



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, April 4, 2013, at 9:10 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 9:48 p.m.

Present were Chair Françoise M. Carrier, Vice Chair Marye Wells-Harley, and Commissioners Casey Anderson, Norman Dreyfuss, and Amy Presley.

Items 1 through 4 are reported on the attached agenda.

The Board recessed for lunch at 12:00 p.m. and to take up Items 5, 6, and 13 in Closed Session.

In compliance with §10-509(c)(2), State Government Article, Annotated Code of Maryland, the following is a report of the Board's Closed Session:

The Board convened in Closed Session at 12:20 p.m. during lunch break, on motion of Vice Chair Wells-Harley, seconded by Commissioner Anderson, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley present and voting in favor of the motion. The meeting was closed under authority of Annotated Code of Maryland, State Government Article, §10-508(a)(7), to consult with counsel to obtain legal advice; and State Government Article, §10-508(a)(13), to comply with specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.

In Closed Session the Board discussed the draft Montgomery County Parks Foundation Agreement with the Commission, received briefing from Legal Counsel on the Falklands North property historic designation, and approved Planning Board Closed Session Minutes for February and March 2013.

The Closed Session was adjourned at 2:05 p.m.

The Board reconvened in the auditorium at 2:14 p.m.

Items 7 through 11 are reported on the attached agenda.

The Board recessed for dinner at 6:09 p.m. and to take up Item 14 in Closed Session.

In compliance with §10-509(c)(2), State Government Article, Annotated Code of Maryland, the following is a report of the Board's Closed Session:

The Board convened in Closed Session at 6:09 p.m. in the Chair's office, during dinner break, on motion of Commissioner Presley, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley present and voting in favor of the motion. The meeting was closed under authority of Annotated Code of Maryland, State Government Article, §10-508(a)(1), to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of Commission appointees, employees, or officials; or to discuss any other personnel matter that affects one or more specific employees.

No Technical Writer or staff member was present at the meeting.

In Closed Session, the Board discussed Planning Department personnel issues.

The Board reconvened in the auditorium at 7:46 p.m. to take up Item 12, the Staff Draft White Oak Science Gateway Master Plan.

There being no further business, the meeting was adjourned at 9:48 p.m. The next regular meeting of the Planning Board will be held Thursday, April 11, 2013, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Sr. Technical Writer

Montgomery County Planning Board Meeting
Thursday, April 4, 2013
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

1. GEICO (Friendship Commons) Preliminary Plan 119990390 MCPB No. 12-101
2. Clarksburg Childcare Center Water Quality Plan S-2850 MCPB No. 12-134
3. Boswell's Addition to Riding Stable Estates 120080080 MCPB No. 13-35
4. Dennis Avenue Health Center FCP MR2013001 – MCPB No. 12-112

BOARD ACTION

Motion: PRESLEY/DREYFUSS

Vote:

Yea: 5-0

Nay:

Other:

Action: Adopted the Board Resolutions cited above, as submitted.

***B. Record Plats**

1. Subdivision Plat No. 220131030, Glen Echo Heights

R-90 zone, 1 lot; located on the south side of Walhonding Road, 400 feet northwest of Waneta Road; Bethesda-Chevy Chase Master Plan.

Staff Recommendation: Approval

2. Subdivision Plat No. 220131070, Bradley Hills

R-90 zone, 2 lots; located on the west side of Bradley Boulevard, 200 feet northwest of Pembroke Road; Bethesda-Chevy Chase Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: **WELLS-HARLEY/PRESLEY**

Vote:

Yea: **5-0**

Nay:

Other:

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

***C. Other Consent Items**

Site Plan Amendment 82003006B Residence Inn by Marriott (Westfarm Technology Park) - REVISED - 3.83 acres, I-3 Zone, construction of a five foot wide sidewalk, installation of street trees and street lights and limited grading along Cherry Hill Road; location of existing wrought iron fence, per approved Special Exception S-2552; and a Forest Conservation Plan Amendment to reduce existing Category II Forest Conservation Easement along Cherry Hill Road by ~~0.09~~ **0.12** acres. Southwest corner of Cherry Hill Road and Plum Orchard Drive, within the 1997 *Fairland 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 proposed Site Plan Amendment for the Residence Inn by Marriott project, following a brief Planning Department staff presentation.**

***D. Approval of Minutes**

Minutes of February 28, 2013

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved Planning Board Meeting Minutes of February 28, 2013, as submitted.

2. Corrective Map Amendments

Request to authorize staff to submit Corrective Map Amendments G-927- G-936, G-938 – G-948, and G-952 with the District Council, pursuant to §59-H-10.2, in order to correct technical errors that led to inaccurate depictions of the zoning boundaries and zoning classifications for certain properties on the official zoning maps; with a Planning Board recommendation of approval.

Staff Recommendation: Approve Transmittal and Recommends Approval of Map Amendments

BOARD ACTION

Motion: ANDERSON/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Corrective Map Amendments cited above, and to transmit comments and recommendations to the District Council, as stated in the attached transmittal letter.

Planning Department staff briefed the Board on the request to submit Corrective Map Amendments G-927 to G-936, G-938 to G-948, and G-952 to the District Council, in order to correct technical errors that led to inaccurate depictions of the zoning boundaries and zoning classifications for certain properties on the official zoning maps. The District Council approved fourteen map corrections on July 26, 2011, twelve on January 22, 2013, and two on March 5, 2013. The remaining twenty-two corrections are being submitted for the Board’s approval. This will conclude the Planning Department’s efforts in ensuring quality control before transferring the hand-drawn maps into a GIS-based database and enable the County Council to adopt the digital maps as the official zoning maps for Montgomery County.

3. Worksession: Countywide Transit Corridors (CTC) Functional Master Plan

Proposed Public Hearing Draft & Appendix

Staff Recommendation: Approve Proposed Public Hearing Draft as Public Hearing Draft and Set Public Hearing date

BOARD ACTION

Motion: PRESLEY/ANDERSON

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the proposed draft report for the Countywide Transit Corridors (CTC) Functional Master Plan as Public Hearing Draft, and set the Public Hearing date for May 16, 2013.

Planning Department staff briefly discussed the main highlights of the Countywide Transit Corridors (CCT) Functional Master Plan, and noted that the CTC Functional Master Plan will amend the Master Plan of Highways to provide a network of transit corridors to serve planned growth with a minimum of adverse effects on the quality of life for those who live, work, and patronize the businesses along our major roadways. The CCT Functional Master Plan will enhance mobility and accessibility, support economic development, improve the environment, and provide an efficient transportation system. To achieve these goals, the proposed Public Hearing Draft of the Master Plan makes recommendations on the corridors where dedicated lanes are needed to support Bus Rapid Transit (BRT) service, transit station locations on the recommended corridors, phasing for implementation of the recommended transit network, addition of a third track to the Brunswick Line to expand the MARC train service, and designation of Bicycle-Pedestrian Priority Areas (BPPAs) to ensure that adequate access is provided in the area around major proposed stations.

4. Zoning Code Revision Implementation

Attachment 1 - Attachment 2 - Attachment 3 - Attachment 4

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Continued discussion of the Zoning Code Revision Implementation.

5. Closed Session

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(7) to consult with counsel to obtain legal advice. (NOTE: Montgomery County Parks Foundation Agreement)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

13. Closed Session - ADDED

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(7) to consult with counsel to obtain legal advice (NOTE: Falklands)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

6. Closed Session

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(13) to comply with specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding/matter (NOTE: Approval of Closed Session Minutes)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

7. Roundtable Discussion
- Parks Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing.

Parks Department Director Mary Bradford presented her report of recent developments involving the Parks Department, including their receipt of the 2013 Project Excellence Award from the Society of Outdoor Recreation Professionals, volunteer efforts to clear out a tire dump in the Black Hill Regional Park, and the opening of the Wheaton Sports Pavilion on March 17, 2013. Accolades were given to outstanding Parks Department employees.

The Board complimented Parks Department staff on the new "Mineral Minutes" newsletter.

8. 8621 Georgia Avenue

A. Project Plan Amendment Review No. 92010001A, 8621 Georgia Avenue, CBD-2, 0.69 acres, Amendment to change the use from office/retail to residential/retail, including up to 292 multi-family dwelling units and 1,619 square feet of retail, and to revise the building footprint; located on Georgia Avenue approximately 75 feet west of the intersection with Colesville Road (US 29), Silver Spring CBD

Staff Recommendation: Approval with Conditions and Adopt Resolution

B. Site Plan Amendment Review No. 82011006A, 8621 Georgia Avenue, CBD-2, 0.69 acres, Amendment to change the use from office/retail to residential/retail, including up to 292 multi-family dwelling units and 1,619 square feet of retail, and to revise the building footprint; located on Georgia Avenue approximately 75 feet west of the intersection with Colesville Road (US 29), Silver Spring CBD

Staff Recommendation: Approval with Conditions and Adopt Resolutions

BOARD ACTION

Motion: **A. ANDERSON/PRESLEY**
 B. ANDERSON/PRESLEY

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

Nay:

Other:

Action: **A. Approved staff recommendation for approval of the Project Plan Amendment, subject to revised conditions, as stated in the attached adopted Resolution.**
 B. Approved staff recommendation for approval of the Site Plan Amendment, subject to revised conditions, as stated in the attached adopted Resolution.

In keeping with the March 20 technical staff report, Planning Department staff discussed proposed amendments to the Project Plan, which was originally approved on December 14, 2009, and the Site Plan, originally approved on July 21, 2011, for the 8621 Georgia Avenue project. These plans propose development of a high-rise commercial structure on a 0.69-acre site that is currently the location of a surface parking lot. The proposed amendments repurpose this development from commercial to residential use, as the applicant’s market analysis found that there was not sufficient interest in high-rise office rentals to make the planned commercial structure viable. The new proposed development would include 12.5 percent Moderately Priced Dwelling Units (MPDUs), and 17 Workforce Housing Units. The amended Site Plan increases the proposed on-site public use space from 5.8 percent to 13.8 percent, and consequently decreases the fee-in-lieu payment to the Amenity Fund required to offset off-site public use

8. 8621 Georgia Avenue

A. Project Plan Amendment Review No. 92010001A, 8621 Georgia Avenue &

B. Site Plan Amendment Review No. 82011006A, 8621 Georgia Avenue

CONTINUED

space. This public use space would include an art installation, and preliminary designs have been submitted to the Art Review Panel.

Staff review of the proposed amendments finds them to be in conformance with the Silver Spring Central Business District (CBD) Sector Plan, and in compliance with all applicable County regulations. The proposed development has greater height and Floor Area Ratio (FAR) than normally allowed in CBD-2 zones, but Zoning Ordinance Section 59-A-6.18.2(c) allows developers to exceed these limits by 10 percent if the extra height and FAR are necessary to provide Workforce Housing Units. Staff recommended a number of revisions to the conditions of approval involving minor language changes for the sake of clarity.

Mr. Jody Kline, attorney representing the applicant, discussed the proposed request and noted that the increased height would result in numerous public benefits above and beyond the workforce housing units, and that these benefits were enumerated in an email attached to the staff report. Mr. Kline also concurred with the staff recommendation for approval.

Mr. Jason Goldblatt, member of the applicant's team, explained the market research behind the decision to build residential units instead of office space.

Mr. Brigg Bunker, member of the applicant's team, stated that the developers agreed with the staff recommendation, and that the proposed workforce housing units would be the first in the County to be created at 100 percent by private developers.

Mr. Brian Gobell, architect on behalf of applicant, described how the proposed design would mesh with the contemporary architecture of the neighboring buildings.

Ms. Trini Rodriguez, on behalf of applicant, showed design proposals for the public art installation from local artist Katherine Woods, whose sculpture will be based on abstract images of Silver Spring.

Mr. Manuel Juarez of Bonifant Street offered testimony in support of allowing the maximum permissible height limit whenever possible to encourage more extraordinary architectural design in the Silver Spring area, and to possibly attract younger residents.

There followed extensive Board discussion with questions to staff and the applicant's representatives. The Board suggested revisions to the language of the proposed request to clarify the number of pedestrian entrances along Georgia Avenue.

***9. Bethesda Center**

A. Preliminary Plan Limited Amendment Review No. 12012007A, Bethesda Center, CBD-2 Zone, 2.14 acres, Amendment to increase the number of hotel rooms by three and reallocate the 961 square feet of restaurant/retail use to office and hotel use, located on Wisconsin Avenue at the northeast intersection with Norfolk Avenue, Bethesda CBD

Staff Recommendation: Approval with Conditions

B. Site Plan Review No. 820120210, Bethesda Center, CBD-2 Zone, 2.14 acres, 466,470 square feet of mixed-use development including 194,195 square feet of hotel, 4,340 square feet of restaurant, 4,377 square feet of retail and 257,437 square feet of office use, located on Wisconsin Avenue at the northeast intersection with Norfolk Avenue, Bethesda CBD
Staff Recommendation: Approval with Conditions

BOARD ACTION

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

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

Nay:

Other:

Action: **A. Approved staff recommendation for approval of the Preliminary Plan amendment, subject to revised conditions, as stated in the attached Board Resolution.**
 B. Approved staff recommendation for approval of the Site Plan, subject to revised conditions, as stated in the attached Board Resolution.

In keeping with the March 22 technical staff report, Planning Department staff offered a multi-media presentation of the request for a limited amendment to the Preliminary Plan, originally approved on December 15, 2011, to develop a 2.14- acre site of Bethesda Center into a mixed-use hotel/retail establishment. Staff noted that the proposed amendment increases the number of hotel rooms and decreases the amount of space dedicated to retail, but does not affect the total square footage of the overall development. Staff also discussed the applicant's Site Plan application for the same development. Staff found that the proposed amendments to the Preliminary Plan did not significantly differ from the Preliminary Plan that had already been approved. Staff review of the Site Plan found it to be in compliance with all requirements of the Central Business District (CBD)-2 Zone, and meets all urban design goals for the sector. Staff discussed proposed revisions to the conditions of approval, as requested by the applicant, and approved by staff.

***9. Bethesda Center**

A. Preliminary Plan Limited Amendment Review No. 12012007A
B. Site Plan Review No. 820120210

CONTINUED

Mr. Bob Dalrymple, attorney representing the applicant, briefly discussed the request, and noted that the staff report was thorough and accurate. Mr. Dalrymple also noted that the neighbors to the

south, who had previously initiated litigation opposing the development, have withdrawn their opposition as the new Site Plan addresses all their objections.

Ms. Anne Mead, attorney on behalf of applicant, requested changes to Condition 4 of approval of the Preliminary Plan, regarding payment to the Montgomery County Department of Transportation (MCDOT) to meet Policy Area Mobility Review (PAMR) requirements. The applicant’s proposed revisions would count their contribution of \$57,000 to an off-site bike share station towards this payment, and split the remaining payment into two equal installments.

The Board approved of counting the off-site bike share station contribution as a PAMR payment but deleted proposed language that would instruct MCDOT to spend the rest of the payment on bike share station networks, instead choosing to send a letter of recommendation to MCDOT but leaving the ultimate disposition of the funds to their discretion.

There followed a brief Board discussion with questions to staff.

***10. Site Plan 820120150: Winchester Phase 3- Cabin Branch - REVISED**

(includes a Final Water Quality Plan and a Final Forest Conservation Plan)
185 residential dwelling units (including 10 MPDUs) consisting of 128 one-family detached and 57 one-family attached units using 56 TDRs, southwest quadrant of the intersection of Clarksburg Road and Interstate 270, 36.96 acres, RMX-1/TDR Zone, Clarksburg Master Plan.

Staff Recommendation: Approval with Conditions and Adopt Resolution

BOARD ACTION

Motion: PRESLEY/ANDERSON

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the proposed Site Plan application, including final Water Quality and Forest Conservation Plans, subject to revised conditions, as stated in the attached adopted Board Resolution.

Planning Department staff gave an overview of the 535-acre tract adjacent to Clarksburg Road and I-270 commonly called “Cabin Branch,” a split-zone tract, with several approvals already in place, including a 1994 Master Plan establishing a mixed-use community and Local Map Amendment request dated September 9, 2003, which rezoned 283.5 acres of the tract to Mixed Planned Development, (MXPDP) Zone. The Preliminary plans from 2003 and 2008 established road access, phasing of development, forest conservation easements, and stormwater management plans for the entire site. Staff noted that the Site Plans for Winchester Phase 1 and Winchester Phase 2 have already been approved. Winchester Phase 3 is in the western portion of the larger tract, between Clarksburg Road and the streamvalley buffer. The proposal includes 195 dwelling units and two roads connecting to Clarksburg,

open spaces with sidewalks integrated into the existing public road and sidewalk systems, a bike path, and a nature trail. Only ten of the proposed dwelling units will be Moderately Priced Dwelling Units (MPDUS); however, the applicant created more MPDUs than required in Winchester Phase 1 and has received approval from the Department of Housing and Community Affairs (HOC) to calculate their MPDU requirement with the aggregate total of all three development phases. Staff also discussed the final Water Quality and Forest Conservation plans attached to the Site Plan, which will amend several other sites throughout the Cabin Branch area, and are found to conform to the overall plans already approved. Staff recommended minor revisions to the language of the conditions for approval.

***10. Site Plan 820120150: Winchester Phase 3- Cabin Branch - REVISED**

CONTINUED

Mr. Bob Harris, attorney representing the applicant, briefly discussed the proposed request, and noted that the project has not met with any community opposition, concurred with staff recommendation, and supported staff's proposed conditions of approval as revised.

Mr. Mike Conley, member of the applicant's team, explained that Winchester Phase 3 was the last installment of the Winchester development plans, which will create roughly 1,000 homes altogether.

Mr. Gary Unterberg, consultant on behalf of the applicant, offered a multi-media presentation describing the proposed development and land use plan.

There followed a brief Board discussion, and the Board also discussed the timing of the other proposed developments in Cabin Branch.

11. Long Branch Sector Plan Worksession No. 4 - Matrix

Staff Recommendation: Presentation and Discussion of Affordable Housing Strategy for Long Branch Sector Plan Area

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Discussed the analysis of the Long Branch Sector Plan's impact on affordable housing.

Planning Department staff discussed proposed revisions to the language in the Long Branch Sector Plan related to the definition of affordability with regards to housing. Staff presented a new analysis of the Sector Plan's impact on the availability of affordable housing, which differs from the old analysis in that it has a broader scope, whereas the previous analysis was limited to the Sector Plan area, and did not consider factors observed in neighboring sectors. Staff's analysis suggested that in order to retain 100 percent of the current amount of affordable housing, it would be necessary to increase height and Floor Area Ratio (FAR) limits on commercial areas being rezoned to Commercial/Residential Transit-oriented (CRT) zones.

The Board asked if there were other places in the Sector Plan area that could be given increased height and density to encourage development of affordable housing.

In reply to the Board, staff identified and discussed intersections near Flower Branch and Pine Ridge Roads. Staff also reviewed testimony they had received from the community expressing concerns about the availability of affordable housing.

14. Closed Session - ADDED

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of Commission appointees, employees, or officials, or to discuss any other personnel matter that affects one or more specific employees.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

12. Staff Draft White Oak Science Gateway Master Plan

Staff Recommendation: Approve Staff Draft as Public Hearing Draft and set Public Hearing Date for May 23, 2013

(No public testimony will be taken)

BOARD ACTION

Motion: **DREYFUSS/PRESLEY**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved staff recommendation for approval of the staff draft as public hearing draft and set hearing date for May 23, 2013.**

Functional Planning and Policy Division staff of the Planning Department offered a multi-media presentation of the White Oak Science Gateway Master Plan Staff Draft, which is an amendment of the 1997 Master Plans for White Oak and Fairland. The Scope of work for the amended plan was approved on February 11, 2011. The draft was created with input from a 23-member Citizens Advisory Committee and four community forums. In November of 2012, the Planning Department was instructed by the County Council to perform traffic modeling according to the Transportation Policy Area Review (TPAR) protocols rather than the Policy Area Mobility Review (PAMR) protocols that had originally been used. The White Oak Science Gateway Master Plan area is in the easternmost part of Montgomery County, and is bounded by I-495 to the south and the Prince George’s County line to the east. The new plan seeks to capitalize on the establishment of the Food and Drug Administration (FDA) research center in White Oak as a catalyst for new development, and focuses on three development centers, which are to be linked by the proposed Bus Rapid Transit (BRT). Staff presented an analysis of transportation in the Master Plan area comparing existing conditions to two possible scenarios of different land use and improved transportation capacity. This analysis indicated that new interchanges and other traffic improvements will be necessary to prevent high levels of congestion.

The Board suggested adding language to the staff draft that would differentiate between intersections with projected traffic increases due to proposed development, and intersections where the projected traffic increase was due to other factors.

Historic Preservation Division staff, Parks Department staff, and the Urban Design Division staff, gave presentations on various features of the White Oak Science Gateway Master Plan area.

12. Staff Draft White Oak Science Gateway Master Plan

CONTINUED

Planning Department staff went over the existing zone in the area, and the proposed zoning changes.

The following speakers offered testimony: Ms. Pat Meyers, Ms. Eileen Finnegan, and Mr. Dan Wilhelm, on behalf of the Citizens Advisory Committee, speaking of the need for redevelopment to create commerce and entertainment destinations for residents in the area.

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