

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APPROVED
MINUTES AND SUMMARY

SUMMARY
Thursday, June 20, 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, June 20, 2024, beginning at 9:04 a.m. and adjourning at 2:50 p.m.

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

Items 1 through 5, Item 9, and Item 6 were discussed in that order and reported in the attached Minutes.

The Planning Board recessed for lunch at 11:07 a.m. and reconvened in the auditorium and via video conference to return to open session at 12:51 p.m. to discuss Items 8, 10, and 7 as reported in the attached Minutes.

There being no further business, the meeting adjourned at 2:50 p.m. The next regular meeting of the Planning Board will be held on Thursday, June 27, 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. PLD Lot Dev 25 Sketch Plan 320240070 Resolution – MCPB No. 24-056

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Adopted the Resolution 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)

PSTA Subdivision Plat Nos. 220240340, 220240450, 220240460 and 220240470

CR zone; 108 lots, 14 parcels; located immediately north and south of Medical Center Drive near the intersection with Great Seneca Highway; Great Seneca Science Corridor Master Plan.

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.

Glen Vista Subdivision Plat No. 220240970

RE-2 zone; 1 parcel; located on the northeast side of South Glen Road, opposite Norton Road; Potomac Sub-Region 2002 Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

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

Item 3. Regulatory Extension Requests (Public Hearing)

Colesville Gardens, Administrative Subdivision Plan No. 620230160: Regulatory Extension Request No. 2 – Request to extend the review period from June 6, 2024 to October 6, 2024.

Proposal to subdivide one lot for the creation of three new lots for three single family detached houses; Located on the east corner of the intersection of Octagon Lane and Anderson Street; 0.63 acres zoned R-90; 1997 White Oak Master Plan. Staff recommends approval of the extension request.

P. Smith

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

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

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 updates and events for the Montgomery Parks Department.

Ms. Figueredo discussed the MudFest event that was recently held, the Little Falls Parkway National Capital Planning Commission review, the recent public meeting for Bethesda Market Park, Park Police Community Day, the Washington Capitals youth clinics at Dewey Local Park and Ridge Road Recreational Park, the Wheaton Regional Park Mountain Bike Grand Opening on July 21, 2024, and the recently renovated rose garden at Brookside Gardens.

The Board asked questions regarding the Bethesda Market Park including funding and parking, and Ms. Figueredo offered comments and responses.

Item 5. 2024 Growth and Infrastructure Policy Update – Work Session Number 4: Impact Taxes (continued), Schools and Transportation (outstanding topics)

Work session to continue discussing outstanding transportation recommendations as part of the 2024 Growth and Infrastructure Policy update. The Planning Board must transmit the draft 2024-2028 Growth and Infrastructure Policy (GIP) to the County Council by August 1, 2024. Council will adopt an updated policy by November 15, 2024.

Staff recommendation: Provide policy direction to Planning Department Staff.

D. Buckley

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing followed by discussion and policy direction from the Planning Board.

Darcy Buckley, Planner III, offered a multi-media presentation regarding Work Session Number 4 of the 2024 Growth and Infrastructure Policy Update. Further information can be found in the Staff Report dated May 30, 2024.

Ms. Buckley began by discussing the outstanding topics for transportation listed below and noted the Staff Report included outstanding topics for Schools, but the Schools topics will be revisited at the next future Work Session.

Recommendation 3.1: Update policy areas to support the County’s goals: the Planning Board expressed general support for the proposed policy area designations, but asked Planning Staff to revisit the topic with detailed maps of the White Oak area with labeled streets.

Planning Staff recommends supporting the designations shown in the Public Hearing Draft. Planning Staff also recommends using “Downtown White Oak” for the policy area currently referred to as White Oak Village and Center in the Public Hearing Draft and changing Damascus from a green policy area to yellow.

The Board asked questions regarding red policy areas being totally exempt from impact taxes and LATR studies, traffic mitigation measures in red policy areas, purpose of Transportation Management Districts (TMD), and how many TMDs there are.

Staff, including Dave Anspacher, Acting Division Chief of Countywide Planning and Policy, offered comments and responses to the Board’s questions.

Sandra Brecker of MCDOT offered comments regarding TMDs within the County and for the purpose of TMDs.

The Board agreed with Staff’s recommendation.

Recommendation 3.9: Allow all fee-in-lieu funds to be spent in both the subject policy area and adjacent policy areas.

Planning Staff recommends supporting the recommendation as it appears in the Public Hearing Draft of the GIP. Planning Staff also suggests adding language to the report discussing the importance of having appropriate level-of-effort capital projects in EFAs that can receive mitigation funds.

The Board agreed by consensus with Staff's recommendation.

Recommendation 3.11: Expand the current off-site mitigation exemption for affordable housing units, which currently only includes mitigation payments, to include constructed improvements.

Planning Staff recommends supporting exempting Mixed-Income Housing Community projects (both affordable and market rate units) from LATR requirements.

The Board asked questions regarding potential threshold for mixed-income housing and affordable units.

Staff, including Jason Sartori, Planning Director offered comments and responses to the Board's questions.

The Board agreed with Staff's recommendation and requested that Planning Staff monitor the impact of the LATR exemption as such projects are filed and reviewed.

Recommendation 3.15: Establish Non-Auto Driver Mode Share (NADMS) goals for new policy areas and other areas without goals. Update the NADMS goals to reflect recently adopted master plans.

Planning Staff recommends supporting the goals as shown in the Public Hearing Draft. Planning Staff also suggests adding language to the report that explains the data and methodology and proposes a more thorough review and potential overhaul of NADMS goals as part of the 2028 GIP update process.

The Board asked questions regarding NADMS goals for Clarksburg, and Staff offered comments and responses.

The Board agreed with Staff's recommendations.

Lastly, Ms. Buckley discussed the next steps and Haley Peckett of MCDOT offered comments regarding TMD/non-TMD boundaries within certain policy areas and future review of data within the next two years for the policy areas.

Item 9. FY2025 Annual School Test and School Utilization Report

Planning Board certification of the FY2025 Annual School Test, which is to become effective July 1, 2024, and review of the FY2025 School Utilization Report.

Staff Recommendation: Planning Board Approval

H. Baek

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approval of Staff recommendation to approve and certify the results of the FY2025 Annual School Test with transmittal to the County Council.

Hye-Soo Baek, Planner III, offered a multi-media presentation regarding the FY2025 Annual School Test and School Utilization Report. Further information can be found in the Staff Report dated June 12, 2024.

Ms. Baek stated the adequacy standards set by the GIP, and each individual MCPS school is evaluated by their projected utilization rate and seat deficit for four school years in the future. Ms. Baek also stated the Annual School Test also determines the adequacy ceiling to subsequent UPP tier levels for each school, and the FY2025 Annual School Test results were conducted under the 2020-2024 GIP standards, which are currently being reviewed by the Planning Board for the quadrennial 2024- 2028 update of the GIP.

Ms. Baek then gave an overview of the school service areas that will be placed in Utilization Premium Payment (UPP) tiers for the duration of FY2025 for elementary, middle, and high schools, as well as schools approaching adequacy ceilings, Council approved individual school capital projects, BOE approved boundary study scopes, and countywide trends and projections by school level.

The Board asked questions regarding enrollment of Crown High School, how the UPP percent surcharges were determined, how the UPP payment levels and impact taxes correlate, deferred capital projects, the completion date for Damascus High School, the dropping numbers for elementary school utilization, and the proximity of the overutilized schools to growth corridors.

Staff, including Jason Sartori, Planning Director, offered comments and responses to the Board's questions.

The Board voted to approve and certify the results of the FY2025 Annual School Test and also requested geographic versions for the utilization trends for different areas of the County.

Item 6. Olney Acres: Pre-Preliminary Plan No. 720240010 (Public Hearing)

Application to obtain binding direction from the Planning Board on the application of the flag lot provisions to the Subject Property; located on Cashell Road, 75 feet southwest of Archwood Way; 4.96 acres; RE-1 zone; 2005 Olney Master Plan.

Staff Recommendation: Approval with Conditions

J. Server

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval of the Pre-Preliminary 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 Server, Planner III, offered a multi-media presentation regarding the Pre-Preliminary Plan for Olney Acres. Further information can be found in the Staff Report dated June 7, 2024.

Mr. Server stated the Property is subject to approved Preliminary Plan No. 120220070, which approved a one-acre lot for the existing residential care facility and an approximately 4-acre outlot. Mr. Server noted the Preliminary Plan will be amended based on the binding elements provided within this Application, and this Pre-Preliminary Plan application requests binding direction from the Planning Board on the proposed application of the flag lot provisions to three of the four potential new lots on the Subject Property for residential use. The proposed flag lots would be accessed from Cashell Road by a shared driveway, which would be terminated with a cul-de-sac bulb.

Mr. Server noted one letter of community correspondence from the Patuxent Watershed Protective Association was received regarding the Application that expressed no objection to the proposal.

Francoise Carrier of Bregman, Berbert, Schwartz, and Gilday offered comments regarding the potential building locations and orientation, need for a pre-preliminary application to certify the Building Restriction Lines (BRLs) would be acceptable, the street frontages for the flag lots, and long term preparation for usage of the property.

Patrick LaVay of Macris, Hendricks and Glascock also offered comments building locations, orientation, and apron connecting to Cashell Road.

The Board asked questions regarding building envelopes and orientations, property frontages, and the apron connecting to Cashell Road.

Staff, including Patrick Butler, Chief of Upcounty Planning, offered comments and responses to the Board's questions. The Board provided binding direction to the Applicant that would allow the application of the flag lot provisions to the three lots at issue in the Application.

Item 8. Montgomery County Equipment Maintenance and Transit Operation Center (EMTOC) Microgrid Project Mandatory Referral No. MR2024012 (Public Hearing)

Montgomery County Department of General Services proposes to install solar panels, battery energy storage, battery electric bus chargers, and microgrid controls to support the zero-emission Ride-On transit bus fleet at the Equipment Maintenance and Transit Operation Center (EMTOC) located at 16700 Crabbs Branch Way.

Staff Recommendation: Approval

T. Graham

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff's recommendation for approval and transmittal of comments to Montgomery County Department of General Services.

Tamika Graham, Planner III, offered a multi-media presentation regarding the Montgomery County Equipment Maintenance and Transit Operation Center (EMTOC) Microgrid Project. Further information can be found in the Staff Report dated June 10, 2024.

Ms. Graham stated the project will install a renewable-based microgrid system to support the power requirements for the County's first 14 fuel cell electric buses and additional electric buses that will be added to the fleet over the next few years, replacing existing diesel buses. The Project will also incorporate electric vehicle charging along with several clean energy production technologies that will enable the County to provide a sustainable, resilient, and reliable energy supply for fuel cell electric fueling and electric bus charging and site operations.

More specifically, the EMTOC Project will include the following:

1. 5.65 MWDC of solar photovoltaic canopies that will provide electrical power to the buses and to the battery storage systems;
2. Two (2) MW / 6.9 MWh of battery energy storage;
3. Tie in two (2) existing 725kW back-up Cummins natural gas generators to the microgrid; and
4. 2.2 MW Charging Capacity.

Ms. Graham noted no changes are proposed for existing bus bays, vehicular, or non-motorized circulation. Canopy lighting is proposed, but there are no proposed improvements related to open space, the building facades or architecture, or pedestrian or bicycle facilities. Implementation of the Project is also expected to occur in a single construction phase.

Greg Ossont of DGS offered comments regarding the microgrid project and potential phasing/timing for the hydrogen bus fleet.

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Maeve Lawniczak of Alphastruxure offered a multi-media presentation and gave an overview of the project regarding the equipment layout, dispenser configuration, charger depictions, and schedule. Ms. Lawniczak also explained where the electric and fuel celled buses will charge.

Don Scheuerman of DGS offered comments regarding number of buses utilizing the site.

The Board asked questions regarding charging locations and logistics and timeline for implementation of the electric and fuel celled buses.

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

Item 10. Flower Avenue Separated Bike Lanes Mandatory Referral (Public Hearing)

This is a Mandatory Referral for the Montgomery County Department of Transportation proposal for separated bike lanes along approximately 0.2 miles of Flower Avenue between Piney Branch Road and Arliss Street, with other pedestrian and bicycle safety improvements.

Staff Recommendation: Transmit Comments to Montgomery County Department of Transportation

L. Murnen

BOARD ACTION

Motion:

Vote:

Other:

Action: Approved Staff recommendation for transmittal of comments to Montgomery County Department of Transportation

Lily Murnen, Planning Associate, offered a multi-media presentation regarding the Flower Avenue Separated Bike Lanes Mandatory Referral. Further information can be found in the Staff Report posted to the Planning Board website under the Agenda for June 20, 2024.

Ms. Murnen stated the Montgomery County Department of Transportation (MCDOT) proposes to construct one-way separated bike lanes on either side of Flower Avenue from Piney Branch Road (MD 320) to Arliss Street. Ms. Murnen continued by giving an overview of the background of the project and surrounding neighborhood, future bikeway connections, existing conditions, the proposed design, Master Plan consistency, and the CSDG Town Center Street Standards. Ms. Murnen also discussed the transportation, environmental, and parks recommendations for the project in greater detail.

Paul Grenier of MHP/Long Branch Business League offered testimony regarding the streetscape in the area and improvements needed, the types of street trees chosen, pedestrian and bike improvements across Piney Branch, and the parking spaces next to Veronica's bakery.

The Board asked questions regarding future bikeway connections currently included within the CIP, bikeway widths, costs, possibility for daylighting additional curb cut areas, bike racks, no net loss of trees, and potential for HAWK signal or traffic mitigation measures.

Staff, including Eli Glazier, Acting Transportation Supervisor, offered comments and responses to the Board's questions.

Dan Sheridan and Khursheed Bilgrami of MCDOT offered comments and responses regarding confirmed CIP projects, costs, and traffic calming measures.

The Board concurred with Staff's recommendations on the project, with revisions to the recommendations regarding the curb cut areas in order to clarify the intent to daylight curb cut areas as practicable.

Item 7. Incentive Zoning Update Study Work Session Number 3

Staff will provide the Planning Board with a summary of draft recommendations to update to the Public Benefits Point System for Commercial Residential and Employment Zones. Staff will share recommendations related to public benefit requirements for the applicable zones, the overall structure of the policy and specific public benefits.

A. Sharma

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Received briefing followed by discussion and guidance from the Planning Board, and approved transmittal of the Incentive Update Study, as amended during the meeting, to the County Council.

Atul Sharma, Assistant to the Deputy Director and Grace Bogdan, Planner III, offered a multi-media presentation regarding the Incentive Zoning Update Study Work Session Number 3. Further information can be found in the Staff Report posted to the Planning Board website under the Agenda for June 20, 2024.

Mr. Sharma gave a brief overview of the key recommendations presented during Work Sessions 1 and 2, and listed Staff's draft language and revised recommendations for the following:

Mr. Sharma discussed proposed language regarding utilizing Alternative Compliance framework in Division 4.7 of the Zoning Code to provide flexibility during regulatory review was presented to the Board. The Board agreed with Staff's proposed language.

Mr. Sharma presented the revised language to regarding the implementation and periodic review of the overall policy. Mr. Sharma noted that categories, tiers, and public benefits would be defined by the Zoning Code, however, the detailed criteria for public benefits and evaluation process would be included in the Implementation Guidelines. The Board agreed with Staff's proposed language.

Mr. Sharma discussed the revised recommendations and language for existing Master Plans and new Master Plans. The Board asked questions regarding cross walking between the existing Master Plans and updated menu of benefits, and Staff offered comments and responses. The Board agreed with Staff's proposed language.

Revised language and modifications for the Amenities for Complete Communities category regarding using modular, prefabricated or other innovative design and construction strategies to expedite project delivery and square footage monetary contributions was also discussed. The Board agreed with Staff's proposed language.

Ms. Bogdan gave an overview of the timeline for consideration, approval, and implementation of the Incentive Zoning Update, noted required updates to the BLT and TDR regulations, and discussed the development of the Implementation Guidelines.

Lastly, Luwei Wang, Contractor, discussed Staff's recommendations for roll out/implementation of the new policy including:

1. A 12-18 month "opt-in" period after the ZTA passes, allowing new development applications to choose between the existing or updated policy;
2. Requirement for new master or sector plans created after the ZTA to use the updated policy, tailored through the sector planning process; and
3. All optional method developments must follow the updated policy for the CR and CRT zones, as amended by master or sector plans, after the opt-in period.

The Board asked questions regarding other zoning using the point system other than CR and CRT as well as the length of time for the opt-in period.

Staff, including Robert Kronenberg, Deputy Director of Planning, offered comments and responses.

The Board held further discussion regarding the opt-in period length of time and potential shorter timeframe with the potential for Sketch Plan approvals to choose to convert to the new Implementation Guidelines as part of a Site Plan approval. The Board agreed by consensus to a 12-month opt-in period, and Mr. Kronenberg offered revised language. The Board agreed.