



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, November 1, 2012, at 9:12 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 9:20 p.m.

Present were Chair Françoise M. Carrier, Vice Chair Marye Wells-Harley, and Commissioners Casey Anderson and Norman Dreyfuss. Commissioner Presley joined the meeting at 9:20 a.m. during discussion of Item 2.

Items 1 and 2, and 8 through 12 are reported on the attached agenda.

Vice Chair Wells-Harley left the meeting at 11:00 a.m. before discussion of Item 8.

The Board recessed for lunch at 1:22 p.m. and to take up Item 9 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 1:35 p.m. in the third floor conference room, on motion of Commissioner Dreyfuss, seconded by Commissioner Presley, with Chair Carrier, Commissioners Anderson, Dreyfuss, and Presley present and voting in favor of the motion, and Vice Chair Wells-Harley absent. The meeting was closed under authority of Annotated Code of Maryland, State Government Article, §10-508(a)(3), to consider the acquisition of real property for a Commission purpose and matters directly related thereto.

Also present for all or part of the Closed Session were Associate General Counsel Donna Calcote of the Legal Department; Director Mary Bradford, Deputy Director Mike Riley, Bill Gries, and April O'Neal of the Parks Department; Robert Kronenberg of the Planning Department; and Clara Moise of the Commissioners' Office.

In Closed Session, the Board received briefing about a proposed land acquisition for expansion of the Matthew Henson Greenway/State Park, and agreed to place the item on the open session agenda.

The Closed Session was adjourned at 1:50 p.m.

The Board reconvened in the auditorium at 2:07 p.m.

Vice Chair Wells-Harley rejoined the meeting at 2:15 p.m. during discussion of Item 5, the Worksession on Chevy Chase Lake Sector Plan.

Item 13 was postponed. Items 14, 5, and 3, taken up in that order, are reported on the attached agenda.

The Board recessed for dinner at 5:30 p.m. and reconvened in the auditorium at 7:35 p.m. to take up the evening agenda.

Items 6 and 7 are reported on the attached agenda. Item 4 was removed.

There being no further business, the meeting was adjourned at 9:20 p.m. The next regular meeting of the Planning Board will be held Thursday, November 8, 2012, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Technical Writer

Ellyn Dye
Technical Writer

Montgomery County Planning Board Meeting
Thursday, November 1, 2012
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**

1. Subdivision Plat No. 220121980, Clarksburg Village - REVISED

R-200/TDR zone; 5 lots, 1 parcel; located on the west side of Muscadine Drive, approximately 150 feet north south of Apple Orchard Way; Clarksburg Master Plan.

Staff Recommendation: Approval

2. Subdivision Plat No. 220130210, The Landing

RE-1 zone; 2 lots; located on the east side of Glen Mill Road at the intersection of Red Barn Lane; Potomac Subregion Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: **WELLS-HARLEY/ANDERSON**

Vote:

Yea: **4-0**

Nay:

Other: PRESLEY ABSENT

Action: Approved staff recommendation for approval of the Record Plats cited above.

***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**

Minutes of October 1, 2012 and October 4, 2012

BOARD ACTION

Motion: WELLS-HARLEY/DREYFUSS

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Approved Planning Board Meeting Minutes of October 1 and October 4, 2012, as submitted.

2. Worksession on Zoning Ordinance Rewrite

Agricultural and Rural Zones

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Discussed and provided guidance to staff in a worksession on the Agricultural and Rural Zones in the context of the Zoning Ordinance Rewrite.

***8. 7001 Arlington Road**

A. Preliminary Plan Review No. 120120220, 7001 Arlington Road, PD-44 Zone, 2.70 acres, 1 lot for 140 multi-family units, including 15% MPDUs and 7,000 sf. retail, located on Arlington Road approximately 300 feet south of Bethesda Avenue, Bethesda CBD (Central Business District)
Staff Recommendation: Approval with Conditions

B. Site Plan Review No. 820120140, 7001 Arlington Road, PD-44 Zone, 2.70 acres, 140 multi-family units, including 15% MPDUs and 7,000 sf. retail, located on Arlington Road approximately 300 feet south of Bethesda Avenue, Bethesda CBD (Central Business District)
Staff Recommendation: Approval with Conditions

BOARD ACTION

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

Vote:

Yea: **A. 4-0**
 B. 4-0

Nay:

Other: **WELLS-HARLEY ABSENT**

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

Planning Department staff offered a multi-media presentation and discussed a preliminary plan and a site plan applications for 7001 Arlington Road in Bethesda. The proposal requires the consolidation of three parcels into one lot and includes 140 multi-family dwelling units, including 15 percent Moderately Priced Dwelling Units (MPDUs), as well as 7,000 square feet of retail space along the property frontage. The property is the former location of a United States Postal Service facility, and the property was approved for rezoning to the PD-44 zone by the County Council in November 2008. The site has no forest, streams, wetlands, or specimen trees. Staff discussed proposed modifications to the conditions of approval and the data table. The applicant requested a modification to condition 7 of the site plan, as discussed during the meeting.

Mr. Bob Harris, attorney representing the applicant, introduced Messrs. Frank Poli and Mark Morelock, members of the applicant's team, briefly discussed the proposed application, and concurred with the staff recommendation.

Mr. Frank Poli of the applicant's team offered comments.

***8. 7001 Arlington Road**

CONTINUED

At the Board's request, legal counsel to the Board provided clarification regarding the applicant's proposal to provide planting on top of the parking garage, and noted that staff will incorporate the proposed Board recommendation for tree plantings in front of the building, which will be stated in the Board Resolution. Staff noted that the applicant would have to request a waiver in order to go offsite to satisfy the planting requirements.

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

10. Santini Road Local Park

Authorization to acquire 0.2393 acres (10,425 square feet), more or less, improved, from Gloria R. Eader, Surviving Tenant by the Entirety of Herman C. Eader, located at 15515 Santini Road, Burtonsville, MD 20866.

Staff Recommendation: Approval

BOARD ACTION

Motion: PRESLEY/DREYFUSS

Vote:

Yea: 4-0

Nay:

Other: WELLS-HARLEY ABSENT

Action: Following a brief Parks Department staff presentation, approved staff recommendation for approval, as stated in the attached Board Resolution.

11. Santini Road Local Park

Authorization to acquire 13.71 acres, more or less, improved, from Gerald L. Athey, et al, located at 15501 Athey Road, Burtonsville, MD 20866.

Staff Recommendation: Approval

BOARD ACTION

Motion: DREYFUSS/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: WELLS-HARLEY ABSENT

Action: Following a brief Parks Department staff presentation, approved staff recommendation for approval, as stated in the attached Board Resolution.

12. Rock Creek Stream Valley Park, Unit 1

~~Authorization to acquire~~ Resolution Recommending Montgomery County acquire 2.13 acres, more or less, unimproved, from Glavell & Associates, LLC, located south of Ashboro Drive, west of Grubb Road, Chevy Chase, MD 20815. - **REVISED**

Staff Recommendation: Approval

BOARD ACTION

Motion: DREYFUSS/ANDERSON

Vote:

Yea: 4-0

Nay:

Other: WELLS-HARLEY ABSENT

Action: Following a brief Parks Department staff presentation, approved staff recommendation for approval, as stated in the attached Board Resolution.

Ms. Cathy Silverstein representing the Rock Creek Forest Neighbors Coalition offered testimony in favor of the acquisition.

9. Closed Session

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(3) to consider the acquisition of real property for a Commission purpose and matters directly related thereto

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

14. Montgomery County Planning Board Approval to Transfer of Excess FY13 Salary Funds

Staff Recommendation: Approval to Transfer of Excess FY13 Salary Funds to Other Services

BOARD ACTION

Motion: DREYFUSS/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: WELLS-HARLEY ABSENT

Action: **Approved staff recommendation to approve the request from the Office of Internal Audit to transfer excess FY13 Salary Funds to Other Services category.**

13. Zoning Text Amendment 12-16 - (Continued from 10/25/12) - POSTPONED

Allow the construction of a one-family dwelling located on any size lot recorded before 1928; allow the reconstruction of any one-family dwelling located on any size lot recorded before 1928; and generally revise the grandfathering provisions for undersized lots.

Staff Recommendation: Transmit Comments to County Council
(Action Required for County Council Public Hearing of 11/13/12)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **This item was postponed.**

5. Worksession No. 1: Chevy Chase Lake Sector Plan

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **Discussed issues and provided guidance to staff.**

In the first worksession on the Chevy Chase Lake Sector Plan, Planning Department staff discussed testimony received at the October 18 public hearing, and the staff response, on the Plan vision, phasing, traffic, and the Newdale Mews property.

3. Clarksburg Master Plan Amendment for the Ten Mile Creek Watershed: Scope of Work

Staff Recommendation: Approve Scope of Work

BOARD ACTION

Motion: DREYFUSS/ANDERSON

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the Scope of Work, with modifications.

Planning Department staff presented the Scope of Work for the limited amendment to the Clarksburg Master Plan for the Ten Mile Creek Watershed, which was recently approved by the County Council, as detailed in the staff report. Staff noted that the intention of the limited amendment is to balance and protect the Clarksburg Town Center District vision, while protecting water quality and the environment.

There followed some discussion of various issues, including the assessment of best management practices for protecting the environment, the role of consultants in the process, the impact of this additional limited master plan amendment on the work program, and funding. Staff also responded to issues raised in correspondence at the Chair's request.

6. Project Plan Review No. 920130010, 7100 Wisconsin Avenue

CBD-R-2, 0.58 acres, Two Proposals; the "Proposed Development" and the "Alternative", for a mixed-use project totaling 159,584 square feet of development for up to 145 multi-family dwelling units, including 15% MPDUs, and 7,000 square feet of non-residential use, located on the east side of Wisconsin Avenue between Miller and Woodmont Avenues, Bethesda CBD (Central Business District) Master Plan

Staff Recommendation: APPROVAL with Conditions of "Alternative" and DENIAL of "Proposed Development"

BOARD ACTION

Motion: DREYFUSS/ANDERSON

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the staff recommendation to approve the “Alternative” plan, including the requested waiver, subject to revised conditions, as stated in the attached Board Resolution.

Planning Department staff presented two alternative design proposals for a mixed-use development project with 145 residential units and 7,000 square feet of retail, as detailed in the staff report. The proposed development plan has a building of uniform height, at 90 feet, while the alternative plan proposes a smaller footprint with height stepping down from 120 feet at Wisconsin Avenue to 45 feet, with increased open space. Staff described at length the differences between the two plans and the reasons for the staff recommendation to approve the “Alternative” plan, including a requested waiver of 1.2 percent gross floor area of retail uses. Staff also reviewed proposed revisions to the conditions of approval.

Mr. Robert Dalrymple, attorney representing the applicant, concurred in the staff recommendation and elaborated on how the alternative plan evolved as a result of input from staff and the community. The applicant’s architect provided additional information about the project.

Mr. Robbey Smythe, representing the Sacks Neighborhood Association, and Ms. Kimberly Sutherland, representing a group of Crescent Plaza owners, offered comments.

There followed some discussion of the trade-off related to height, density, and provision of additional housing in Bethesda.

7. Local Map Amendment G-913, 4311 ~~West Virginia~~ Montgomery Avenue, LLC - CORRECTION

Local Map Amendment G-913, 4311 West Virginia Avenue, LLC, 8,552 sf., Request to rezone the property from the R-60 zone to the CT (Commercial Transition) zone; located at 4705 West Virginia Avenue, Bethesda CBD (Central Business District) Master Plan

Staff Recommendation: Approval to Transmit to Hearing Examiner
(Action Required for Hearing by Hearing Examiner 11/16/12)

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: **Approved the staff recommendation to approve the C-T Zone and Schematic Development Plan, as stated in the attached Letter of Transmittal.**

Planning Department staff presented proposed Local Map Amendment G-913, to rezone property from the R-60 Zone to the C-T Zone, and the accompanying Schematic Development Plan, as detailed in the staff report. The proposed rezoning will allow future expansion of the current building and use of the two-story structure for general office space rather than residential. Staff reviewed the binding elements of the plan and recommended deleting binding element 2, related to phasing of development, as unnecessary. Staff also noted that parking, landscaping, and screening should be addressed at site plan review.

Mr. Stuart Barr, attorney, introduced Ms. Mimi Cress, representing the applicant. Mr. Barr concurred in the staff recommendation, including the deletion of binding element 2, and agreed to place a note on the schematic development plan that the parking is illustrative only, and will be addressed, with landscaping and screening, at site plan review.

There followed some discussion of the analysis of the traffic statement submitted by the applicant, in keeping with the transportation memorandum attached to the staff report.

4. **Roundtable Discussion - REMOVED**

- Planning Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **This item was removed from the agenda.**