

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APPROVED
MINUTES AND SUMMARY

SUMMARY
Thursday, February 29, 2024
2425 Reddie Drive
Wheaton, MD 20902
301-495-4605

The Montgomery County Planning Board met in regular session in the Wheaton Headquarters Building in Wheaton, Maryland, and via Microsoft Teams video conference on Thursday, February 29, 2024, beginning at 9:07 a.m. and adjourning at 6:05 p.m.

Present were Chair Artie Harris, Vice Chair Mitra Pedoeem, and Commissioners Shawn Bartley, James Hedrick and Josh Linden.

Items 1 through 4, Item 13, and Items 6 and 7 were discussed in that order and reported in the attached Minutes.

The Planning Board recessed for lunch at 1:37 p.m. and reconvened in the auditorium and via video conference to return to open session at 2:17 p.m. to discuss Item 14, Items 8 through 12 as reported in the attached Minutes.

Item 5 was postponed until March 7, 2024.

Commissioner Linden left the meeting at 5:58 p.m. during Item 12 and was necessarily absent for the remainder of the meeting.

There being no further business, the meeting adjourned at 6:05 p.m. The next regular meeting of the Planning Board will be held on Thursday, March 7, 2024, in the Wheaton Headquarters Building in Wheaton, Maryland, and via video conference.

Rachel Roehrich
Rachel Roehrich
Technical Writer/Legal Assistant

MINUTES

Item 1. Preliminary Matters

A. Adoption of Resolutions

1. 12500 Ardennes Sketch Plan Amendment No. 32018020A – MCPB No. 24-020
2. 12500 Ardennes Site Plan No. 820240060 – MCPB No. 24-021
3. 12500 Ardennes Forest Conservation Plan No. F20240250 – MCPB No. 24-022
4. Amalyn Bethesda Forest Conservation Plan No. F20230270 – MCPB No. 24-019

BOARD ACTION

Motion: Hedrick/Pedoeem
Vote: 4-0-1
Other: Commissioner Bartley abstained due to being absent.
Action: Adopted the Resolutions cited above, as submitted.

B. Approval of Minutes

BOARD ACTION

Motion:
Vote:
Other:
Action: There were no Minutes submitted for approval.

C. Other Preliminary Matters

BOARD ACTION

Motion:
Vote:
Other:
Action: There were no Other Preliminary Items submitted for approval.

Item 2. Record Plats (Public Hearing)

Subdivision Plat No. 220231030, Har Tzeon Property

R-60 zone; 2 lots; located on the south side of University Boulevard (MD 193), 1400 feet east of Amherst Avenue; Wheaton CBD and Vicinity Sector Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220231050 & 220231060, Preston Place and Lake Apartments

R-30 zone; 61 lots, 11 parcels; located on the south side of Manor Road, 930 feet east of Connecticut Avenue (MD 185); Chevy Chase Lake Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220240040, Kensington Park

R-60 zone, 1 lot; located on the north side of Washington Street, 760 feet west of Connecticut Avenue (MD 185); Kensington Sector Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220240210 thru 220240240, Creekside at Cabin Branch

RNC zone, 12 parcels; located at the terminus of Dowitcher Way, approximately 2,500 feet west of Clarksburg Road (MD 121); Clarksburg Ten Mile Creek Amendment Area.

Staff Recommendation: Approval

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

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

Item 3. Regulatory Extension Requests (Public Hearing)

National Park Seminary: Preliminary Plan 12005054A, Site Plan 820200050 & Forest Conservation Plan 82005024H, Regulatory Extension Request No. 2 - Request to extend regulatory review period, from February 29, 2024, to February 27, 2025.

For three applications to revise the layout of the proposed townhouses, condominium building, parking, and address associated impacts to forest retention areas; located 740 Feet North of the intersection of Smith Drive and Linden Lane; PD-15 zone; 4.23 acres; 2000 North and West Silver Spring Master Plan.

Staff Recommendation: Approval of the Extension

M. Fuster

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval of the Regulatory Extension Request cited above.

The Board asked questions regarding the reasoning for an additional one-year extension.

Staff offered comments and responses to the Board's questions.

Item 4. Roundtable Discussion

Parks Director's Report
M. Figueredo

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing.

Montgomery Parks Director, Miti Figueredo, offered a multi-media presentation regarding recent events within the Parks Department.

Ms. Figueredo began by highlighting Oakley Cabin African American Museum and Park, which serves as a living history museum. Ms. Figueredo noted Montgomery Parks hosted its first annual training week from January 29th – February 2nd, 2024 and consisted of 29 trainings spanning over six locations throughout Montgomery County filling approximately 450 seats.

Ms. Figueredo highlighted the ribbon cutting ceremony taking place on March 15, 2024 at Wheaton Regional Park to mark the installation of Pepco's 200th electric vehicle (EV) charger in the company's Maryland service area. Ms. Figueredo stated that this event marks a major milestone towards completing Pepco's goal of installing 250 EV public charging stations in Montgomery and Prince George's Counties.

Ms. Figueredo spoke about the recent One Commission Years of Service event honoring employees with 25 or more years of service and highlighted recipients Bob Turnbull, Stephanie Oberle, Mike Little, Dennis McDonnell, Oliver Manuel, and Captain Tracey Lieberman.

Ms. Figueredo stated the Montgomery Park Police recently hosted the Abu Dhabi Police Department, a strategic partner of the United States, and noted Abu Dhabi identified the Maryland-National Capital Park Police as an agency they wanted to visit and learn about patrolling areas with difficult terrain.

The Digital Heritage Symposium kicked off a soft launch for the Oakley Cabin Augmented Reality (AR) Adventure, which is a pilot product of a larger project aimed at celebrating African American sites on Parkland.

Ms. Figueredo discussed the 21st Annual GreenScapes Symposium virtual event recently organized by Brookside Gardens on February 16, 2024 promoting landscape sustainability.

Lastly, Ms. Figueredo stated Montgomery Parks and Westfield Montgomery are partnering to honor Black History Month by offering free entry to the Josiah Henson Museum and Park on March 9th and 10th.

Item 13. Brickyard Estates: Administrative Subdivision Plan No. 620230150 and Preliminary/Final Forest Conservation Plan No. F20230390 (Public Hearing)

- A. Administrative Subdivision Plan No. 620230150
- B. Preliminary/Final Forest Conservation Plan No. F20230390

Application to create three (3) new residential lots for three (3) one-family detached units; located at 7601 Brickyard Road, Potomac; RE-2 zone; 6.64 acres; 2002 Potomac Subregion Master Plan.
Staff Recommendation: Approval with Conditions

J. Server

A. BOARD ACTION

Motion: Hedrick/Linden

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval of the Administrative Subdivision Plan cited above, which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.

B. BOARD ACTION

Motion: Hedrick/Linden

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval of the Preliminary/Final Forest Conservation Plan cited above, subject to conditions, which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.

Jeffrey M. Server, Planner III, offered a multi-media presentation regarding Brickyard Estates. Further information can be found in the Staff Report dated February 16, 2024.

Mr. Server noted that although this Application is an Administrative Subdivision Plan, typically acted on by the Planning Director, the Application requires Planning Board action because community correspondence has been received in opposition to the recommended extension of New London Drive as a through road.

Mr. Server described the vicinity and property stating it is located in the southeastern corner at the intersection of Brickyard Road and New London Drive in Potomac. Mr. Server explained the Applicant proposes to convert a deeded parcel into three lots for three new single-family detached dwelling units with driveway access off the extension of New London Drive. The new houses will be served by public water and sewer, and stormwater management goals will be met with acceptable environmental site design practices.

Brett Brown, Upcounty Transportation Planner, gave an overview of the reasoning behind the extension request for New London Drive, the existing conditions of New London Drive, and the access and circulation for the site. Mr. Brown stated the Application proposes to construct an extension of New London Drive to fill an existing gap in the road alignment, connecting the current

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terminus of the road to Brickyard Road to the west along the property's northern edge. Mr. Brown noted the Application also provides a six-foot-wide sidewalk along the property frontage on Brickyard Road, and a 5-foot-wide sidewalk on New London Drive.

Mr. Server spoke about the adequate public facilities and noted the Applicant is exempt from a Local Area Transportation Review study. Mr. Server also stated the property has an afforestation requirement of 1.62 acres. The Applicant will satisfy this requirement by providing 1.62 acres of augmented reforestation plantings on the property by planting understory trees and shrubs within a portion of the overstory treed area and placing it within a Category I Conservation Easement. Mr. Server noted impacts to existing tree canopy and protected trees have been greatly minimized by this Application with the re-orientation of the lots towards New London Drive, and by locating the proposed units along the northern property boundary where the property is mostly flat and with the least amount of tree cover.

Joel Szabat, an adjacent property owner, offered a multimedia exhibit and testimony regarding opposition to the extension of New London Drive to Brickyard Road.

Christopher Ruhlen of Lerch, Early, and Brewer offered comments on behalf of the Applicant regarding the proposed lot layout and connection to New London Drive. Mr. Ruhlen further noted agreement to conditions proposed by Staff.

The Board asked questions regarding right-of-way widths for both sides of the unbuilt section of New London Drive, potential improvements and dedication of the unbuilt section, and reasoning for the unbuilt gap of New London Drive.

Staff, including Chief of Upcounty Planning, Patrick Butler, offered comments and responses.

Item 6. 4702 Chevy Chase Drive Preliminary Plan Amendment No. 12021001A & Site Plan No. 820230120 (Public Hearing)

- A. Preliminary Plan Amendment No. 12021001A
- B. Site Plan No. 820230120

Request to extend the validity period from February 7, 2024 to February 7, 2026; Request to construct an 82,000 square foot residential building for up to 49 units with 15 percent MPDUs, including up to 50,913 square feet of Bethesda Overlay Zone density; Located on Chevy Chase Drive approximately 100 feet west of Bradley Boulevard; 0.48 acres zoned CR 1.5 C 0.25 R 1.5 H-70' and the Bethesda Overlay Zone; 2017 Bethesda Downtown Sector Plan.

Staff Recommendation: Approval with Conditions

G. Bogdan

A. BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval of the Preliminary Plan Amendment cited above, subject to conditions, which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.

B. BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval of the Site Plan cited above, subject to conditions, which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.

Grace Bogdan, Planner III, offered a multi-media presentation regarding 4702 Chevy Chase Drive. Further information can be found in the Staff Report dated February 15, 2024.

Ms. Bogdan described the vicinity, property, and previous approvals. Ms. Bogdan stated the Applicant is requesting to extend the validity period for the associated Preliminary Plan for two additional years to February 7, 2026.

Ms. Bogdan stated the Applicant also proposes to construct an 82,000 square foot multifamily building for up to 49 units with 15 percent Moderately Priced Dwelling Units (MPDUs) and structured parking for up to 54 spaces. The Proposal has been reduced from the previously contemplated 70 units in the original Sketch Plan down to 49 units, with little change in the overall square footage to allow larger unit types, and the project is providing 35 percent green space.

Ms. Bogdan stated correspondence was received noting concerns with access and circulation along Chevy Chase Drive, lack of onsite loading, and construction noise and impacts.

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Julie McLean, an individual, offered testimony regarding concerns with increased traffic, inadequate provisions for parking, and the lack of loading area for deliveries.

Karen Hoffman, an adjacent property owner, offered testimony regarding concerns for increased traffic, lack of loading area for deliveries, inadequate parking provisions, and pine trees.

Daniel Ben-Zadok, an adjacent property owner, offered testimony in support of the proposed development and noted the developer will be held accountable for the delivery loading management plan.

Edward Butler, an adjacent property owner, offered testimony regarding concerns for traffic congestion, the inadequacy of the loading management plan, and the pedestrian path.

Pat Harris of Lerch, Early, and Brewer offered comments on behalf of the Applicant noting agreement to Staff's conditions. Ms. Harris offered a multimedia presentation and further comments regarding the location of the pedestrian path, loading, and traffic. Ms. Harris clarified move-ins and move-outs would not occur during peak hours, but noted deliveries including food and package deliveries will not be limited. Lastly, Ms. Harris offered comments regarding the reasoning for two levels of parking and potential wayfinding signage.

The Board asked questions regarding the through block connection, parking for food deliveries, reasoning for proposing above the minimum parking, and compliance with the MPDU requirements.

Staff offered comments and responses to the Board's questions.

The Board further suggested inclusion of wayfinding signage to enhance connectivity to the local park.

Item 7. Montgomery County Comprehensive Water Supply and Sewerage Systems Plan Proposed Category Map Amendments – County Council’s January 2024 Eleven Water/Sewer Service Category Change Requests

Staff Recommendation: Transmit Comments to County Council

J. Pratt

- A. WSSCCR 22-TRV-14A: Dmitry Krylov And Irina Mikhailenko
Staff Recommendation: Deny S-3; maintain S-6
- B. WSSCCR 22-TRV-15A: Josh Cook
Staff Recommendation: Deny S-3; maintain S-6
- C. WSSCCR 22-TRV-17A: Honrato and Rosvida Nicodemus
Staff Recommendation: Approve S-3
- D. WSSCCR 22-TRV-20A: John and Andrea Gerold
Staff Recommendation: Deny S-3; maintain S-6
- E. WSSCCR 23-TRV-04A: Adebawale Ajomale
Staff Recommendation: Deny S-3; maintain S-6
- F. WSSCCR 23-TRV-05A: Hurst, Ennis, Johnson And Blackman
Staff Recommendation: Approve W-1 for Parcel P709; maintain restricted sewer category S-1 for Parcels P804 and N765; advance to unrestricted S-1 for Parcels P804 and N765 upon the Hearing Examiner’s approval of a Conditional Use plan and the Planning Board’s approval of a preliminary subdivision plan.
- G. WSSCCR 22-URC-01A: Paul Sarkides
Staff Recommendation: Deny S-3; maintain S-6
- H. WSSCCR 17-OLN-02A: Iglesia De Cristo Mi-El Maryland, Inc.
Staff Recommendation: Maintain W-6 and S-6; advance to W-3 and S-3 upon the Planning Board’s approval of a preliminary plan
- I. WSSCCR 22-TRV-05A: Michael And Denise Sinay; WSSCCR 22-TRV-06A: Nirmala Rao; and WSSCCR 22-TRV-09A: William Reinhold
Staff Recommendation for all three cases: Deny S-3; maintain S-6

A. BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation for Denial and to transmit comments to County Council, as stated in a transmittal letter to be prepared at a later date.

B. BOARD ACTION

Motion: Hedrick/Linden

Vote: 3-0-2

Other: Vice Chair Pedoeem and Commissioner Bartley abstained because they were uncomfortable denying the application based on concerns that such action may be putting public health at risk.

Action: Approved Staff recommendation for Denial and to transmit comments to County Council, as stated in a transmittal letter to be prepared at a later date.

C. BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation for Approval and to transmit comments to County Council, as stated in a transmittal letter to be prepared at a later date.

D. BOARD ACTION

Motion: Linden/Hedrick

Vote: 5-0

Other:

Action: Approved Staff recommendation for Denial and to transmit comments to County Council, as stated in a transmittal letter to be prepared at a later date.

E. BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation for Denial and to transmit comments to County Council, as stated in a transmittal letter to be prepared at a later date.

F. BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation for Approval and to transmit comments to County Council, as stated in a transmittal letter to be prepared at a later date.

G. BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation for Denial and to transmit comments to County Council, as stated in a transmittal letter to be prepared at a later date.

H. BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation for Approval and to transmit comments to County Council, as stated in a transmittal letter to be prepared at a later date.

I. BOARD ACTION

Motion: Hedrick/Linden

Vote: 4-1

Other: Vice Chair Pedoeem voted against Staff's recommendation because of potential public health concerns.

Action: Approved Staff recommendation for Denial of all three cases and to transmit comments to County Council, as stated in a transmittal letter to be prepared at a later date.

Jamey Pratt, Planner III, offered a multi-media presentation regarding eleven Water/Sewer Service Category Change Requests. Further information can be found in the Staff Report dated February 22, 2024.

Mr. Pratt gave a brief overview of the two types of water/sewer category changes, and Alan Soukup of the Department of Environmental Protection offered a multimedia presentation explaining the category change process, actions, general sewer service policies, special service policies, and properties outside the sewer envelope approved for public service.

Mr. Pratt discussed the water/sewer service category change requests, as listed above.

Mr. Pratt noted an error in the Staff Report for case WSCCR 23-TRV-05A, which stated the Applicants intend to develop a 60-unit independent living facility on a single lot. Mr. Pratt stated the Applicant clarified with Staff their intent is to create 60 fee-simple lots for the townhouses.

Mr. Pratt also noted the two recommendations for WSCCR 23-TRV-05A and WSSCR 17-OLN-02A do not match the County Executive's recommendations, and the recommendations are explained in more detail in the Staff Report.

Mary Yakaitis of the Overlea Sewer Consortium offered a multi-media presentation and testimony regarding WSCCR 22-TRV-15A, WSCCR 22-TRV-05A, WSCCR 22-TRV-06A, and WSCCR 22-TRV-09A.

Peter Doherty of the Potomac Highlands Citizens Association offered testimony regarding the Overlea Sewer Study and support for approval of the requested sewer changes within the Study Area.

Scott Wallace of Miles and Stockbridge offered comments for WSCCR 23-TRV-05A on behalf of the Applicant regarding peripheral policy applicability.

The Board asked questions regarding sewer mains that support exception areas, County expectations for water/sewer main hook-ups, re-applying for service to abutting mains, WSSC requirements for building of sewer lines and hook-ups, possible connection to the City of Rockville Sewer Service Area, determination of sewer main failure, potential easements through adjacent properties, clarification of the Overlea Sewer Study, and further explanation of concerns for approval of periphery properties.

Staff, including Chief of Upcounty Planning, Patrick Butler, offered comments and responses.

Alan Soukup of the Department of Environmental Protection (DEP) offered comments and responses to the Board's questions.

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The Board also recommended transmittal of additional comments to the County Council regarding issues within the Glen Hills Study Area and potential flexibility and reevaluation of the Potomac Peripheral Sewer Service policy.

Item 14. State Legislative Update

- A. HB 1511 Forest Conservation Act – Modifications (In Rules Committee No Bill Hearing Date Yet.)
Recommendation: Support with amendments.
- B. HB 1413 Prince George’s County – Development Authority – Established (Bill Hearing Date March 7, 2024)
Recommendation: Informational/Received briefing
- C. HB 1284 Wetlands and Waterways Program – Stream Restoration Projects (Bill Hearing Date March 6, 2024)
Recommendation: Informational/Received briefing
- D. HB 1084 Employee Autoimmune Disorder Protection Act (Bill Hearing Date March 6, 2024)
Recommendation: Informational/Received briefing

A. BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation to Support HB 1511, with amendments.

B. BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing.

C. BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing.

D. BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing.

Debra Borden, General Counsel, gave an update on the current legislation and briefly discussed Bills HB 1511, HB 1413, and HB 1084.

The Board asked for further explanation for HB 1511 regarding forest mitigation banking and Ms. Borden offered comments and responses.

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Matt Harper, Natural Resources Manager for the Parks Department, gave a brief overview of HB 1284 as it would impact the work Parks could perform. Mr. Harper further stated a fact sheet has been drafted and will be submitted to the bill's sponsor.

The Board asked questions regarding the current Parks permit process and next steps.

Mr. Harper and Ms. Borden offered comments and responses to the Board's questions.

Item 8. Germantown Multimodal Study: Alternatives Analysis

The Germantown Multimodal Improvements Study identifies several potential alternatives for improving pedestrian and bicycle conditions along sections of Wisteria Drive (Great Seneca Highway to Germantown Road) and Middlebrook Road (Great Seneca Highway to Germantown Road).

Staff Recommendation: The Planning Board will recommend a preferred alternative to the County Council.

E. Glazier

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval to transmit comments to County Council, as stated in a transmittal letter to be prepared at a later date.

David Anspacher, Acting Chief of Countywide Planning and Policy, offered brief comments regarding the basis for transportation projects and project lifecycles.

Eli Glazier, Acting Transportation Planning Supervisor, offered a multi-media presentation regarding the Germantown Multimodal Study. Further information can be found in the Staff Report dated February 22, 2024.

Mr. Glazier stated the Montgomery County Department of Transportation (MCDOT) is investigating alternatives for constructing bicycle and pedestrian improvements in Germantown along the Wisteria Drive and Middlebrook Road corridors. Mr. Glazier stated project is funded under Facility Planning–Transportation but is not currently funded for final design or construction. Mr. Glazier described the existing conditions and stated the project would allow for connections to an existing sidepath along Great Seneca Highway, a sidepath along the north side of Wisteria Drive to Waring Station Road, the Gunners Lake trail network and the Germantown MARC station via Walter Johnson Road, including a new to-be constructed twelve-foot-wide sidepath along the LIDL Germantown frontage.

Mr. Glazier noted the project developed four conceptual alternatives along Wisteria Drive and two conceptual alternatives along Middlebrook Road to improve bicycling conditions. The alternatives are phased into short-term, medium-term, and long-term by the level of investment required for construction. Mr. Glazier continued by discussing each alternative for Wisteria Drive and Middlebrook Road in greater detail as well as the potential costs, impacts, Master Plan consistency, and recommendations.

The Board asked about the current usage of Middlebrook Road Parkway, level of comfort, what the maintenance cost included, painting versus concrete buffers, and if the County owns a bicycle lane sized street sweeper.

Staff offered comments and responses to the Board’s questions.

Rebecca Park and Angel Cheng of MCDOT offered comments and responses regarding the usage of the Middlebrook Parkway and level of comfort.

The Planning Board's preferred alternatives and proposed design modifications include:

Wisteria Drive

- **Project Phasing:** Advance Alternative 1 as the Interim Bikeway, as it can be constructed relatively quickly with minimal negative impacts. Over time, upgrade the bikeway to Alternative 2a, the Permanent Bikeway, which would provide more permanent separation from traffic.
- **Alternative 2a Modifications:** Transition the on-road separated bike lanes to off-road separated bike lanes just east of the CVS driveway and continue the off-road separated bike lanes to Germantown Road.

Middlebrook Road

- **Project Phasing:** Advance Alternative 1 as the Interim Bikeway, as it can be constructed relatively quickly with minimal negative impacts. Over time, upgrade the bikeway to Alternative 2, the Permanent Bikeway, which would provide more permanent separation from traffic.
- **Alternative 1 and Alternative 2 Modifications:** Extend the separated bike lanes from the Bank of America driveway to Germantown Road.
- **Alternative 2 Modifications:** Upgrade the existing separated bike lanes on the south side of Middlebrook Road as part of Alternative 2.

Future Considerations

- Ensure all intersections comply with Montgomery Planning's Protected Intersection Checklist to the extent possible.

Item 9. Clarksburg Town Center (Public Hearing)

- A. Project Plan Amendment No. 91994004E
- B. Preliminary Plan Amendment No. 11995042E
- C. Site Plan Amendment No. 82007022I
- D. Final Forest Conservation Plan Amendment No. F20230380

Amendments to reduce the approved commercial density from 206,185 SF to 106,920 SF, replace approved office buildings with 189 multi-family housing units including 12.5% MPDUs, reconfigure retail buildings and parking areas, update amenities, and to make parcel revisions; located along Saint Clair Road between Clarksburg Square Road and Stringtown Road, Clarksburg; RMX-2, RDT zone; 1994 Clarksburg Master Plan & Hyattstown Special Study Area, 2011 Limited Amendment to the Clarksburg Master Plan.

Staff Recommendation: Approval with Conditions

P. Estes

A. BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval of the Project Plan Amendment cited above, subject to conditions, which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.

B. BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval of the Preliminary Plan Amendment cited above, subject to conditions, which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.

C. BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval of the Site Plan Amendment cited above, subject to conditions, which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.

D. BOARD ACTION

Motion: Hedrick/Linden

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval of the Forest Conservation Plan Amendment cited above, subject to conditions, which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.

Phillip Estes, Planner III, offered a multi-media presentation regarding Clarksburg Town Center. Further information can be found in the Staff Report dated February 16, 2024.

Mr. Estes gave an overview of the background for the project and discussed the previous approvals from 1995/96 through 2022 in greater detail noting the focus of this amendment is to complete the commercial core.

Mr. Estes stated the Application proposes to reduce the approved commercial square footage, replace the approved unbuilt office buildings with multifamily housing units in two buildings (including 12.5 percent MPDUs), build a plaza and splash fountain, reconfigure retail buildings and parking areas, include sidewalks, street trees, and benches, reconfigure parcels, and provide completion in one phase.

Mr. Estes stated the Forest Conservation Plan Amendment continues to protect environmental buffers and does not modify the previously approved conservation easements or reforestation requirements.

Mr. Estes also discussed the Compliance Program, which the Planning Board approved and adopted in 2006, and noted it established the path forward for completing the Clarksburg Town Center residential and commercial areas and was subject to modifications. Mr. Estes further discussed the key elements that have been completed.

Mr. Estes discussed the Applicant's public outreach and the community comments received by Staff, as well as Staff's responses.

Lastly, Mr. Estes noted revisions to the Data table for parking and Preliminary Plan Condition Numbers 4 and 12.a.

Amy Presley of the Clarksburg Town Center Advisory Committee (CTCAC) offered testimony regarding the Compliance Program, zoning, additional residential uses, and previous phases submitted for development.

Bob Harris of Lerch, Early, and Brewer offered comments on behalf of the Applicant regarding the Compliance Program, zoning, and the additional multi-family housing.

Kate Kubit of Elm Street Design offered a multimedia presentation and comments regarding the status of construction, market changes, uses desired and signing of grocery store.

The Board asked questions regarding completion of the Compliance Program obligations, legality of changing/amending the Compliance Program, what else needs to be done/completed, and zoning.

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Staff, including Deputy Director of Planning, Robert Kronenberg, offered comments and responses to the Board's questions.

Item 10. Conditional Use No. CU202410: 6412 Damascus Road Landscape (American Lawn and Landscaping, Inc.) (Public Hearing)

A. Conditional Use No. CU202410: Request to transmit comments to the Hearing Examiner on a conditional use application to operate a Landscape Contractor pursuant to Montgomery County Zoning Ordinance Sections 59-7.3.1.E (General Conditions) and 59-3.5.5 (Specific Conditions) at 6412 Damascus Road, Gaithersburg; AR Zone; 2005 Olney Master Plan.

Staff Recommendation: Approval with conditions to transmit comments to the Hearing Examiner
M. Beall

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval to transmit comments to the Hearing Examiner as modified during the meeting, as stated in a transmittal letter to be prepared at a later date.

Mark Beall, Planner IV, offered a multi-media presentation regarding 6412 Damascus Road Landscape (American Lawn and Landscaping, Inc.). Further information can be found in the Staff Report dated February 16, 2024.

Mr. Beall discussed the property, neighborhood, and existing conditions noting the Applicant proposes to use the rear portion of the property located at 6412 Damascus Road for a Landscape Contractor business. The existing house will remain a residence and will not be used as an office for the Landscape Contractor, but a restroom within the house will be available for the employees to use. Mr. Beall stated the Applicant will utilize the existing outbuildings and gravel parking area for the employees, equipment, and trucks for the Landscape Contractor. Twelve work vehicles and up to twenty-four employees will be utilized, and Mr. Beall noted the Applicant is not proposing weekend hours except in the case of emergencies such as a storm or other similar events. Mr. Beall noted public comments were received noting concerns with stormwater runoff and noise.

Brett Brown, Upcounty Transportation Planner, discussed the transportation aspects for the property noting the project was exempt from a full Local Area Transportation Review study as there will be less than 50 peak-hour trips generated and there was no noteworthy impact to the existing roadway network.

Mr. Beall stated a Forest Conservation Exemption was approved for the project, and Mr. Beall discussed the four variances the Applicant is requesting but noted the Board of Appeals deferred the variance requests to the Hearing Examiner for approval.

Lastly, Mr. Beall noted corrections to Condition Number 5 regarding hours of operation, and page 18 of the Staff Report regarding the variance requests attachment.

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Tracy Horn, an individual, offered testimony in opposition noting concerns with increased traffic noise, odor, and stormwater runoff.

Oscar Lyles, an adjacent property owner, offered testimony in opposition noting stormwater runoff issues from the Applicant's property.

Chris Ruhlen of Lerch, Early and Brewer offered comments on behalf of the Applicant noting an additional modification to Condition Number 5 regarding end time for operations. Mr. Ruhlen further noted the Applicant's agreement to all other conditions and stated the Applicant is working with DPS regarding stormwater runoff as well as permits for the other outbuildings on the property.

Jim Whitmer of JMN Engineering, LLC, offered comments regarding stormwater runoff onto the adjacent property, topography of the area, drainage, and the adjacent property's stormwater management berm.

The Board asked questions regarding the stormwater management issues, permitting for outbuildings on the property, permitting violations, construction timeline for the driveway and additional outbuildings, and potential for additional condition to prevent an adverse noninherent impact to the adjacent neighboring property.

Staff, including Chief of Upcounty Planning, Patrick Butler, Deputy Director of Planning, Robert Kronenberg, and Principal Counsel Emily Vaias, offered comments and responses to the Board's questions.

Tom Weadon of DPS offered comments regarding the permitting violations as well as the stormwater management and drainage issues for the property.

Jeff Juneau of American Lawn and Landscape, Inc., the Applicant, offered comments regarding the timeline of construction for the outbuildings/driveway and permitting.

The Board held further discussion regarding the stormwater management issues and noninherent adverse impacts on the adjacent property. The Board agreed by consensus for an additional condition regarding providing mitigation for the non-inherent adverse impact to the neighbor, by requiring the applicant to provide stormwater management to ensure there is not unreasonable runoff to the adjacent, downhill property.

Item 11. Special Exception Major Modification No. S-847-B: Cheng Property/Burtonsville Wawa (Public Hearing)

Request to transmit comments to the Hearing Examiner on a proposed Special Exception Major Modification for an Automobile Filling Station pursuant to the 2004 Montgomery County Zoning Ordinance Sections 59-G-2.06 (Specific Conditions) and 59-G-1.2 (General Conditions) at 15585 and 15595 Old Columbia Pike, Burtonsville; 3.37 Acres; CRT Zone; 2012 Burtonsville Crossroads Neighborhood Plan (Master Plan).

A. Special Exception No. S-847-B

Staff Recommendation: Approval with conditions to transmit comments to the Hearings Examiner

B. Preliminary Forest Conservation Plan No. F20240210

Staff Recommendation: Approval with conditions

M. Beall

A. BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval of the Special Exception Modification cited above, subject to conditions, and transmittal of comments to Hearing Examiner, as stated in a transmittal letter to be prepared at a later date.

B. BOARD ACTION

Motion: Hedrick/Linden

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval of the Final Forest Conservation Plan cited above, subject to conditions, which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.

Mark Beall, Planner IV, offered a multi-media presentation regarding the Cheng Property – Burtonsville Wawa. Further information can be found in the Staff Report dated February 16, 2024.

Mr. Beall described the property, vicinity, neighborhood, and zoning history. Mr. Beall stated the Applicant is proposing to demolish the existing gas station, 7-Eleven convenience store, and Mattress Barn, in order to reconstruct a new Wawa gas station with up to six sets of pumps and convenience store with a maximum of 5,919 square feet along with the associated parking, lighting, and landscaping. The Proposal will also include spaces for up to nine EV (electric vehicle) charging spaces, installation of a new trash enclosure along the southeast corner of the property, installation of a sixteen-foot breezeway along Route 29, and recordation of a Forest Conservation Easement along the southwestern portion.

Mr. Beall noted one email was received from the community regarding location of sidewalks, and Staff responded.

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Brett Brown, Upcounty Transportation Planner, discussed the transportation analysis for the project, and clarified that, although the presentation stated there were no bicycle facilities along property frontages, there is an existing breezeway along the eastern side of the property along the southbound lane of US 29. Mr. Brown discussed the Bicycle Master Plan recommendations and frontage improvements for the project in greater detail.

Mr. Beall discussed the Final Forest Conservation Plan stating the site contains 0.38 acres of forest, of which 0.28 is proposed to be removed, and a Category 1 Conservation easement is proposed to protect the remaining 0.10 acres of forest. Mr. Beall stated a variance request has also been submitted for impacts/removals to two specimen trees in which native canopy tree plantings have been included in the plan as mitigation for proposed tree removals.

Lastly, Mr. Beall noted the Applicant is proposing a new signalized intersection at the western driveway ingress/egress on Old Columbia Pike across from the Burtonsville Town Center Shopping Center, and the previous eastern access will become a right-out-only exit from the site.

The Board asked questions regarding the breezeway, and reasoning for lack of entrance on the eastern Columbia Pike southbound side of the property.

Staff offered comments and responses to the Board's questions.

Item 5. Postponed - Urban Loading and Delivery Management Study Briefing

Staff will brief the Planning Board on the results of the Urban Loading and Delivery Management Study.

Staff Recommendation: Brief the Planning Board.

E. Hisel-McCoy

BOARD ACTION

Motion:

Vote:

Other:

Action: Postponed until March 7, 2024.

Item 12. Request to Approve a Sectional Map Amendment for the Fairland and Briggs Chaney Master Plan

Staff Recommendation: Approve transmittal and adoption of Section Map Amendment (SMA) application H-150 to the Montgomery County Council to implement the zoning recommendations of the Fairland and Briggs Chaney Master Plan

C. Larson

BOARD ACTION

Motion: Hedrick/Bartley

Vote: 4-0

Other: Commissioner Linden was necessarily absent.

Action: Approved Staff recommendation to approve the Sectional Map Amendments cited above with the District Council.

Clark Larson, Planner III, offered a multi-media presentation regarding a Sectional Map Amendment (SMA) for the Fairland and Briggs Chaney Master Plan. Further information can be found in the Staff Report dated February 16, 2024.

Mr. Larson stated the SMA proposes zoning changes, or reclassifications, for approximately 837 acres, and reconfirms existing zoning for approximately 963 acres. Mr. Larson showed a map of the adopted Master Plan Recommended Zoning Map and explained the County Council's zoning revisions.

The Board asked questions regarding the zoning changes from CRT to CRN for the Seventh Day Adventist's secondary property, and Chief of Upcounty Planning, Patrick Butler, offered comments and responses.