



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, July 14, 2016, at 9:06 a.m. in the Montgomery Regional Office (MRO) in Silver Spring, Maryland, and adjourned at 7:03 p.m.

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

Items 1 through 5 are reported on the attached agenda.

The Board recessed for lunch at 11:00 a.m. and convened in Closed Session at 2:01 p.m. to take up Item 6, 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 in the 3rd floor conference room at 2:01 p.m. on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Presley and Fani-González voting in favor of the motion, and Commissioner Dreyfuss absent. The meeting was closed under authority of Annotated Code of Maryland §3-305(b)(3) consider the acquisition of real property for a public purpose and matters directly related to the acquisition.

Also present for the meeting were Deputy Director Mitra Pedoeem, William Gries, and Joshua Kaye of the Parks Department; and James Parsons of the Commissioners' Office.

In Closed Session the Board discussed a proposed land exchange.

The Closed Session meeting was adjourned at 2:08 p.m.

The Board reconvened in the auditorium at 2:30 p.m.

Items 7 through 10 are reported on the attached agenda.

The Board recessed for dinner at 4:38 p.m. and reconvened in the auditorium at 6:34 p.m.

MCPB, 7-14-16, APPROVED

Items 12 and 13 are reported on the attached agenda.

Item 11 was removed from the Planning Board agenda.

There being no further business, the meeting was adjourned at 7:03 p.m. The next regular meeting of the Planning Board will be held on Thursday, July 21, 2016, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Sr. Technical Writer/Editor

James J. Parsons
Technical Writer

Montgomery County Planning Board Meeting
Thursday, July 14, 2016
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

1. Washington Adventist Hospital Site Plan 82008021E - MCPB No. 16-052

BOARD ACTION

Motion: WELLS-HARLEY/FANI-GONZÁLEZ

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Adopted the Resolution cited above, as submitted.

***B. Record Plats**

Subdivision Plat No. 220131010, Cabin Branch

CRT zone; 8 lots; located immediately south of the intersection of Stilt Street and Flycatcher Street; Clarksburg Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220160190 - 220160270, The Courts at Clarksburg

PRC zone; 140 lots, 25 parcels; located in the northwest corner of the intersection of Brink Road and Ridge Road (MD 27); Clarksburg Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220160750, Decoverly Hall

CR zone; 1 lot; located immediately east of the intersection of Fields Road and Omega Drive; Great Seneca Science Corridor Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220160850, Edgemoor

R-90 zone; 1 lot; located on the west side of Glenbrook Road, 400 feet south of Edgemoor Lane; Bethesda - Chevy Chase Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: FANI-GONZÁLEZ/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

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

***C. Other Consent Items**

1. Pooks Hill, Site Plan Amendment No. 81982098B --- CR 1.0 C 1.0 R 0.75 H 160 Zone, 11.90 acres, Request for modification to existing parking lot and associated landscaping and lighting; located on Pooks Hill Road at the northwest intersection with Dudley Lane, Bethesda-Chevy Chase Master Plan

Staff Recommendation: Approval of the Consent Item and Adoption of Resolution

2. 8015 Old Georgetown Road, Extension Request for Site Plan No. 820160090 --- CR 1.0 C 1.0 R 0.75 H 160 Zone, 19.38 acres, Extension request for 53,000 square feet of development for a religious/institutional building and a maximum of 107 multi-family dwelling units, including a minimum of 15 percent MPDUs; located at 8015 Old Georgetown Road near the northeast quadrant of the intersection with Glenbrook Road, 1994 Bethesda CBD Master Plan and 2006 Woodmont Triangle Amendment

Staff Recommendation: Approval of the Extension

3. The Blairs, Site Plan Amendment No. 82014017A --- CBD-R2 Zone, 3.79 acres, Amendment for the construction of a private Temporary Green on future Block E, including associated landscape and hardscape modifications; located off of Eastern Avenue in the northwest quadrant of the intersection with Blair Mill Road, Silver Spring CBD Sector Plan

Staff Recommendation: Approval of the Consent Item and Adoption of Resolution

BOARD ACTION

Motion: 1. FANI-GONZÁLEZ/WELLS-HARLEY
 2. WELLS-HARLEY/FANI-GONZÁLEZ
 3. PRESLEY/FANI-GONZÁLEZ

Vote:

Yea: 1, 2, & 3. 4-0

Nay:

Other: DREYFUSS ABSENT

Action: 1. Approved staff recommendation for approval of the Site Plan Amendment cited above, subject to conditions, and adopted the attached Resolution.

 2. Approved staff recommendation for approval of the Site Plan Extension cited above.

 3. Approved staff recommendation for approval of the Site Plan Amendment cited above, subject to conditions, and adopted the attached Resolution.

MCPB, 7-14-16, APPROVED

***D. Approval of Minutes**

Planning Board Meeting Minutes of June 23 and 28, 2016

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved Planning Board Meeting Minutes of June 23 and 28, 2016, as submitted.

2. Roundtable Discussion

- Parks Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing.

Parks Department Director's Report – Parks Department Director Mike Riley briefed the Board on the following ongoing and upcoming Parks Department events and activities: the status of a meeting with the County Council's Planning, Housing, and Economic Development Committee held on Monday, July 11, during which a discussion was held about the proposed restoration and naturalization of Willett Branch in Westbard, the Smart Parks asset management system, and the upcoming Park, Recreation, and Open Space (PROS) Plan; the status of the Wall Park project and recent work with the County Executive's staff and the developer of the adjacent Gables property; recent urban park activation events, including the Climb-A-Tree at Wall Park event held on Wednesday, July 6; the recent purchase of a mobile rock climbing wall; a recent memorandum sent by Councilmembers Nancy Navarro and George Leventhal requesting temporary additional seating at Wheaton Veterans Park; the status of ongoing work on the Parklawn North Trail, an approximately one-mile trail that is proposed to connect Twinbrook Parkway to Veirs Mill Road and eventually to the Rock Creek Trail; the recent implementation of a tobacco-free policy for all parks and facilities, which went into effect on July 1; the status of the County pesticide bill that was passed last year and requires Parks Department staff to provide online notice 48 hours prior to any pesticide application, maintain detailed application records on the Smart Parks system, pilot a pesticide-free athletic field maintenance program, maintain 11 pesticide free parks, and provide a biennial report to the County Council; the recent public use of park sites and facilities to play the Pokémon Go augmented reality game; upcoming Board items, including the Countywide Park Trails Plan Amendment worksession scheduled for today and a Planning Board Public Hearing for the Parks Rules and Regulations scheduled for July 28; and the status of the introductory briefing for recently appointed Planning Board member Gerald Cichy scheduled for July 19.

There followed a brief Board discussion with questions to staff, during which Mr. Riley thanked out-going Commissioner Amy Presley for her dedicated service to the Planning Board, particularly her work with Parks Department projects.

3. Countywide Park Trails Plan Amendment, Worksession #2

Staff Recommendation: N/A

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved the Countywide Park Trails Plan Amendment, subject to the final set of edits.

Parks Department staff offered a multi-media presentation and discussed Board-recommended revisions to the Countywide Park Trails Plan Amendment. Staff stated that the worksession would focus on recommendations on outstanding issues from the first worksession held on May 12, revised language regarding trail user designations in the public hearing draft, the next steps for the Amendment, and priorities to bring back to the Board following approval of the Amendment. The proposed loops and links framework consists of four Countywide recreational loops, identified as the Upper, Mid, East, and Lower County loops; regional links that act as connectors between loops and other major links; major regional, County, and Municipal bikeways that provide connections to loops, links, and other important destinations that park bikeways cannot provide; and other existing and proposed natural surface trails, hard surface trails, bikeways, and connections.

Outstanding issues include locating, mapping, and including unsanctioned trails into the proposed trail system; 24-hour trail use; identifying any changes to trail corridor plans resulting from the Amendment; and Board-requested maps of all existing and proposed trails that are open to bicycling, hiking, and horseback riding. Regarding unsanctioned trails, staff is currently developing an evaluation process to determine whether a trail can be made sustainable and become part of the sanctioned network. Over the following year or two, staff will focus the initial efforts of this process on sanctioning trails in areas of low levels of service, particularly in parks located within the Upper Paint Branch and Cabin John watersheds. Staff plans to return to the Board in October with draft trail plans for these areas. Staff then stated that the issue of 24-hour trail use is being addressed in the ongoing bi-county effort to update the Park Rules and Regulations, and recommended that the topic be removed from the Plan. Recommended changes to trail corridor plans include the removal of the proposed natural surface trail connecting Sandy Spring to Rachel Carson Conservation Park from the Plan, the addition of the existing Northwest Branch shared-by-all trail to the Plan, and the designation of some

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3. Countywide Park Trails Plan Amendment, Worksession #2

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existing trails within Rachel Carson Conservation Park as multi-use. Staff presented and discussed maps identifying existing hard surface shared-by-all trails, existing natural surface shared-by-all trails, and existing limited use natural surface trails within the network. Staff then briefly discussed the Board requested revisions to language within the public hearing draft regarding trail user designations.

The next steps for the Plan Amendment include a third worksession and Board approval scheduled for September. Staff also intends to schedule additional worksessions regarding possible amendments to existing park plans and policy documents for the purpose of converting limited-use natural surface trails to sanctioned, sustainable multi-use park trails; a set of operating guidelines for weather-related, environmental, seasonal, and safety-related closures of natural surface trail segments on Commission parkland; and a strategy for administering recorded and official trail easements on private land for which the Commission has an identified role or interest.

There followed extensive Board discussion with questions to staff, during which Chair Anderson requested the inclusion of additional language that clearly states that with the exception of its segment between Colesville Road and Wheaton, the remainder of the Rachel Carson corridor trail will be open for all uses. The Board also approved the staff recommendations and revisions.

4. Termination of Covenants (“Release”) to Allow Development of Viva White Oak

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation for approval of the Termination of Covenants cited above.

Legal Counsel briefed the Board and discussed a proposed Termination of Covenants request to terminate the enforcement of two existing covenants in order to allow the development of land proposed as part of the Viva White Oak development. The applicant is requesting that the Maryland-National Capital Park and Planning Commission (M-NCPPC) release its interest in enforcing the covenants, which in 1956 and 1965 were placed on the applicant’s property and property that came to be owned by M-NCPPC. Counsel noted that the covenants imposed development restrictions well beyond the standard zoning requirements for certain properties that prior to the adoption of the White Oak Science Center Gateway Master Plan were proposed to be zoned Industrial. Since the adoption of the current Master Plan, the properties have been rezoned Commercial/Residential. Counsel stated that the termination of the covenants is consistent with current Master Plan recommendations. Counsel also requested that if the County files for condemnation of the covenants in order to clear the titles on the properties, the Legal Department may formally consent to the action without request for compensation.

There followed a brief Board discussion with questions to Counsel.

5. Update on MARC Rail Communities Plan

Staff Recommendation: Briefing

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by discussion.

Planning Department staff offered a multi-media presentation and discussed the proposed MARC Rail Communities Plan. The 461-acre plan area, which is comprised of the areas immediately surrounding existing MARC stations in Boyds and Germantown, is located in the upper portion of the County, west of Interstate 270, and approximately 15 miles north of Interstate 495 along the CSX railroad tracks within the Boyds Master Plan, Germantown Master Plan, and Germantown Employment Sector Plan areas. The existing Boyds station is approximately 2.5 miles northwest of the Germantown station. The 240-acre Boyds portion of the plan area is bounded by Little Seneca Lake to the north, and incorporates the industrial land south of the CSX railroad tracks and north of Clopper Road, Boyds Local Park, and the historic district. The 221-acre Germantown portion of the plan area is bounded by Wisteria Drive to the northeast, Waters Road and Germantown Road to the northwest, Dawson Farm Road to the southwest, and Great Seneca Highway to the southeast. The purpose of the Plan is to develop recommendations that will protect and enhance valued activities and spaces; evaluate land uses and zoning near each historic station area; ensure compatibility with each historic district; improve pedestrian, bicyclist, and public transit access to each station; and address any additional concerns raised during the planning process.

Following the master plan kickoff in fall 2015, staff has engaged residents in a variety of ways, including the development of a Master Plan website and an interactive feedback map. On March 7, 14, 15, and 16, staff organized and conducted a four-day community design workshop with both day and evening sessions to allow the broadest possible participation. These sessions were also attended by representatives from the Maryland State Highway Administration (SHA), the Maryland Transit Administration, and the Montgomery County Department of Environmental Protection. Staff presented the results of the design workshop to the Upcounty Citizens Advisory Board and the Boyds Civic Association during meetings held on April 18 and April 21 in order to solicit additional feedback on the Plan.

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5. Update on MARC Rail Communities Plan

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Staff stated that prior to the planning process, members of the Boyds Civic Association developed a plan to re-align the roads near the intersections of Clarksburg Road, Clopper Road, and Barnesville Road in order to alleviate potential traffic issues associated with the proposed development in Clarksburg. Following its submission to Montgomery County Department of Transportation (MCDOT) and SHA, MCDOT requested that the Planning Department consider inclusion of the proposed re-alignment as part of the Plan. In response, staff retained the engineering firm of Vanasse Hangen Brustlin (VHB) as consultants, who are currently in the process of testing the feasibility of the proposed road improvements, developing alternative designs, which include an underpass option, and providing general cost estimates. For Germantown, staff retained the engineering firm of Sabra, Wang, and Associates as consultants to evaluate roads in the proximity of Seneca Valley High School, particularly Middlebrook Road. In an effort to reduce traffic and provide shaded shared-use paths along the six-lane segment of Middlebrook Road east of Germantown Road, the consultants proposed reducing the existing six lanes to four. Staff also noted that the Washington Regional Land Use Leadership Institute of the Urban Land Institute (ULI) conducted a mini technical advisory panel (mTAP), which focused on improving the parking situation at the Germantown station, appropriate development, and creative financing options. The existing parking at the station is currently at 99 percent capacity, with 694 riders. ULI looked at two options for the location of a new parking garage to provide between 900 and 1,100 spaces, along with an area for improved bus circulation, bike rooms, and a bus and rider shelter. ULI mTAP recommendations include promoting a mode shift from auto passengers to public transit and alternative modes, exploring state and federal grants for funding, adding public parking at the Boyds station to address anticipated overflow during the construction of the proposed Germantown garage, improving pedestrian and bicycle access, and transitioning to paid parking. Based on the comments and recommendations from community members, other agencies, and the ULI mTAP, staff plans to look at similar regional commuter station areas; address commuter parking issues through garages, additional surface parking, and better transit access; develop solutions that improve the pedestrian and bicyclist experience based on the consultant's findings; investigate additional connections to the Germantown street network; determine long-term alternatives for the traffic in Boyds based on the consultant's findings; and improve water quality thru additional tree canopy and stormwater quality retrofits.

The next steps for the Plan include development of preliminary recommendations, scheduled for July through September; presentation of the Plan recommendations to the community, scheduled for September; presentation of the working draft to the Planning Board, scheduled for October 2016; Planning Board public hearings, scheduled for November and December; and transmittal of the Plan to the County Council, scheduled for January 2017.

Following extensive Board discussion with questions to staff, the Board requested that staff return with parking and circulation alternatives and their estimated costs.

6. CLOSED SESSION

According to MD ANN Code, General Provisions Article, §3-305(b)(3) consider the acquisition of real property for a public purpose and matters directly related to the acquisition.

The topic to be discussed is a proposed land exchange.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

7. R&SP Briefing: Update on the Rental Housing Market Study Progress --- Provide an update of the work completed by the consultant, RKG Associates, since the study began in the spring of 2015. It will cover key findings from a comprehensive analysis of countywide rental housing market dynamics.

Staff Recommendation: Briefing and discussion

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by discussion.

Planning Department staff and Mr. Kyle Talente from RKG Associates, a consulting firm based in Alexandria, Virginia, offered a multi-media presentation and discussed the initial findings of the countywide Rental Housing Market Study. Recognizing the importance of rental housing to the future of the County, a comprehensive two-year rental study was approved as a joint effort in the FY2015 work programs of the Montgomery County Planning Department and the Montgomery County Department of Housing and Community Affairs. An interdepartmental Project Management Team and a Technical Advisory Committee have been working closely with the consultant. The purposes of the study are multifaceted with an overarching goal to identify Montgomery County's rental housing issues and needs, and other holistic and sustainable approaches to meeting them. Mr. Talente and Planning staff presented an overview of the findings from the comprehensive data collection and analysis of the rental market trends in the County. Rental housing accounts for about 30 percent of the housing supply in Montgomery County and is concentrated around areas with Metro service and employment centers. Most of the County's supply of rental housing consists of older units with only 14 percent of rental units built later than 2000, and 55 percent built prior to 1980. The study revealed that the rental market supply is unbalanced at the lowest and highest end of the housing market. The market is short of about 20,000 rental units for households earning less than 30 percent of the County's area median income of \$107,000. As a result, 80 percent of households earning less than 30 percent of the median income are cost-burdened, compared to 50 percent of renters countywide.

Mr. Talente noted that the study consists of four phases: Phase 1, a comprehensive data collection and analysis of rental market trend in Montgomery County, including detailed assessments of neighborhood level conditions and rental affordability; Phase 2, an assessment of

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7. R&SP Briefing: Update on the Rental Housing Market Study Progress

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state and local policies and a national scan of best practices to identify ones that could be applicable in Montgomery County; Phase 3, an assessment of the financial feasibility and cost/benefit of various options to identify trade-offs in potential policy recommendations; and Phase 4, the development of recommendations, drafting and presentation of the final report to the Planning Board.

Planning staff added that the Project Management Team and the consultant are currently exploring approaches in other jurisdictions and analyzing best practices in rental housing policy. Staff plans to have the study completed by December 2016 with a presentation of the final report to the Planning Board in March 2017.

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

8. Proposed Amendments: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan Proposed Category Map Amendment – County Executive’s 2016-1 Amendment – Four Water/Sewer Service Category Change Requests

Staff Recommendation: Transmit Comments to the County Executive

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation to transmit comments to the County Executive, as stated in the attached transmittal letter.

In keeping with the July 7 technical staff report, Planning Department staff offered a multi-media presentation and discussed four water and sewer service category change requests for the following properties: the Mahabare property located in the Aspen Hill Master Plan area; the Darnestown Presbyterian Church located in the Potomac Sub-Region Master Plan area; the Redeemed Christian Church of God located in the Fairland Master Plan area; and the Glenstone Foundation property located in the Potomac Master Plan area. Staff noted that after review and consultation with staff from the Department of Environmental Protection (DEP), these requests are recommended for approval by the Planning Board.

Mr. Alan Soukup from DEP offered comments and answered questions from the Board.

Ms. Susanne Lee of Circle Drive and representing the West Montgomery County Citizens Association; and Mr. Scott Wallace, attorney representing the Glenstone Foundation property owner, offered testimony.

There followed a brief Board discussion with questions to staff, Mr. Soukup, and Mr. Wallace.

9. Zoning Text Amendment No. 16-05 --- Allow short telecommunications towers as a limited use under certain circumstances; revise the use standards for small cell antennas; and allow short telecommunications towers in public rights-of-way in the RNC, TS, and residential detached zones as a limited use.

Staff Recommendation: Transmit Comments to the County Council

(NOTE: Action required for County Council public hearing of 7/19/16)

BOARD ACTION

Motion: PRESLEY/FANI-GONZÁLEZ

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation to transmit comments to the County Council, as stated in the attached transmittal letter.

Planning Department staff discussed a Zoning Text Amendment (ZTA) request which would allow telecommunications towers 30 feet or shorter in height as a limited use in the public right-of-way of all zones and under certain circumstances, and revise the use standards for small cell antennas, defined as a maximum height of three feet and a maximum width of two feet. Currently, a telecommunications tower in the Residential Neighborhood Cluster (RNC) and residential detached zones are allowed only through conditional use approval. As of now, where an antenna on an existing structure is allowed as a limited use, a small cell antenna is permitted on any structure, at a minimum height of 15 feet, when located at least 60 feet from a detached house or a duplex building. Staff added that this ZTA would allow the existing structures to be located a minimum of 30 feet from a detached house or duplex building type, coinciding with the proposed limited use setback standard for a 30-foot or shorter height tower.

Staff believes that the proposed limited use standards provide a number of mitigating measures that help to maintain the character of existing neighborhoods, especially for those communities where above ground utilities already exist. Staff recommended that a requirement for a minimum separation between telecommunication towers be addressed during the County Council Committee on Planning, Housing, and Economic Development (PHED) worksessions where input from the telecommunications industry and Montgomery County Department of Transportation can occur.

There followed a brief Board discussion with questions to staff.

***10. Brightview Bethesda** --- Site Plan No. 820160120, Brightview Bethesda, CR 3.0 C 1.0 R 2.75 H 90T Zone, 0.59 acres, Request for a 120-unit assisted living facility and 3,125 square feet of retail; located on Rugby Avenue at the eastern intersection with Glenbrook Road, 1994 Bethesda CBD Master Plan and 2006 Woodmont Triangle Amendment.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

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

Planning Department staff offered a multi-media presentation and discussed a site plan request for a 120-unit assisted living facility and 3,125 square feet of retail on a 0.59-acre property located on Rugby Avenue at its eastern intersection with Glenbrook Road in the Bethesda Central Business District Master Plan area. Staff noted that the Planning Board approved the Sketch Plan for this project on December 10, 2015 as well as a Preliminary Plan for two lots for an assisted living facility consisting of up to 120 units and 3,125 square feet of non-residential uses in an eight-story building and retention of an existing office building. The approval also included a density transfer from two sending sites, which transferred 19,000 square feet of residential density to the assisted living use. This site plan application is for development of Lot 2, which was created by the previously approved preliminary plan application. The existing office building on Lot 1 is not part of this request.

The site plan request proposes one new eight-story, 90-foot building on the property. The building will have ground floor retail facing Rugby Avenue and up to 120 assisted living units on the floors above. Parking will be provided on the ground floor in the rear of the building and underground as well. The top floor and adjacent roof terrace will provide space for resident amenity areas. The northwest portion of the building, adjacent to one of the off-site garden apartment buildings, will step down to approximately 45 feet in height, or four stories. The public open space will encompass 1,350 square feet, or 6.4 percent of the net lot area, and will consist of sidewalk along the Rugby Avenue frontage, and will be improved with the Bethesda standard streetscape and placed in a public-improvement easement. The project will also provide amenity space for residents, including indoor space and outdoor roof terraces. Staff also discussed a few revisions to the conditions of approval.

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***10. Brightview Bethesda --- Site Plan No. 820160120**

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Ms. Pat Harris, attorney representing the applicant, introduced Mr. Andrew Tetter, member of the applicant's team, offered brief comments and concurred with the staff recommendation.

The following speakers offered testimony: Ms. Anna Maria Mutter of Battery Lane; and Mr. Christopher Harris of Battery Lane.

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

11. ~~Westbard Sector Plan~~ ~~REMOVED~~

~~Staff Recommendation: Approval to file Sectional Map Amendment (SMA) H-116 implementing the recommendations of the Approved and Adopted Westbard Sector Plan and implement a corrective amendment.~~

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **This Item was removed from the Planning Board agenda.**

12. Subdivision Regulation Waiver Request No. SRW201602 --- Washington Adventist University, R-60 Zone, 13.14 acres, Request to waive provision of Minor Subdivision regulation; located in the southwest quadrant of the intersection with Flower Avenue and Maplewood Avenue, Takoma Park Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation for approval of the Subdivision Regulations Waiver request cited above, subject to conditions, as stated in the attached adopted Resolution.

Planning Department staff offered a multi-media presentation and discussed a subdivision regulation waiver request to construct a school building addition. The site encompasses 13.14 acres of the campus for Washington Adventist University, the applicant, and is located on the west side of Flower Avenue, bound by Maplewood Avenue to the north, Carroll Avenue to the south, and is zoned Residential within the Takoma Park Master Plan area. The site and the adjacent hospital are located in an area originally subdivided in 1889 as Block 51. In 1913, a 13.53-acre portion of Block 51, roughly covering the same area as the project site, was conveyed to the applicant's predecessor in title, while the hospital's predecessor in title retained the balance of the block. Because none of the conveyances were ever platted, Block 51 now consists of two parts of one lot: one for the university and one for the hospital. In 2003, the applicant and the hospital executed a lot line adjustment by deed to more accurately reflect current campus operations. Staff noted that the lot line was not recorded by plat.

Based on incomplete information, the applicant applied for a building permit to build an addition to an existing school building, which was denied on the grounds that the lot is no longer platted. The applicant is now requesting to build the addition by obtaining a building permit without obtaining approval of a Preliminary Plan of Subdivision, in order to open the building addition in the Fall 2017 term. The two provisions of the Subdivision Regulations that the applicant is requesting to waive is Section 50-20(a), which states that the Montgomery County Department of Permitting Services (DPS) must not approve a building permit unless a lot or parcel is shown on a plat, and 30-35(a)(3)(b), which allows the consolidation of part of a lot under minor subdivision only if the part of the lot created by deed was recorded prior to June 1, 1958. The applicant is requesting the waiver based on existing practical difficulties or unusual

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12. Subdivision Regulation Waiver Request No. SRW201602

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circumstances due to the history of the campus in the community, the reasonable confusion regarding applicability of subdivision regulations, and the existence of significant uncertainties and costs associated with compliance. Staff stated that they accept and support the finding of practical difficulty and unusual circumstance, and finds that the requested waiver, as conditioned, meets all necessary requirements. Staff conditions recommend that DPS issue permits only for demolition, excavation, sheeting, shoring, or foundation prior to plat recordation, with no above-grade permits issued until the lot is platted, and that the applicant completes improvements to the public sidewalk along the Maplewood Avenue frontage prior to the issuance of the final use and occupancy certificate. Staff added that condition two was recommended by the City of Takoma Park, with whom staff coordinated on this project.

Mr. Patrick O'Neil, attorney representing the applicant, introduced Dr. Waymouth Spence and Messrs. Patrick Farley and Bill Brennan, members of the applicant's team, offered comments, and citing construction costs and delays, requested that staff modify condition one to allow the issuance of all building permits prior to plat recordation, requiring instead that the applicant records a plat prior to the issuance of a use and occupancy certificate, which is identical to the recommendation in condition two.

Dr. Waymouth Spence, member of the applicant's team, offered comments.

There followed extensive Board discussion with questions to staff and Mr. O'Neil, during which the Board requested that staff prepare the plat for approval as soon as possible, preferably by the July 28 Planning Board meeting.

13. Greater Lyttonsville Sector Plan, Worksession #5

Staff Recommendation: Approval to transmit Planning Board Draft to County Council

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation for approval to transmit the Planning Board Draft of the Greater Lyttonsville Sector Plan to the County Council.

Planning Department staff offered a multi-media presentation and briefly discussed the proposed Greater Lyttonsville Sector Plan, noting the inclusion of the staff-recommended language and graphics revisions that the Board approved, and the completed hardcopy of the plan that the Board requested at the June 23 worksession. Staff also briefly discussed two minor edits made since that same worksession. Staff added that the County Council would like to schedule a Public Hearing date for September of this year.

There followed a brief Board discussion.