



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, December 4, 2014, at 9:07 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 3:51 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 4 and Item 11 are reported on the attached agenda.

Items 6 and 7, Closed Session Items, were removed from the Planning Board Agenda.

The Board recessed for lunch at 10:55 a.m.

The Board reconvened in the auditorium at 12:41 p.m.

Items 8, 9, 10, 5, and 12, discussed in that order, are reported on the attached agenda.

Commissioner Dreyfuss left for the day at 3:20 p.m. during discussion of Item 5.

There being no further business, the meeting was adjourned at 3:51 p.m. The next regular meeting of the Planning Board will be held on Thursday, December 11, 2014, in the Montgomery Regional Office in Silver Spring, Maryland.

James J. Parsons
Technical Writer

M. Clara Moise
Sr. Technical Writer/Editor

Montgomery County Planning Board Meeting
Thursday, December 4, 2014
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. 2200150390, Chevy Chase Terrace

R-60 zone; 1 lot; located on the north side of Davidson Drive, 300 feet west of Wisconsin Avenue (MD 355); 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 Plat 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 November 13, 2014

BOARD ACTION

Motion: PRESLEY/FANI-GONZALEZ

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved Planning Board Meeting Minutes of November 13, 2014, as submitted.

2. Roundtable Discussion

- Planning Department Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing.

Planning Department Director’s Report – Planning Department Director Gwen Wright briefed the Planning Board on upcoming Master Plan activities: the Sandy Spring Plan was forwarded to the County Council, and a public hearing is scheduled for January 27; the County Council public hearing for the Aspen Hill Minor Master Plan Amendment is tentatively scheduled for February 3; the Planning Board will be briefed on the Bethesda Downtown Plan on December 11, and a large community meeting with the town of Chevy Chase is scheduled for December 9; the Planning Department is currently working on some recommendations for the Lyttonsville Plan; the Planning Board will be briefed on the Westbard Plan on December 18; and the Board will be briefed on the scope of the Montgomery Village Plan on December 11, which will be discussed at a community meeting on December 8.

Ms. Wright also briefed the Board on the development review improvement process, including a meeting with the Maryland Building Industry Association, which provided positive feedback, and the Office of Legislative Oversight. Ms. Wright noted the upcoming “How Planning Got Its Groove Back” training sessions, which include senior management training, departmental leadership training, and Core Competency training; and briefly spoke about other upcoming Planning Department activities, such as the Speaker Series, the *Montgomery Village Matters* series, and the first of the *Montgomery Village Master Plan MVMatters Workshop* series.

Finally, Ms. Wright announced the winners of the Design Excellence Photo Contest. The top photographers in the contest, which included urban, suburban, and rural categories, are Calvin Nelson, Ben Berbert, Kristen O’Connor, and Rebecca Boone of the Planning Department.

Chair Anderson commented on the obvious motivation that staff has toward their art, and Vice Chair Wells-Harley congratulated the Planning Director for her work on the contest.

3. Llewellyn Fore, Limited Preliminary Plan Amendment No. 11990204A - A request by the State Highway Administration (SHA) to abandon unused right-of-way for Llewellyn Manor Way and Bready Farm Court, and incorporation of the area by plat back into a lot on the subject property. The abandonment area consists of parcels that are part of the program to compensate for the environmental impacts of the ICC, located on the south side of Norbeck Road, 500 feet east of Layhill Road, RE-2C Zone, Cloverly Master Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

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, subject to conditions, as stated in the attached Resolution adopted at the meeting.**

B. Adopted the cited Resolution.

Planning Department staff offered a multi-media presentation and discussed the State Highway Administration (SHA) request to amend the existing preliminary plan for the Llewellyn Fore project. The application pertains to the section located on the south side of Norbeck Road, approximately 500 feet east of Layhill Road. SHA requests an abandonment of an unused right-of-way for Llewellyn Manor Way and Bready Farm Court. The original plan called for construction of 24 lots with right-of-way for Llewellyn Manor Way and Bready Farm Court. Because the public has never used these rights-of-way, staff noted that this decision is the Planning Board's rather than the County Council's to make and is a mitigation project for the Inter-County Connector. The proposal is to consolidate the rights-of-way with the 24 lots and plat one lot. Staff recommended approval of the preliminary plan with the conditions that the applicant must submit a minor subdivision record plat application to create one lot by consolidating the abandoned rights-of-way into the adjacent lots, and consolidating all of the 24 lots on the property. Staff also added that the record plat must reflect storm drain or stormwater management access easements.

4. Cabin Branch Premium Retail and Mixed Use Development

A. Preliminary Plan Limited Amendment No. 12003110C: Cabin Branch (w/ Preliminary Water Quality) --- Request to revise the public adequate facilities and Preliminary Water Quality Plan, overall property approximately 535 acres, MXPB/RMX-1 TDR zone, located in the southwest quadrant of the intersection of I-270 and Clarksburg Road (MD 121) within the Clarksburg Master Plan.

Staff Recommendation: Approval with Conditions

B. Site Plan No: 820140160: Cabin Branch Premium Retail and Mixed Use Project (w/ Final Water Quality and Final Forest Conservation Plan) -- Request to construct phase one of the multi-phased mixed-use development, 13,000 square feet of restaurant uses, 437,000 square feet of retail/restaurant uses, parking facilities and public amenities, retail center is located at the intersection of I-270 and Clarksburg Road (MD 121), 84.24 acres, MXPB zone within the Clarksburg Master Plan.

Staff Recommendation: Approval with Conditions

C. WSSC Water Tower in Cabin Branch: Mandatory Referral No. MR 08001-WSSC-1A

Request for an amendment to shift previously approved location of an elevated, 750,000 gallon capacity water tank to serve the Clarksburg Area, located in the southwest quadrant of the intersection of I-270 and MD 121, MXPB Zone, Clarksburg Master Plan.

Staff Recommendation: Approval to Transmit Comments to Washington Suburban Sanitary Commission (WSSC)

BOARD ACTION

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

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

 Nay:
 Other:

Action: **A. Approved staff recommendation for approval, subject to revised conditions, and as stated in the attached adopted Resolution.**
 B. Approved staff recommendation for approval, subject to revised conditions, and as stated in the attached adopted Resolution.
 C. Approved staff recommendation to transmit comments to Washington Suburban Sanitary Commission as stated in the attached transmittal letter.

4. Cabin Branch Premium Retail and Mixed-Use Development

CONTINUED

Planning Department staff offered a multi-media presentation and discussed the revised design guidelines, Preliminary Plan amendment, Site Plan application, and Mandatory Referral request for the Cabin Branch Premium Retail and Mixed-Use development. Staff also discussed a request to shift the previously approved location for a 750,000-gallon capacity water tank approximately 600 feet to the west. The 535-acre Cabin Branch development is located west of I-270, south of Clarksburg Road (MD 121), and north of Old Baltimore Road. The 84.24-acre subject property within the Mixed Use Zone is located in the northernmost corner, closest to the intersection of I-270 and Clarksburg Road. Planning staff offered background information on the site, including previous plan approvals, and the applicant's request to reduce the amount of office space and increase the amount of retail space. Staff updated the Board on the water quality and forest conservation plans for the proposed project, noting that Montgomery County Department of Permitting Services has approved its portion of the Final Water Quality Plan. Staff reviewed the proposed design and anticipated amenities for the site, which will include 450,000 square feet of retail, an eight-foot hiker-biker trail, three plaza areas, solar panels, and electric car charging stations. Following a Board discussion regarding language for some of the conditions, the Board instructed legal staff to work with the applicant during a break, and present the proposed agreed upon revisions to the Board.

Mr. Robert Harris, attorney representing the applicant, introduced Messrs. Gary Unterberg, David Gilmore, Ron Kaplan, and Darrell Hebenstreit, members of the applicant’s team, briefly discussed the proposed development, and concurred with the staff recommendation.

Mr. Ron Kaplan of Streetscape Partners also offered comments.

Mr. Alex Radice, of West Old Baltimore Road, offered testimony.

There followed extensive Board discussion with questions to staff and the applicant’s representatives.

5. AVA Wheaton

A. Preliminary Plan 120140250 – Request to combine 4 lots to create one lot of approximately 3.7 acres; CR 4.0, C 3.5, R 3.5, H100 Zone, located at the northeast corner of the intersection of Georgia Avenue and Blueridge Avenue in the Wheaton CBD and Vicinity Sector Plan area.

Staff Recommendation: Approval with conditions and Adoption of Resolution

B. Site Plan 820140190 including Preliminary Forest Conservation Plan – Request for a mid-rise multifamily building and garage with up to 324 units, including 12.5% MPDU, in the CR 4.0, C 3.5, R 3.5, H100 Zone; 3.7 acres located at the northeast corner of the intersection of Georgia Avenue and Blueridge Avenue in the Wheaton CBD and Vicinity Sector Plan area.

Staff Recommendation: Approval with conditions and Adoption of Resolution

BOARD ACTION

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

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

Nay:

Other: **DREYFUSS ABSENT**

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

B. Approved staff recommendation for approval, subject to revised conditions, as stated in the attached Resolution, adopted at the meeting.

Planning Department staff discussed the request to combine four lots to create a 3.7-acre lot on a property located at the northeast corner of Georgia Avenue and Blueridge Avenue in the Wheaton Central Business District area. The applicant proposes to build a mid-rise multifamily building and parking garage with up to 324 units, or 350,000 residential square footage, including 12.5 percent Moderately Priced Dwelling Units (MPDUs). The building proposed height is between four and five stories, and the parking structure height is 5.5 floors for 430 spaces, an alternate streetscape from Wheaton Road Design Standards is proposed, and a request has been received by staff from the Department of Transportation to move the curve between Georgia Avenue and the Blueridge Avenue

intersection. Staff briefly discussed revised conditions of approval for the Preliminary and Site Plans. Staff also briefly discussed the Forest Conservation Plan which requires a variance because of the impact on the root zone of one tree and the removal of another tree. To mitigate the impact, the applicant will plant six additional trees. The applicant has agreed to improve the streetscape in front of the building, and has proposed

5. AVA Wheaton

CONTINUED

some measures of recycling that are appropriate based on the Planning Board requirements. Staff addressed concerns raised by the adjoining property owner regarding building access during construction, ability to perform routine maintenance, and concern of parking availability in public Parking Lot 13 during construction.

Mr. Bob Harris, attorney representing the applicant, introduced Mr. Jeff Wood of Avalon Bay, and Ms. Cindy Bar, member of the applicant's team, offered brief comments, and concurred with the staff recommendation.

Mr. Jeff Wood, the applicant, offered a multi-media presentation, and answered questions from Board members.

Mr. Harris expressed his concern regarding Condition 5, the requirement for the applicant to agree to a transportation management agreement with the Montgomery County Department of Transportation (MCDOT). Mr. Harris noted that the applicant has identified sites where bikes share stations can be installed, and would be willing to comply, but does not want to be held accountable for the maintenance and operation of these stations over a 12-year period as stated in MCDOT's letter.

Legal staff noted that it is the Board's prerogative to accept MCDOT's recommendation.

Commissioner Dreyfuss noted that he is in agreement with having a condition requiring the applicant to provide bike share stations, but would like the condition to stipulate that the applicant will fund the capital cost of installing the stations but will not be responsible for the operation and maintenance of the stations, as stated in MCDOT's letter.

Mr. Harold Weinberg, an adjacent property owner offered testimony.

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

6. ——— CLOSED SESSION

~~According to MD ANN Code, General Provisions Article, §3-305(b)(3), to consider the acquisition of real property for a public purpose and matters directly related to the acquisition. The topic to be discussed: Wheaton Headquarters —~~**REMOVED**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was removed from the Planning Board Agenda.

7. CLOSED SESSION

According to Annotated Code of Maryland, General Provisions Article, §3-305(b)(7), to consult with counsel to obtain legal advice.

NOTE - The topic to be discussed: Purple Line MOA ---- **REMOVED**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was removed from the Planning Board Agenda.

8. Aspen Hill Minor Master Plan Amendment

Review of Proposed Planning Board Draft

Planning Board Action/Decision: Approve Planning Board Draft and Transmit to County Executive and County Council

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Aspen Hill Minor Master Plan Amendment Planning Board Draft and transmit to the County Executive and County Council.

Planning Department staff briefed the Board on the proposed project timeline and schedule for the Aspen Hill Minor Master Plan Amendment. Staff noted that three worksessions were held and staff is now requesting the Board's approval of the Planning Board Draft, and will address any questions or clarifications regarding previous Board discussions.

Chair Anderson noted that it would be useful for the Board to get a review of the proposed building footprints and the recommendations for the VITRO/ABE site.

Staff noted review of a proposed plan, and commented that it is possible to have retail as well as residential, including green space.

Commissioner Dreyfuss stated that he would like to see a park included in the design, or consideration be given to public open space along Connecticut Avenue, as the proposed Bus Rapid Transit (BRT) is coming.

There followed extensive Board discussion on the proposed development on the VITRO/ACE building site, including setbacks and proposed uses.

9. Northwood Knolls Preliminary Plan No. 120140200 --- Request to re-subdivide one lot into three lots; located on Dennis Avenue, 400 feet east of University Boulevard West on approximately 0.77 acres in the R-60 Zone; Four Corners Master Plan area.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval, subject to conditions, as stated in the attached Resolution adopted at the meeting.

Planning Department staff offered a multi-media presentation and discussed the proposed request to re-subdivide into three lots, a 33,345-square feet property located on Dennis Avenue, 400 feet east of University Boulevard West, in the Four Corners Master Plan area. Staff noted that one single-family detached dwelling is on the lot with multiple accessory structures, and is used as a residence and landscape company. Staff noted that the proposed request complies with the Master Plan, and all the lots proposed are in compliance with the surrounding lots. However, lots 31 and 32 require a waiver from the requirements of the Subdivision Regulations regarding frontage, size, and shape. Staff is recommending approval of the proposed waiver. Staff also discussed revisions to Condition 2.

Mr. Curth Schreffler, engineer representing the applicant, offered brief comments and concurred with the staff recommendation.

10. Briefing - Draft Rockville's Pike Plan

The City of Rockville Planning Commission has issued its Draft Rockville's Pike Plan that envisions new mixed-use development, a new street network, and a new multi-way boulevard for approximately 382 acres along a 1.98-mile portion of Rockville Pike (MD 355).

Staff Recommendation: Receive briefing from the City of Rockville Planning staff and transmit comments to the City's Planning Commission, the Mayor, and the City Council prior to the City Planning Commission's December 8, 2014 public hearing.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing from Planning Department staff and Mr. David Levy and Ms. Cindy Kebba, representatives of the City of Rockville Planning Department, regarding the proposed Rockville Planning Commission draft Rockville Pike Plan.

In keeping with the November 21 technical staff report, Planning Department staff, and representation of the City of Rockville Planning Department, Mr. David Levy and Ms. Cindy Kebba briefed the Board on the proposed Rockville Pike Plan. The plan covers approximately 410 acres or 1.98 miles along Rockville Pike, and creates a new vision with a new street network, new parks, open spaces, and a multi-way boulevard for Rockville Pike. The Plan promotes mixed-use development, complete streets, mid-rise and some high-rise buildings near the Twinbrook Metro Station. The Plan recommendations are framed by four districts: South Pike, North Pike West, Middle Pike West, and Middle/North Pike East. The Plan states that the South Pike has the greatest potential to receive the bulk of the population growth within the corridor, as well as a significant portion of the City's population growth over the next few decades. This area also has the most potential for transforming from a commercial suburban development pattern into an urban center, complementing Rockville Square to the north. Much of the growth and increased density in the South Pike is expected to be east of Rockville Pike for the near future.

There followed discussion of proposed building heights, configuration and existence of one or more access roads, and cooperation with Planning staff on the Bus Rapid Transit (BRT) project.

11. Alvermar Woods: Preliminary Plan Amendment No. 11999034D (in response to Forest Conservation Easement violations)

Request to remove 51,466 square feet of Category I conservation easement from 10410 and 10420

Riverwood Drive, RE-2 Zone, Potomac, Potomac Master Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: **WELLS-HARLEY/DREYFUSS**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved staff recommendation for approval, subject to conditions, as stated in the attached Resolution adopted at the meeting.**

Planning Department staff offered a multi-media presentation and discussed the request to remove 51,466 square feet of Category I conservation easement from a two-lot subdivision: 50,458 square feet from 10410 Riverwood Drive (Lot 17), and 1,008 square feet from 10420 Riverwood Drive (Lot 16). The properties are located in the southwest corner of the intersection of River Road and Riverwood Drive with Lot 17 more specifically located 390 feet south of River Road in the Potomac Sub-region Master Plan area.

Staff noted that the proposed amendment is in response to numerous Forest Conservation Easement violations by the applicant who is the original purchaser of the property. Some structures are currently in violation and were constructed before the preliminary plan was put into place. Since July 2009, the applicant has been issued two Notices of Violation and three Administrative Citations, all for Category I Forest Conservation Easement Area violations. Two previous Limited amendments to approved Preliminary Plans were denied by the Planning Board because the requests did not meet all the necessary parameters for easement removal in terms of mitigation. A third request was approved by the Board but not acted on by the applicant. The current amendment request is similar to the previously approved amendment. If approved, total mitigation would be 102,932 square feet. A planned land swap between the applicant and the adjacent property owner will resolve some landscaping issues. Because the mitigation that the applicant is proffering is consistent with other Forest Conservation amendments, staff supports approval of this request.

Ms. Michelle Rosenfeld, attorney representing the applicant, introduced Mr. Doug Tilley from O'Connor and Lawrence. Ms. Rosenfeld noted that the applicant has agreed to pay the \$25,000 fine set forth by the Board, and is in agreement with the staff recommendations.

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

12. The Artery Building

A. Project Plan Amendment No. 91981009A, The Artery Building, CBD-2 zone, 2.19 acres, Request to modify the public amenity by converting the internal art gallery space to a fitness center (modifies condition #17) and to relocate the art gallery to the lobby, to modify the public use space by removing

an exterior architectural arch and converting 1425 sf of public use space to outdoor restaurant seating, and to make minor modifications to the exterior architecture at the Bethesda Avenue and Wisconsin Avenue building entrances, located at northwest quadrant of the intersection with Bethesda Avenue and Wisconsin Avenue; Bethesda CBD Sector Plan

Staff Recommendation: Approval with Conditions and Adoption of Resolution

B. Limited Site Plan Amendment No. 81984002A, The Artery Building, CBD-2 zone, 2.19 acres, Request to modify the public amenity by converting the internal art gallery space to a fitness center and to relocate the art gallery to the lobby, to modify the public use space by removing an exterior architectural arch and converting 1,425 sf of public use space to outdoor restaurant seating, and to make minor modifications to the exterior architecture at the Bethesda Avenue and Wisconsin Avenue building entrances, located at northwest quadrant of the intersection with Bethesda Avenue and Wisconsin Avenue; Bethesda CBD Sector Plan

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: **A. FANI-GONZALEZ/WELLS-HARLEY**
 B. FANI-GONZALEZ-WELLS-HARLEY

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

Nay:

Other: **DREYFUSS ABSENT**

Action: **A. Approved staff recommendation for approval, subject to conditions, as stated on the attached Resolution, adopted at the meeting.**

B. Approved staff recommendation for approval, subject to conditions, as stated on the attached Resolution, adopted at the meeting.

In keeping with the November 24 technical staff report, Planning Department staff offered a multi-media presentation and discussed the request to amend the project plan and the site plan for the Artery Building. The proposed amendments will modify the public amenities by converting the internal gallery space to a fitness center, relocating the art gallery to the lobby, modifying the public use space by removing an exterior architectural arch,

12. The Artery Building

CONTINUED

converting 1,425 square foot of public use space to outdoor restaurant seating, and making minor modifications to the exterior architecture at the Bethesda Avenue and Wisconsin Avenue building entrances. The project is located at the northwest quadrant of the intersection of Bethesda Avenue and Wisconsin Avenue in the Bethesda Central Business District. Staff discussed the new proposed

architectural façade of the building, and noted that there were no substantial changes to the previously approved plans.

Ms. Pat Harris, attorney representing the applicant, offered brief comments and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff and Mr. Harris.