



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, January 15, 2015, at 12:45 p.m. in the Montgomery Regional Office (MRO) in Silver Spring, Maryland, and adjourned at 6:03 p.m.

Present were Chair Casey Anderson, Vice Chair Marye Wells-Harley, and Commissioners Norman Dreyfuss, Amy Presley, and Natali Fani-González.

Items 1 through 9 are reported on the attached agenda.

Item 5 was postponed.

The Planning Board met for an annual joint dinner meeting with the Housing Opportunities Commission (HOC) Board at 6:00 p.m. in the 3rd floor conference room at MRO.

There being no further business, the meeting was adjourned at 6:03 p.m. The next regular meeting of the Planning Board will be held on Thursday, January 22, 2015, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Sr. Technical Writer/Editor

Montgomery County Planning Board Meeting
Thursday, January 15, 2015
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. 220121320, Sandy Spring Monthly Meeting](#)

RE-2 zone, 1 parcel; located along Meeting House Road, approximately 560 feet south of Olney-Sandy Spring Road (MD 108). Sandy Spring-Ashton Master Plan

Staff Recommendation: Approval

[Subdivision Plat No. 220140930, The Estates at Greenbriar Preserve](#)

RNC zone, 2 lots; located on the south side of Wood Thrush Lane, approximately 1,250 feet east of Glen Road. Potomac Sub-region Master Plan

Staff Recommendation: Approval

BOARD ACTION

Motion: **PRESLEY/WELLS-HARLEY**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved staff recommendation for approval of 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 December 18, 2014

BOARD ACTION

Motion: **WELLS-HARLEY/PRESLEY**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved the Planning Board Meeting Minutes of December 18, 2014, as submitted.**

9. Briefing on the comprehensive category change amendment proposed for the Ten Mile Creek area

Staff Recommendation: Transmit comments on the proposed amendment to the County Council

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Received briefing, followed by Board discussion, and approved staff recommendation to transmit comments on the proposed amendments to the County Council, as stated in the attached transmittal letter.

Mr. Kenneth Dixon of the Washington Suburban Sanitary Commission (WSSC) and Mr. David Lake of the Department of Environmental Protection (DEP) offered a multi-media presentation and discussed the on-going study of a range of sewer alternatives to serve the Clarksburg-Ten Mile Creek area. These alternatives can provide future sewer services in the Ten Mile Creek Limited Master Plan Amendment that was adopted by the Montgomery County Council earlier this year.

Ms. Anne Cinque of Slidell Road and Ms. Cathy Wiss of Jones Mill Road and representing the Audubon Naturalist Society offered testimony.

Staff noted that Planning staff will participate in the Advisory Group being formed for this study, and recommends that alignment should be designed to service only those areas anticipated for development by the Ten Mile Creek Limited Master Plan Amendment.

There followed extensive Board discussion with questions to staff and the speakers.

8. Briefing on the Washington Suburban Sanitary Commission (WSSC) proposed alternatives for the construction of sewer facilities in Clarksburg

Staff Recommendation: Transmit comments to WSSC on the facility alternatives

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to transmit comments to Washington Suburban Sanitary Commission on the proposed alternatives for the construction of sewer facilities in Clarksburg, as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed Washington Suburban Sanitary Commission (WSSC) proposed alternatives for the construction of sewer facilities in Clarksburg. Staff noted that the General Water and Sewer Category Amendment 15-CKB-01G proposes changes in water and sewer service categories for 26 properties or areas in the Ten Mile Creek Watershed. These areas were designated as development Stage 4 by the 1994 Clarksburg Master Plan and the 2014 Limited Amendment, which created a staging mechanism to implement the Plan recommendations. Part of that mechanism used the County's Comprehensive Water Supply and Sewerage System Plan to manage provision of water and sewer infrastructure in Clarksburg. The Plan recommended that general service category amendments be used to approve category changes associated with recommended development. This General Category Amendment implements that recommendation for Stage 4.

Mr. Alan Soukup of the Montgomery County Department of Environmental Protection (DEP) offered comments.

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

The Board instructed staff to note in the transmittal letter to WSSC that it unanimously recommends approval of the general category change, and did not support the staff recommendation for categorizing undeveloped open space.

2. Roundtable Discussion

- Planning Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing.

Planning Department Director Report – Planning Department Director Gwen Wright distributed and discussed a list of Planning Department events scheduled for January 2015. Ms. Wright briefly talked about the Speakers Series meeting held last night in the auditorium, and mentioned the Planning Board dinner meeting with the Housing Opportunities Commission (HOC) scheduled for this evening at 6:00 p.m., and the upcoming dinner meeting with the Board of Education in February. Ms. Wright also invited Board members to the Design Guidelines and Design Excellence event featuring a

presentation by national expert Nore Winter, a Consultant from Boulder Colorado who will be talking about the design review process and design guidelines, and about creating clearer guidelines for the next generation of Montgomery County development. This event will take place on Tuesday, January 27 from 7:00 p.m. to 8:00 p.m. at the Silver Spring Civic Center.

3. The Heights School Modification

***A. Final Forest Conservation Plan Amendment CBA-2197-C** --- Request to amend the Final Forest Conservation Plan for a private educational institution, located at 10400 Seven Locks Road, 19.8 acres, R-90 Zone, Potomac Sub-region Master Plan
Staff recommendation: Approval with conditions and Adoption of Resolution

B. Board of Appeals Case No. CBA-2197-C - Modification of an existing special exception for a private educational institution to make physical improvements to increase the number of students and staff, located at 10400 Seven Locks Road, 19.8 acres, R-90 Zone, Potomac Sub-region Master Plan
Staff Recommendation: Approval with conditions & transmit comments to the Hearing Examiner
(Action required for hearing by the Hearing Examiner January 27, 2015)

BOARD ACTION

Motion: **A. WELLS-HARLEY/DREYFUSS**
 B. DREYFUSS/WELLS-HARLEY

Vote:
 Yea: **A. 5-0**
 B. 5-0

Nay:

Action: **A. Approved staff recommendation for approval of the proposed Final Forest Conservation Plan Amendment, subject to revised conditions, as discussed during the meeting, and as stated in the attached Resolution adopted during the meeting.**

B. Approved staff recommendation for approval, subject to revised conditions, and transmit comments to the Hearing Examiner, as stated in the attached transmittal letter.

In keeping with the January 2 and January 8 technical staff reports, Planning Department staff offered a multi-media presentation and discussed the request to amend the final Forest Conservation Plan for the Heights School, a private educational institution, located on a 19.8-acre property on Seven Locks Road in the Potomac Sub-region Master Plan. The proposed modifications to the existing Special Exception include improvements to allow for an increase in the number of students, faculty, and staff; extension of the hours of operations; addition of summer programs; and inclusion of physical improvements which encompass a 15-year Campus Master Plan. Staff discussed the revised conditions of approval and noted that the conditions will ensure compatibility with the surrounding neighborhood, the ongoing health and safety of the students, faculty, staff, and the community, and consistency with the 2012 Potomac Sub-Region Master Plan. Staff also discussed the proposed Forest Conservation Plan

(FCP) Amendment, and noted that the proposed amendment includes: the removal of 0.53 acres of Category I

3. The Heights School Modification

CONTINUED

Conservation Easement, with an easement removal mitigation of 2 to 1 to be met offsite; a variance request for the removal of five protected trees and impacts to an additional 16 protected trees; and the resolution of an improperly recorded Category I Conservation Easement issue. Staff also discussed the requirement for a Transportation Management Program with measures that include busing, Metro shuttles, carpools, a school transportation coordinator, commuter connections, special event offsite parking with shuttles, hiring of an off-duty police officer to manage traffic at Seven Locks Road, and an annual audit report.

Ms. Soo Lee-Cho, attorney representing the applicant, introduced Messrs. Phil McGovern and Alvaro de Vicente, representatives from the Heights School, and Ms. Joanna Schmickel architect consultant for the Heights School. Ms. Lee-Cho offered a multi-media presentation, briefly discussed some proposed modifications to the Conditions of approval, and concurred with the staff recommendation.

Mr. Phil McGovern representative from the Heights School offered comments.

Ms. Joanna Schmickel, architect consultant, offered a multi-media presentation on the proposed architectural changes to the building,

The following speakers offered testimony: Ms. Christine Fisher of Democracy Lane; Mr. Victor Resmovic of Democracy Lane; Mr. Thomas Williams of Democracy Lane; Mr. Alireza Amir-Ghassemi of Democracy Lane; Mr. Eugene Feinberg of Appalachian Terrace and representing the Potomac Pond Homeowners Association; and Ms. Ginny Barnes of Glen Road and representing the West Montgomery County Citizens Association.

Mr. Alvaro de Vicente, Headmaster at the Heights School, offered comments.

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

Chair Anderson instructed staff to include in the transmittal letter to the Hearing Examiner that the applicant should meet with the neighbors regarding planting, screening, and noise abatement, and any additional conditions that the Hearing Examiner would recommend for the project to move forward.

***4. North Bethesda Market II**

A. Sketch Plan Amendment No. 32011003A --- Request for an amendment to the approved Sketch Plan to change the mix of residential and non-residential square footage in the approved Sketch Plan for a mixed-use development of up to 740,528 square feet. CR 4.0, C3.5 R3.5 H300 and CR3.0 C1.5 R2.5 H150 Zones; 4.41 acres; located at the Southeast corner of the intersection of Nicholson Lane and Woodglen Drive, and immediately west of Rockville Pike, in the White Flint Sector Plan area.
Staff Recommendation: Approval with conditions

B. Preliminary Plan Amendment No. 12012006A --- Request for an amendment to the approved Preliminary Plan to create five lots and up to three private street parcels to allow a mixed-use

development of up to 740,528 square feet to occur in three phases. CR 4.0, C3.5 R3.5 H300 and CR3.0 C1.5 R2.5 H150 Zones; 4.41 acres; located at the Southeast corner of the intersection of Nicholson Lane and Woodglen Drive, and immediately west of Rockville Pike

Staff Recommendation: Approval with conditions

C. Site Plan Amendment No. 82012004A --- Request for a modification of the approved Site Plan to allow a mixed-use development of up to 656,260 square feet, including up to 492,000 square feet of residential floor area with 470 residential units including minimum 12.5% (59) MPDUs, up to 175,000 square feet of non-residential floor area and up to 632 parking spaces in structured parking, in three phases. CR 4.0, C3.5 R3.5 H300 and CR3.0 C1.5 R2.5 H150 Zones; 4.41 acres; located at the Southeast corner of the intersection of Nicholson Lane and Woodglen Drive, and immediately west of Rockville Pike, in the White Flint Sector Plan area. The application includes a request for the approval of a Final Conservation Plan.

Staff Recommendation: Approval with conditions

BOARD ACTION

Motion: **A. PRESLEY/WELLS-HARLEY**
 B. PRESLEY/WELLS-HARLEY
 C. PRESLEY/WELLS-HARLEY

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

Action: **A. Approved staff recommendation for approval of the proposed Sketch Plan Amendment, subject to conditions, as stated in the attached Resolution.**

B. Approved staff recommendation for approval of the proposed Preliminary Plan Amendment, subject to revised conditions, and including a waiver pertaining to the proposed garages in Phases One and Two, as stated in the attached Resolution.

C. Approved staff recommendation for approval of the proposed Site Plan Amendment, subject to conditions, as stated in the attached Resolution.

***4. [North Bethesda Market II](#)**

CONTINUED

In keeping with the January 5 technical staff report, Planning Department staff discussed the proposed amendments to the Sketch Plan, Preliminary and Site Plans for the North Bethesda Market II project. Staff noted that the proposed amendments will modify the Project phasing, reduce non-residential floor area by eliminating a proposed office building and movie theater along Rockville Pike, and increase residential density. The project is located on a 4.41-acre property at the southeast corner of the intersection of Nicholson Lane and Wodglen Drive within the 2010 White Flint Sector Plan area. Staff reviewed the proposed amendments under the Zoning Ordinance in effect on October 29, 2014, pursuant to the grandfathering provisions of Section 7.7.1.B.1 of the current Zoning Ordinance, except for parking requirements. The Sketch Plan and Preliminary Plan amendments encompass the entire site. The Site Plan Amendment is limited to the proposed Phases One and Two only. Phase Three will require a separate Site Plan approval. The proposed changes also include building the development in

three phases instead of one, reallocating 100,000 square feet of the approved non-residential floor area to residential density, and adding an option to not build a residential building if the market does not support it. The project will offer multiple buildings with mixed-use office, residential, and retail development containing a maximum of 740,528 square feet. The project will also provide public use space and public benefits, including structured parking, a through-block pedestrian connection, tree canopy, wayfinding, public parking, tower step-backs, and public art. Staff also discussed revisions/corrections to the conditions of approval for the Preliminary Plan Amendment.

Mr. Steven Robins, attorney representing the applicant, introduced Ms. Elizabeth Geare, Ms. Kristi Smith, M. Devon Lauer, Mr. Andy Bradshaw, and Mr. Alan Ashton, members of the applicant's team, briefly discussed the proposed amendments and concurred with the staff recommendation.

Ms. Kristi Smith member of the applicant's team also offered comments.

At the Board's request, Ms. Sandra Brecher of Montgomery County Department of Transportation (MCDOT), offered comments.

There followed extensive Board discussion regarding Montgomery County Department of Transportation's letter requiring the applicant to pay for 12 years of operating costs for a bike share station.

Mr. Robins noted that the applicant agrees to provide the space for the bike share station and to pay the installation costs, but does not agree with the request from DOT to pay 12 years of operating expenses.

Chair Anderson instructed staff to work with Ms. Brecher of MCDOT and the applicant to come to a satisfactory compromise for both parties on this matter.

~~Item 5 Subdivision Staging Policy TPAR Update~~

~~Each even-numbered year, the Subdivision Staging Policy requires an updated evaluation of roadway and transit adequacy for each policy area.~~

~~Staff Recommendation: Adopt the updated TPAR results~~

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **This Item was postponed.**

***6. Bethesda North Marriott Hotel and Conference Center: Site Plan Amendment No. 82000040D** --- Request to modify the approved Site Plan to delineate the project area and existing parking spaces for the Conference Center and Hotel. Approximately 11.81 acres in the Commercial Residential (CR4 C3.5 R3.5 H-300 and CR-4 C2.0 R3.5 H-250) zones, located north of Marinelli Road

and east of Executive Boulevard in the 2010 White Flint Sector Plan area.

Staff Recommendation: Approval with conditions and Adoption of Resolution

BOARD ACTION

Motion: FANI-GONZALEZ/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval, subject to conditions, and adopted the attached Resolution.

In keeping with the January 2 technical staff report, Planning Department staff discussed the request to amend the approved Site Plan for the Bethesda North Marriott Hotel and Conference Center located north of Marinelli Road, west of Rockville Pike (MD 355), and east of Executive Boulevard in the White Flint Sector Plan area. The amendment will modify the approved Site Plan to delineate the existing parking spaces for the Bethesda North Marriott Hotel and Conference Center. The proposed amendment does not alter the overall design of the development in relationship to the original approval. The modification does not impact the compatibility or efficiency, adequacy, and safety of the site with respect to structures and uses, vehicular and pedestrian circulation, open space, landscaping, or lighting. All previous approvals remain in full force, as modified by this amendment.

Mr. Jody Kline, attorney for the applicant, introduced Mr. Joshua Sloan, Ms. Tina Benjamin, and Ms. Dee Metz, members of the applicant's team, offered brief comments and concurred with the staff recommendation.

7. Briefing

Silver Spring Place-making Initiative

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

MCPB, 11-20-14, NOT APPROVED

Action: Received briefing and a multi-media presentation from Councilmember Hans Riemer, Planning, and Parks Departments staff on the Silver Spring Place-making Initiative followed by a brief Board discussion.