

Agenda for Montgomery County Planning Board Meeting
Thursday, April 10, 2003, 9:30 A.M.
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Board Action

Roll Call Approval of Minutes: January 30, 2003 Commissioners' Reports Directors' Reports Reconsideration Requests	
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GENERAL MEETING (*Third Floor Conference Room, 8787 Georgia Avenue, Silver Spring*)

- A. Park Foundation, *Discussion*
- B. Administrative Items
- C. Rickman Farm Horse Park Therapeutic Riding Center – *Discussion*.
- D. *Proposed Closed Session pursuant to Maryland State Government Code Annotated Section 10-508 (a) (7) (consult with counsel to obtain legal advice) (Subject: Baseball Summer Camps Agreement)*
- E. *Proposed Closed Session: Pursuant to Maryland State Code Section 10-508 (i)(ii) Subject: To discuss personnel matters)*

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

1. Draft Amendment to Master Plan of Highways (Transportation)

High Occupancy Vehicle (HOV) lanes on Capital Beltway between American Legion Bridge and West spur I-270, and interchange at intersection of Randolph Road and Veirs Mill Road: Worksession

Staff Recommendation: *Approval to transmit to County Council. (No public testimony will be taken at this time.)*

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

2. Project Plan Review No. 9-99001B, Friendship Place (Wisconsin Place)

CBD-2 Zone; 305,000 square feet office, 265,000 square feet retail, 20,500 square feet community center, 50,000 square feet grocery store, 433 multi-family units and 1,749 parking spaces; At 5400 Wisconsin Avenue (MD 355); Bethesda – Chevy Chase & Vicinity, PA – 35

APPLICANT: New England Development

ENGINEER: Loiederman Soltesz Associates

Staff Recommendation: Approval with conditions.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

3. **Preliminary Plan Review No. 1-99030B, Friendship Place (Wisconsin Place) Request to Revise the Previous Conditions of Approval**

CBD-2 Zone; 305,000 Square Feet Office, 265,000 Square Feet Retail, 20,500 Square Feet Community Center, 50,000 Square Feet Grocery Store, 433 Multi-Family Units and 1,749 Parking Spaces

Located at 5400 Wisconsin Avenue (MD 355)
Community Water and Community Sewer

Policy Area: Friendship Heights

Applicant: New England Development
Engineer: Loiederman Soltesz Associates
Attorney: Lerch, Early and Brewer

Staff Recommendation: Approval, Including Waiver Pursuant to Section 50-20(b) for Building Located Over Lot Lines, Subject to the Following Conditions:

- 1) Approval under this preliminary plan amendment is limited to the following:
 - a. 265,000 square feet of retail space replacing the existing 176,188 square-foot Hecht's building
 - b. 305,000 square feet of office space
 - c. 433 high-rise apartment units
 - d. 50,000 square feet of retail for a grocery store
- 2) Maintain a 120-foot right-of-way for Wisconsin Avenue
- 3) Maintain a 90-foot right-of-way for Willard Avenue between The Hills Plaza and Friendship Boulevard
- 4) Maintain a 120-foot right-of-way for Western Avenue
- 5) To satisfy Local Area Transportation Review (LATR), the applicant shall participate equally with the owner/developer of Friendship Commons (PP 1-99039) and the owner/developer of Chevy Chase Center in the following two road improvements. The road improvements shall be completed prior to the issuance of any occupancy permit for any of the developments, with funding provided by the various applicants at the time the improvements are constructed.
 - a. Provide separate left-turn lane along eastbound and westbound Western Avenue at River Road by re-striping the existing lane designation and change the traffic signal phasing to provide concurrent signal phasing along Western Avenue.
 - b. Re-stripe the existing southbound Friendship Boulevard approach (within the existing curbs) from the existing one left-turn lane and one through/right lane to one left-turn lane, one through lane, and one through/right lane. A new signal phasing is needed at this intersection to provide split phasing for Friendship Boulevard and Jennifer Street.
- 6) To satisfy LATR, the applicant shall participate at a 40% share with the developers of Friendship Commons and Chevy Chase Center in funding the cost of:
 - a. Conducting a traffic study at the time that total occupancy of the three Friendship Heights developments (i.e., Wisconsin Place, Friendship Commons and Chevy Chase Center) reaches either 600,000 square feet of office or 350,000 square feet of retail, over and above what already exists

Preliminary Plan Review No. 1-99030B, Friendship Place (Wisconsin Place) Request to Revise the Previous Conditions of Approval *(continued)*

- b. Constructing improvements on the sites as of the date of this memorandum to River Road and Little Falls Parkway, if warranted by the traffic study and approved by the State Highway Administration (SHA) and the Maryland-National Capital Park and Planning Commission (M-NCPPC), to add a northbound right-turn lane on River Road and to widen Little Falls Parkway at the intersection by one lane on the south side within the existing right-of-way to accommodate left-turn lanes on both approaches to River Road.
- 7) Participate equally with the owners of Friendship Commons (Preliminary Plan No. 1-99039) to fund a traffic signal at either or both site access points common to both projects along Friendship Boulevard based on actual traffic generated from each primary development within one year of completion and occupancy of both projects, as deemed necessary by a Montgomery County Department of Public Works and Transportation (DPWT) warrant analysis.
- 8) The applicant shall join the Friendship Heights Transportation Management Organization and enter into a Traffic Mitigation Agreement with M-NCPPC and DPWT to assist in attaining the objectives of the Transportation Management District, including making a best effort to achieve and maintain a non-auto driver mode share of 39 percent of employees. The Traffic Mitigation Agreement shall be included in the Site Plan Enforcement Agreement for the proposed development
- 9) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits
- 10) Terms and conditions of access, as required, to be approved by MCDPWT prior to recordation of plat(s)
- 11) Provide landscape/streetscape plans and a parking facilities plan as part of the site plan application.
- 12) No clearing, grading or recording of plat(s) prior to site plan approval.
- 13) Maintain 120-foot right-of-way for Wisconsin Avenue (MD 355), 90-foot right-of-way for Willard Avenue between The Hills Plaza and Friendship Boulevard and 120-foot right-of-way for Western Avenue.
- 14) Conditions of MCDPS stormwater management approval dated January 20, 1999 and reconfirmed by letter dated August 24, 2000 from MCDPS.
- 15) Prior to recordation of the property, the applicant and technical staff will be able to make a final determination of the total number and configuration of lots on the property. Pursuant to the waiver of Section 50-20(b) of the Subdivision Regulations hereby granted by the Board, structures on the property identified as the underground garage and grocery store, as well as covered pedestrian arcades, shall be permitted to cross lot lines and to be located on more than one lot. These lot(s) shall be reflected on the final plat(s) and recorded among the land records
- 16) Other necessary easements
- 17) The validity of Preliminary Plan No. 1-99030B is depended upon the Applicant proceeding with and abiding by the terms and conditions of approval for Project Plan No. 9-99001A.
- 18) Preliminary Plan No. 1-99030B will remain valid for thirty-seven (37) months from the date of mailing of this Planning Board opinion. Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed.

Preliminary Plan Review No. 1-99030B, Friendship Place (Wisconsin Place) Request to Revise the Previous Conditions of Approval *(continued)*

- 19) The Adequate Public Facilities (APF) review for Preliminary Plan No. 1-99030B will remain valid for one hundred forty five (145) months from the date of mailing of this Planning Board opinion.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

4. Site Plan Review No. 8-01010A, Friendship Place (Wisconsin Place)

CBD-2 Zone; 305,000 square feet office, 265,000 square feet retail, 20,500 square feet community center, 50,000 square feet grocery store, 433 multi-family units and 1,749 parking spaces; At 5400 Wisconsin Avenue (MD 355); Bethesda – Chevy Chase & Vicinity, PA – 35

APPLICANT: New England Development

ENGINEER: Loiederman Soltesz Associates

Staff Recommendation: Approval with conditions.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

5. Preliminary Plan Review No. 1-03045 – The Estates at Greenbriar Preserve

Rural Neighborhood Cluster (RNC) Zone; Thirty-one (31) Lots (Thirty-one (31) Single Family Detached Dwelling Units); 71.32 Acres

Located on the North Side of Glen Road, Opposite Intersection With Great Elm Drive
Community Water and Community Sewer

Policy Area: Rural

Applicant: MTR Land L.L.C.

Engineer: Gutschick, Little and Weber

Attorney: Lerch, Early and Brewer

Staff Recommendation: Approval, Subject to the Following Conditions:

- 1) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits
- 2) As part of Site Plan review applicant to provide an amended NRI/FSD for staff approval reflecting an intermittent stream and associated buffer affecting layout for Lots 4 through 10 and Parcels B, D, and E. Revise site plan to avoid and, if infeasible, minimize disturbance based on revised environmental buffer.
- 3) Record plat to reflect a 35 ft. Category I conservation easement along the rear of Lots 4, 5 and 6. Adjustments to the location of units to be determined at Site Plan
- 4) Provide a supplemental planting plan to M-NCPPC technical staff for review and approval, for the rear of Lots 1, 2 and 3 to provided screening
- 5) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Potomac Master Plan unless otherwise designated on the preliminary plan
- 6) Record plat to reflect a Category I easement over all areas of stream valley buffers and forest conservation
- 7) Record plat to reflect common ingress/egress and utility easements over all shared driveways
- 8) Record Plat to reflect all areas under Homeowners Association ownership and stormwater management areas
- 9) Compliance with the conditions of approval of the MCDPS stormwater management concept
- 10) Dedication to M-NCPPC of the 25.23 acres west of the Transcontinental Gas line right of way and the open space land between the right of way and lots 27 to 31 and open space land between Private Road E and Glen Road for best protection of the natural resources, particularly the sensitive areas and rare, threatened, endangered and watchlist plant species habitats. Final delineation of dedication area to be reflected on the record plat
- 11) Land dedicated to M-NCPPC shall not to include any stormwater management ponds or facilities and to be conveyed free of trash and unnatural debris with the boundaries adequately staked and signed to delineate between parkland and private lots.

Preliminary Plan Review No. 1-03045 – The Estates at Greenbriar Preserve *(continued)*

- 12) Applicant to work with M-NCPPC staff to best protect the identified populations of rare, threatened, endangered and watchlist plants in areas where construction is proposed that could interfere with the species survival
- 13) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s)
- 14) No clearing, grading or recording of plats prior to site plan enforcement agreement approval
- 15) Final approval of the number and location of dwelling units, sidewalks, and bikepaths will be determined at site plan
- 16) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff
- 17) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
- 18) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
- 19) Other necessary easements

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

6. Preliminary Plan Review No. 1-03041 – Greenbriar Preserve

Rural Neighborhood Cluster (RNC) Zone; Thirty-one (31) Lots (Thirty-one (31) Single Family Detached Dwelling Units); 68.44 Acres

Located on the West Side of Piney Meetinghouse Road, Approximately 2000 Feet North of Glen Road
Community Water and Community Sewer

Policy Area: Rural

Applicant: Greenbriar Investments L.L.C.

Engineer: Gutschick, Little and Weber

Attorney: Holland and Knight

Staff Recommendation: Approval, Subject to the Following Conditions:

- 1) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits
- 2) As part of Site Plan review applicant to provide an amended NRI/FSD for staff approval reflecting an intermittent stream and associated buffer affecting layout for Lot 31. Revise site plan to avoid and, if infeasible, minimize disturbance based on revised environmental buffer
- 3) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Potomac Master Plan unless otherwise designated on the preliminary plan
- 4) Record plat to reflect a Category I easement over all areas of stream valley buffers and forest conservation
- 5) Record plat to reflect common ingress/egress and utility easements over all shared driveways
- 6) Record Plat to reflect all areas under Homeowners Association ownership and stormwater management areas
- 7) Compliance with the conditions of approval of the MCDPS stormwater management concept
- 8) Dedication to M-NCPPC of the 34.36 acres west of the Gas right of way for parkland and the approximately 3.93 acres of open space land between the right of way and lots 17 to 22 for best protection of the natural resources, particularly the sensitive areas and populations of rare, threatened, endangered and watchlist plant species. Final delineation of dedicated area to be reflected on record plat
- 9) Land dedicated to M-NCPPC shall not include any stormwater management ponds or facilities and to be conveyed free of trash and unnatural debris with the boundaries adequately staked and signed to delineate between parkland and private lots.
- 10) Applicant to work with M-NCPPC staff to best protect the identified populations of rare, threatened, endangered and watchlist plants in areas where construction is proposed that could interfere with the species survival
- 11) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s)

Preliminary Plan Review No. 1-03041 – Greenbriar Preserve *(continued)*

- 12) No clearing, grading or recording of plats prior to site plan enforcement agreement approval
- 13) Final approval of the number and location of dwelling units, sidewalks, and bikepaths will be determined at site plan
- 14) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff
- 15) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
- 16) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
- 17) Other necessary easements

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

7. Preliminary Plan Review No. 1-02038, Goodwill Property

R-60 Zone; Twenty-eight (28) Semi-Attached Dwelling Units, Including 4 MPDU's; 4.97 Acres

Located on Wisconsin Avenue (MD 355), Approximately 400 Feet North of Cedar Lane, Abutting Corsica Avenue and the Terminus of Acacia Avenue
Community Water and Community Sewer

Policy Area: Bethesda-Chevy Chase

Applicant: Elm Street Development

Engineer: Charles P. Johnson & Associates

Staff Recommendation: Approval, Including a Waiver Pursuant to Section 59-C-1.621 of the Zoning Ordinance for 100% Attached Units and Subject to the Following Conditions:

- 1) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits
- 2) Record plat to reflect a Category I or II easement, as appropriate, over areas of forest conservation as identified on final forest conservation plan
- 3) Record Plat to reflect all areas under Homeowners Association ownership and stormwater management areas
- 4) Compliance with the conditions of approval of the MCDPS stormwater management approval
- 5) Record plat to reflect an access and utility easement within entirety of private road parcel
- 6) Access, including road connections and median improvements are to be approved by MCDPWT prior to recording of plats and MDSHA prior to issuance of access permits
- 7) Record plats shall not be recorded until final site plan enforcement agreement and associated documents are approved
- 8) Final approval of the number and location of dwelling units, on-site parking, sidewalks and on-site recreation will be determined at site plan. A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff
- 9) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
- 10) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
- 11) Other necessary easements

Preliminary Plan Review No. 1-02038, Goodwill Property (continued)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

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8. **Site Plan Review No. 8-03005, Goodwill Property;** R-60 Zone; 28 Dwelling units, including 4 MPDUs; On Wisconsin Avenue, approximately 400 feet north of Cedar Lane, abutting Corsica Avenue and the terminus of Acacia Avenue; Bethesda – Chevy Chase & Vicinity, PA – 35

APPLICANT: Elm Street Development

ENGINEER: Charles P. Johnson & Associates

Staff Recommendation: Approval with conditions.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

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9. The FOLLOWING **Record Plats** are Recommended for APPROVAL, Subject to the Appropriate Conditions of Approval of the Preliminary and/or Site Plans:

NOT AVAILABLE FOR TIME OF PRINTING

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

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10. **Local Map Amendment G-804: Old Hundred Road, LLC**

Rezoning from the R-200 Zone to the Country Inn Zone for the Comus Inn, 5.26 acres, northwest intersection of Comus and Old Hundred Roads

Staff Recommendation: Approval

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

11. Zoning Text Amendment No. 03-05

Introduced by Council members Denis and Knapp; permit a laboratory use in the C-O Zone, under certain circumstances

Staff Recommendation: Approval

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

12. Upper Rock Creek Area Master Plan Worksession #7 – Land Use

Staff Recommendation: *Discussion. (Public comments will be taken at this time.)*

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:
