



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 11, 2014, at 9:01 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 5:45 p.m.

Present were Chair Casey Anderson and Commissioners Amy Presley and Natali Fani-González. Vice Chair Marye Wells-Harley joined the meeting at 9:22 a.m. Commissioner Norman Dreyfuss was absent.

Items 1 through 4 are reported on the attached agenda.

The Board recessed for lunch at 12:12 p.m.

The Board reconvened in the auditorium at 1:38 p.m.

Items 6, 7, 8, and 9 are reported on the attached agenda.

The Board convened in Closed Session at 5:05 p.m. to take up Item 10, a Closed Session Item.

In compliance with State Government Article §3-305 (b), Annotated Code of Maryland, the following is a report of the Board's Closed Session:

The Board convened in Closed Session at 5:05 p.m. in the Legal office at MRO on motion of Vice Chair Wells-Harley, seconded by Commissioner Fani-González, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Presley and Fani-González voting in favor of the motion. The meeting was closed under authority of Annotated Code of Maryland, State Government Article, §3-305(b)(7) to consult with counsel to obtain legal advice.

Also present for the Closed Session meeting were: General Counsel Adrian Gardner (via telephone), Associate General Counsel David Lieb of the Legal Department; Planning Department Director Gwen Wright, and M. Clara Moise of the Commissioners' Office.

In Closed Session the Board received briefing from General Counsel Adrian Gardner and legal staff regarding a Park Police incident involving the County Executive.

The Closed Session meeting was adjourned at 5:45 p.m.

Commissioner Presley left for the day after the Closed Session meeting.

Following the Closed Session meeting, the Planning Board attended a dinner meeting with the Historic Preservation Commission held in the 3rd floor conference room at 6:00 p.m.

There being no further business, the meeting was adjourned at 5:45 p.m. The next regular meeting of the Planning Board will be held on Thursday, December 18, 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 11, 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. 220130450, Clarksburg Village (Revision)

R-200/TDR zone, street dedication Snowden Farm Parkway; located at the intersection of Castle Oak Road and Snowden Farm Parkway; Clarksburg Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220131390, Clarksburg Village

R-200/TDR zone, 10 lots; located opposite the intersection of Castle Oak Road and Snowden Farm Parkway; Clarksburg Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220140030, Hillmead – Bradley Hills

R-60 zone, 1 lot; located on the south side of Valley Road, 225 feet west of Melwood Road; Bethesda - Chevy Chase Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220140860, Bradley Farms

RE-2 zone, 1 lot; located on the north side of River Road (MD 190), 700 feet east of Belle Terre Way; Potomac Sub-region Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion:

Vote:

Yea:

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 November 20, 2014

BOARD ACTION

Motion: **PRESLEY/FANI-GONZALEZ**

Vote:

Yea: 3-0

Nay:

Other: WELLS-HARLEY, DREYFUSS ABSENT

Action: Approved the Planning Board Meeting Minutes of November 20, 2014, as submitted.

2. Roundtable Discussion

- Parks Department Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing.

Parks Department Director's Report – Parks Department Director Michael Riley briefed the Board on the following Parks Department events and activities: Joint Work Group/Co-Location Study between the Parks Department and Montgomery County Public Schools to review the school-site selection process; County Pesticide Bill; Montgomery Parks Foundation's ongoing search to fill vacant Executive Director position; launch of the Capital Campaign; maintenance of Montgomery County Public Schools' athletic fields; urban parks in Bethesda; the Capital Crescent Trail, particularly a snow removal initiative, and the newly installed automated user-counting equipment; and an upcoming Maryland Association of Counties meeting regarding Program Open Space funding.

Chair Anderson expressed particular interest in the athletic field issue, and stated that he is looking forward to receiving the report in the spring.

3. Bethesda Downtown Sector Plan -- Briefing

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing on the Bethesda Downtown Sector Plan.

Planning Department staff offered a multi-media presentation and discussed the Bethesda Downtown Sector Plan. Staff offered a brief history of Bethesda, noting the majority of the area is zoned mixed-use, with 7,210 existing dwelling units and 16 million square feet of commercial space. It was also noted that 60 percent of downtown Bethesda residents are between 22 and 49 years of age. Areas of concern that the Plan addresses are Bethesda's lack of green spaces and tree canopy, high percentage of imperviousness, and high rental costs. The Sector Plan's goal is to create a greener, more affordable, more connected, and more sustainable downtown Bethesda. To that end, the Plan focuses on pedestrians and better pedestrian connections, the creation of gathering places, and more green areas. The Plan is currently in the concept and comment phase. In addition to meetings and mailing lists, community outreach efforts have included activities and public events sponsored by the Planning Department as well as other independent events.

Staff reported on the Plan's proposed transportation improvements, which include returning some one-way streets to two-way streets; improving the grid system by extending roads in the Battery Lane, Woodmont Triangle, South Bethesda, and Pearl districts; organizing bike facilities; creating bikeways; and improving parking facilities.

The Sector Plan also addresses the area's urban form with implementation of flexible, area-specific building height and setback regulations, designation of some existing streets as shared streets to enhance connectivity between districts, and the creation of parks, greenways, and other green spaces.

Staff also reported on the Plan's sustainability objective, which focuses on the creation of High Performance Areas that will implement the Architecture 2030 and Net Zero programs to reduce energy demand and water use. Staff will submit a draft of the Bethesda Sector Plan in April 2015.

There followed an extensive Board discussion with questions to staff.

4. Bethesda Downtown Sector Plan Retail Study --- Briefing

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing on the Bethesda Downtown Sector Plan Retail Study.

Planning Department staff and Ms. Heather Arnold of Streetsense offered a multi-media presentation and discussed the Bethesda Downtown Sector Plan Retail Study. Staff offered background information on the current state of retail in Bethesda. Ms. Arnold described the analysis methods Streetsense used in their research, which included inventory of retail-appropriate spaces, assessment of existing and proposed retail, current and anticipated customer spending, and unmet retail demand. According to Ms. Arnold, successful retail sites are visible, accessible, and conveniently located.

Ms. Arnold then reported the findings of the retail study, noting that Bethesda's retail area is actually seven different markets: Arlington South, Bethesda Row, Metro, Pearl District, Wisconsin North, Wisconsin South, and Woodmont Triangle. Ms. Arnold offered brief descriptions of the types, sizes, and number of retail sites in each market. It was noted that the Metro, Wisconsin South, and Woodmont Triangle retail markets are struggling; existing supply far exceeds existing demand. Possible explanations for this discrepancy include the high volume of traffic and the number of lanes on Wisconsin Avenue and Old Georgetown Road. Ms. Arnold also reported on the current and projected success of the remaining retail markets, and proposed solutions to improve anemic retail sales in the Metro, Wisconsin South, and Woodmont Triangle markets, such as smaller stores, niche-market retail, and the possible use of flexible spaces that could become retail sites if needed.

There followed an extensive Board discussion with questions to staff and Ms. Arnold.

6. Sketch Plan No. 320150010, Ripley East

CR-5.0 zone, C-4.0 R-4.75 H-200T, 1.40 acres, Mixed-use project with up to 349,847 sf. of residential uses, with up to 360 multi-family dwelling units (including 15% MPDUs), and up to 17,300 sf. of non-residential uses, located in the southwest quadrant of the intersection with Georgia Avenue and Bonifant Street; Silver Spring CBD Sector Plan

Staff Recommendation: Denial

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved the request of the applicant's representative to defer this Item.

At the start of the presentation and discussion of this item, Planning Department Director Gwen Wright offered comments regarding staff's recommendation of denial for the proposed Ripley East Project Sketch Plan, and noted that staff has worked closely with the applicant to try to come to a better recommendation, but was not able to reach a suitable compromise and therefore is recommending denial.

In keeping with the December 1 technical staff report, Planning Department staff offered a multi-media presentation and discussed the proposed construction of a mixed-use project with up to 349,847 feet of residential development for up to 360 residential units, and up to 17,3000 square feet of non-residential uses, which will replace an existing two-story building. The proposed project will be located on a 1.40-acre property located at the southwest corner of Georgia Avenue and Bonifant Street, in the Ripley District of the Silver Spring Central Business District (CBD) Sector Plan area, and the Ripley/South Silver Spring Overlay Zone. Staff noted that the proposed building height is not consistent with the recommendation of the 2000 Silver Spring CBD Sector Plan, which allows for an increase in height above 90 feet and up to 143, provided that the building is contained within a 2.1 slope. A Zoning Text Amendment (ZTA) was approved in 2007, which amended the height standards in the Ripley/South Silver Spring Overlay Zone to allow up to 200 feet in building height. The ZTA reinforced the Sector Plan as it acknowledged that the Silver Spring CBD Sector Plan recommends a maximum of 90 feet on Georgia Avenue with the ability to build two feet higher for every one foot back from Georgia Avenue. ZTA 07-14 does not change that guidance. The Plan made the specific urban design recommendations on heights along Georgia Avenue in the Ripley District to provide compatibility across Georgia Avenue and the Fenton Village.

6. Sketch Plan No. 320150010, Ripley East

CONTINUED

Staff added that the proposed application does not achieve conformance with the urban design goals and guidelines, and therefore does not implement the recommendations of the Silver Spring CBD Sector Plan. Staff offered to discuss alternative designs with the applicant that would comply with the Sector Plan, but the applicant declined the offer. Staff recommended denial of this application as proposed, based on the issues discussed during the meeting, including master plan conformance and compatibility.

Mr. Robert Dalrymple, attorney representing the applicant, introduced Messrs. Daryl South, Luis Bernardo, and Ms. Alyse Talbott, members of the applicant's team, extensively discussed the proposed project, and did not concur with the staff recommendation.

Mr. Daryl South of Washington Property Company also offered comments.

Mr. Luis Bernardo, architect with Design Collective, Inc. also offered comments regarding the proposed building architecture.

Mr. Steve Knight of Violet Place and representing the East Silver Spring Citizens' Association; and Ms. Judith Christensen of Georgia Avenue, Director of Montgomery Preservation, Inc., offered testimony.

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

Planning Department Director Gwen Wright also reiterated that the Master Plan is the guiding document in approving development projects.

7. Huff Court Abandonment No. AB471

Request to abandon, per Section 49-62 of the County Code, a five (5) feet wide by 364 feet long portion of Huff Court in the North Bethesda Office Center East subdivision, located at 5516 Nicholson

Lane, east side of Huff Court south of the intersection of Nicholson Lane in the CR-3.0 C-1.5 R-2.5 H-200 Zone; White Flint Sector Plan area.

Staff Recommendation: Approval with conditions

(Comments needed for the Public Hearing by the County Executive on December 17, 2014)

BOARD ACTION

Motion: WELLS-HARLEY/FANI-GONZALEZ

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation for approval, subject to conditions, and as stated in the attached transmittal letter to the County Executive.

Planning Department staff discussed the request to abandon a portion of Huff Court, a 5-foot wide by 364-foot long portion adjoining the North Bethesda Office Center East Subdivision in White Flint. Staff noted that Section 49-63(c)(1) of the County Code permits the County Council to abandon a right-of-way if it finds that it is no longer necessary for present public use or anticipated use in the foreseeable future. The recommendations of the Sector Plan, including narrowing the width of Huff Court, enhancing the existing streetscape, and realizing the redevelopment potential of the Eisinger site, support this petition for abandonment. No property will be denied access to a public road as a result of the proposed abandonment, utilities will be relocated, and a record plat will be issued. Therefore, granting the abandonment, with the conditions stated in the November 25 technical staff report is appropriate, because the right-of-way is not necessary for present or anticipated public use in the foreseeable future.

Staff also noted that a public hearing will be held on this proposed abandonment request on Wednesday, December 17 at 8:00 p.m. in the Executive Office Building auditorium at 101 Monroe Street in Rockville, Maryland. After receiving comments from the Planning Board and other agencies, the County Executive will forward his recommendation to the County Council for a final decision.

Mr. Phillip Hummel, attorney representing the applicant, offered brief comments, and concurred with the staff recommendation.

8. University of Maryland Graduate Students Presentation

Studies for the Rock Spring Park and Aspen Hill Bicycle Pedestrian Priority Areas

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received multi-media presentations from two groups of graduate students from the University of Maryland on the Montgomery Mall/Rock Spring Bicycle Pedestrian Priority Area, near I-270 and the Democracy Boulevard Interchange, which is planned for Bus Rapid Transit (BRT) service with a terminal station at Montgomery Mall; and on the Aspen Hill Bicycle Pedestrian Priority Area, located near the juncture of Georgia and Connecticut Avenues, which is an area slated to also be served by a BRT line, with station areas to be located along Georgia Avenue.

9. Montgomery Village Master Plan Scope of Work

Staff Recommendation: Approve Scope of Work

BOARD ACTION

Motion: PRESLEY/FANI-GONZALEZ

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation to approve scope of work for the Montgomery Village Master Plan.

Planning Department staff offered a multi-media presentation and discussed the proposed scope of work for the Montgomery Village Master Plan (MVMP), including the purpose of the plan, the transportation infrastructure, the existing and proposed zoning, the existing golf course, and other issues. Staff noted that the MVMP will address the 2,435 acres that comprise the Montgomery Village community. This Master Plan effort will be informed by and will build upon the visioning exercises conducted by the Montgomery Village Foundation, which identified several key sites where redevelopment is anticipated and encouraged. In addition, the master plan process will be used to identify a new set of zones to replace the Town Sector Zone in the MVMP. The scope will include: boundary for the MVMP, planning framework, purpose and summary of plan issues; town sector zone and development plan, community snapshot; community outreach, and plan schedule.

Staff will be working with the Montgomery Village Foundation, the homeowners associations, civic organizations, and the Gaithersburg and Hispanic Chambers of Commerce to assist in notifying the various stakeholders through e-mail and regular postal mail, to aid in the conversation about the future of Montgomery Village. The proposed project timeline is as follows: Staff plan development and

outreach from October 2014 through March 2015, Planning Board review scheduled for April 2015, Planning Board Public Hearing in May 2015, and Planning Board worksessions from June through July 2015. The County Executive's review is scheduled for October 2015 with the County Council Public Hearing in December 2015. County Council's review with Committee and Full Council worksessions are scheduled for January through March 2016, and Sectional Map Amendment adoption from April through June 2016.

The following speakers offered testimony: Mr. John Driscoll of Apple Ridge Road, President of the Montgomery Village Foundation; Mr. Russell Hines, President of Monument Realty Inc.; Mr. Jim Marsh of Five Logs Way, and representing Future Montgomery Village Civic Organization; Mr. Jon Gardner of Canal Road; and Mr. Richard Farrar of Canal Road.

There followed a brief Board discussion with questions to staff.