elevations to accommodate the proposed additional units; 0.20-acres, located at 4824 Edgemoor Lane, within the 2017 Bethesda Downtown Sector Plan area.

*Staff Recommendation: Approval with Conditions*

T. Gatling

**A. BOARD ACTION**

**Motion: Hedrick/Piñero**

**Vote: 5-0**

**Other:**

**Action: Approved staff recommendation for approval of the Preliminary Plan Amendment No. 12020007A cited above, subject to conditions, which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.**

**B. BOARD ACTION**

**Motion: Pedoeem/Hedrick**

**Vote: 5-0**

**Other:**

**Action: Approved staff recommendation for approval of the Site Plan Amendment 82021004A cited above, subject to conditions as amended during the hearing, which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.**

Tsaiquan Gatling, Planner III, presented a multi-media presentation. Further information can be found in the Staff Report dated February 27, 2023.

The Amendments propose to increase the number of multi-family dwelling units, from up to 76 to up to 111, and allow an option for up to 65 dwelling units to be converted into short-term residential rental units. Additionally, the Applicant intends to design 22 of the 111 multi-family units as suites with a common area for living, kitchen, and dining and 3-4 surrounding bedrooms and 2-3 bathrooms. These may be marketed and rented under a “co-living” arrangement, with the residents of each bedroom having a separate lease agreement with the owner/operator.

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Neil Goldstein, individual, presented photographic exhibits and offered testimony regarding the traffic impacts and parking shortages in the area.

Penny Dash, adjacent property owner, offered testimony and a multi-media presentation regarding the short-term rentals, the assigned address of the building, traffic impacts, and parking shortages.

Jason Fabris, Counsel of Unit Owners of The Chase at Bethesda, offered testimony regarding increased traffic and pedestrian safety for the area.

Patricia Harris of Lerch, Early & Brewer offered comments on behalf of the Applicant. Ms. Harris gave a brief overview of the background for the project and detailed how the project is compatible with the Bethesda Downtown Sector Plan, addresses the affordable housing crisis, and encourages a more walkable community. Ms. Harris also presented multi-media exhibits regarding the traffic in the surrounding area.

The Board offered comments and asked questions regarding the change in towers, drop off and delivery issues, traffic/transit studies, clarity regarding the co-living units and MPDUs, potential possibility for address change, the increase in bicycle spaces, and community outreach.

Staff offered comments and responses to the Board's comments and questions.

The Applicant team offered comments and responses to the Board's questions regarding the co-living units, MPDUs, and community outreach performed.

The Board offered revisions to Condition 21 of the Site Plan Application and added a Condition 22 regarding coordination between the Applicant, Montgomery County Fire and Rescue Service (MCFRS), and Staff to explore the potential address change with the ultimate determination being made by MCFRS.

**Item 7. ZTA 23-##, Bethesda Overlay Zone – Development Procedures Extensions (Public Hearing)**

This proposed zoning text amendment (ZTA), if introduced, would provide for a one-time automatic extension of the timelines set forth in Section 59.4.9.2.D.4.

*Staff Recommendation: Transmit ZTA request to the District Council*

B. Berbert

**BOARD ACTION**

**Motion:** Bartley/Pedoeem

**Vote:** 5-0

**Other:**

**Action:** Approved staff recommendation to transmit comments to the County Council recommending introduction of the ZTA, as stated in the transmittal letter to be drafted at a later date.

Benjamin Berbert, Planner III, presented a multi-media presentation regarding the zoning text amendment (ZTA) for the Bethesda Overlay Zone – Development Procedures Extensions. Further information can be found in the Staff Report dated March 2, 2023.

The proposed ZTA would modify the development procedures of the Bethesda Overlay Zone (BOZ) by granting a one-time, one-year extension to the existing deadlines within the overlay zone that apply to projects that utilized BOZ Density in their approval.

Concerns have been raised by the development community regarding the two-year deadlines contained in the Development Procedures provisions – both the requirement to file for a building permit for core and shell within two years of the resolution date and the requirement to obtain that building permit within two years of the filing. Given the rising economic burdens resulting from construction cost inflation and the sharp rise in interest rates, the development community is finding projects that were quickly moving through the process only months ago are now running into hurdles. This ZTA would provide some relief from the two-year deadlines without fundamentally altering the purpose of these deadlines, which is to ensure that applicable development approvals using the limited BOZ Density proceed in a timely manner.

The language added by this proposed ZTA would allow any site plan that has utilized BOZ Density in its approval, and has yet to reach the first milestone of having a building permit application accepted by Department of Permitting Services (DPS) for the core and shell of the principal building to have an additional year. Staff estimated that the ZTA would impact approximately six pending projects.

The Board asked questions regarding reasoning for not including other overlay zones, if an equity statement was required, if one-year extension would provide sufficient relief, and if the extension would be automatic without application.

Staff offered comments and responses to the Board’s questions.

**Item 8, 14511 Jones Lane (Lot 23): Preliminary Plan Amendment No. 11996072A, Forest Conservation Plan Amendment (Public Hearing)**

Application to amend the Final Forest Conservation Plan to abandon an existing 0.05-acre Category I Conservation Easement and provide mitigation via fee-in-lieu payment at a 2:1 ratio; located on Lot 23, 14511 Jones Lane, North Potomac; 0.46 acres; R-200 zone; 2002 Potomac Subregion Master Plan.

*Staff Recommendation: Approval with Conditions*  
M. Kishter

**BOARD ACTION**

**Motion: Piñero/Hedrick**

**Vote: 5-0**

**Other:**

**Action: Approved staff recommendation for approval of the Preliminary Plan Amendment No. 11996072A, cited above, subject to conditions, which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.**

Mary Jo Kishter, Planner III, presented a multi-media presentation regarding 14511 Jones Lane (Lot 23). Further information can be found in the Staff Report dated February 27, 2023.

The Applicant proposes to abandon the existing 0.05-acre Category I Conservation Easement on the Subject Property and mitigate for the removal through a fee-in-lieu at a 2:1 rate. Staff noted that there was no forest within the Conservation Easement at the time the Applicant purchased the Property in September 2020 and that the Conservation Easement does not meet the minimum size requirements under the definition of "forest" as it is less than 10,000 square feet in area.

The Applicant proposes to mitigate for the removal of the 2,371.38 square foot (0.05 acre) Category I Conservation Easement through a fee-in-lieu payment at a 2:1 rate, which equates to mitigation for 4,742.76 square feet or 0.10 acres. There is no construction or land disturbance proposed as part of the Application.

The Board asked questions regarding whether the easement abandonment would create potential for constructing another dwelling unit.

Staff offered comments and responses to the Board's questions.

**Item 9. Preston Place, Preliminary Plan No. 120220130 and Site Plan No. 820220180 (Public Hearing – Continued from February 23, 2023 to Allow Re-Noticing)**

R-30 and R-60 Zones; 12.61 acres; located on the south side of Manor Road, approximately 50 feet west of its intersection with Jones Bridge Road; 2013 Chevy Chase Lakes Sector Plan

A. Preliminary Plan No. 120220130 - Request to subdivide one parcel and four lots to create 147 lots and 22 parcels for 156,500 square feet of residential development for up to 147 single-family attached (townhouse) units.

B. Site Plan No. 820220180 - Request to construct 147 single-family attached (townhouse) units and associated site features.

*Staff recommendation: Approval with Conditions*

A. Bossi/G. Bogdan

**A. BOARD ACTION**

**Motion:** Hedrick/Pedoeem

**Vote:** 5-0

**Other:**

**Action:** Approved staff recommendation for approval of the Preliminary Plan cited above, subject to conditions as amended during the meeting, which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.

**B. BOARD ACTION**

**Motion:** Hedrick/Piñero

**Vote:** 5-0

**Other:**

**Action:** Approved staff recommendation for approval of the Site Plan cited above, subject to conditions as amended during the meeting, which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.

Adam Bossi, Planner III, presented a multi-media presentation regarding Preston Place. Further information can be found in the Staff Report dated February 13, 2023.

Preliminary Plan No. 120220130 proposes to subdivide the four lots and one parcel that comprise the Site to create 147 lots and 16 parcels for Townhouse Living. Phase 1 will include 63 lots and Phase 2 will include 84 lots. An extended validity period of six years is requested for the Preliminary Plan in accordance with Section 50.4.2.G.2 and an extended validity period of nine years is requested for the determination of adequate public facilities in accordance with Section 50.4.3.J.5.d.

Site Plan No. 820220180 will cover both phases of development and proposes to construct 147 townhouse units, including 15 percent Moderately Priced Dwelling Units (MPDUs). The proposed development will include outdoor amenity spaces for residents, landscaping, and new pedestrian and bicyclist connections between Manor Road and Capital Crescent Trail. The development proposal is made under Optional Method MPDU Development for Residential Zones in

accordance with Section 59.4.4.2.A of the Zoning Ordinance, with the development being limited to the R-30 zoned portion of the Subject Property.

The Site is adjacent to the Capital Crescent Trail and within walking distance of the future Chevy Chase Lake Purple Line Station. Phase 1 will replace an existing vacant garden apartment complex with 63 new townhouse units on the western “Lake Tract”. Phase 2 will replace an existing, aging townhouse complex with 84 new townhouse units on the eastern “Preston Tract”.

Staff noted that the Preliminary Plan Application includes a waiver request for the residential roads paralleling railroads and the associated Preliminary Forest Conservation Plan includes a variance request for specimen tree impacts as roughly 45 trees will be impacted. An extended validity period has also been requested.

Staff received correspondence from residents regarding concerns with existing traffic, parking along the site’s Manor Road frontage, preservation of trees and green space, and undergrounding of utilities in the Manor Road frontage. Staff provided responses and comments to the residents’ concerns.

Staff also presented proposed revisions to the Preliminary Plan Conditions 10, 14, and 15, as well as modifications to Site Plan Conditions 7.c, 7.e, 7.f, 7.g.iii, 7.g.vii, and 14.d.

Al Carr, Sierra Club of Montgomery Group, offered testimony suggesting the undergrounding of utilities, as well as replacing the current small trees with large canopy trees.

Patricia Harris, Lerch, Early & Brewer, offered comments on behalf of the Applicant regarding the project, the undergrounding of utilities costs, and provided clarity on the Department of Transportation’s stance for undergrounding of utilities.

The Board asked questions regarding the amount of MPDUs included in each phase and schedule for phasing, current occupation of the site, potential cost to underground utilities, parking, fencing heights, and pedestrian connections.

Staff offered comments and responses to the Board’s questions.

Josh Sloan of VIKA Engineering, on behalf of the Applicant, offered comments regarding fencing.

The Board offered further discussion regarding the fencing heights and validity period.

The Board accepted the proposed condition revisions presented by Staff and further revised Condition 2 of the Preliminary Plan approval to clarify that the extended APF validity period for Phase 2 of the project will only be effective if the requirements of Condition 3 are met. The Board also added a condition to the Site Plan approval requiring that the fencing parallel to the common open spaces be limited to four feet tall.