



**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, October 17, 2019, at 11:03 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 4:17 p.m.

Present were Chair Casey Anderson, Vice Chair Natali Fani-González, and Commissioners Gerald R. Cichy, Tina Patterson, and Partap Verma.

Items 1, 8, and 3 are reported on the attached agenda.

Item 1C1 was removed from the Consent Agenda and discussed as agenda Item 8.

Item 2 was removed from the Planning Board agenda.

The Planning Board recessed for lunch at 12:44 p.m. and reconvened in the auditorium at 1:20 p.m.

Items 4, 6, 7, and 5, discussed in that order, are reported on the attached agenda.

There being no further business, the meeting was adjourned at 4:17 p.m. A special Planning Board meeting will be held Wednesday, October 23, 2019, to discuss the Parks Department FY21 proposed operating budget. The next regular meeting of the Planning Board will be held on Thursday, October 24, 2019, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise  
Sr. Technical Writer/Editor

James J. Parsons  
Sr. Technical Writer/Editor

**Montgomery County Planning Board Meeting**  
**Thursday, October 17, 2019**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600

**1. Consent Agenda**

**\*A. Adoption of Resolutions**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:        There were no Resolutions submitted for adoption.**

**\*B. Record Plats**

**Subdivision Plat No. 220180380, E. Brooke Lee's 2nd Addition to Silver Spring**  
CR zone; 1 lot; located in the northwest quadrant of the intersection of Apple Avenue and  
Second Avenue; Silver Spring CBD Sector Plan.

*Staff Recommendation: Approval*

**Subdivision Plat No. 220190640, Knowles Estates**

CRT zone; 1 lot; located in the western quadrant of the intersection of St. Paul Street and  
Metropolitan Avenue (Md -192); Kensington Sector Plan.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:** CICHY/PATTERSON

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

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

**\*C. Other Consent Items**

~~1. Bloom Montgomery Village, Site Plan No. 82017013A—Request to make minor modifications to final locations of infrastructure and stormwater management facilities per permit review by County Agencies and Utility Companies; increase the number of moderately priced dwelling units provided throughout the site plan area to 25 percent, including new MPDU locations in Area 5; identify the conservation easement areas in Area 6 to meet Phase 1 afforestation requirements; and make minor revisions to proposed landscape elements per updated architecture, permit review, and utility company requirements; located at the intersection of Montgomery Village Avenue and Stewartown Road, Montgomery Village; on approximately 147 acres of land zoned TLD and CRN; within the 2016 Montgomery Village Master Plan area.~~

~~—REMOVED~~

~~Staff Recommendation: Approval with Conditions and Adoption of Resolution~~

**2. Kiddie Academy, Extension Request No. 1, Preliminary Plan Amendment 12001077A---** CR-1.5 C-1.0 R-1.5 H-60 T zone, 0.59 acres. First request to extend review period, from October 17, 2019 to December 19, 2019, proposal to change the existing veterinary clinic use to a daycare facility for up to 191 children; located on Sligo Avenue, 100 feet northeast of Fenton Street; 2000 Silver Spring CBD Sector Plan.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: 2. CICHY/FANI-GONZÁLEZ**

**Vote:**

**Yea: 2. 5-0**

**Nay:**

**Other:**

**Action: 1. This Item was removed from the Consent Agenda and discussed as a regular agenda Item.**

**2. Approved staff recommendation for approval of the Preliminary Plan Amendment Extension request cited above.**

**\*D. Approval of Minutes**

Planning Board Meeting Minutes of October 3, 2019

**BOARD ACTION**

**Motion:** FANI-GONZÁLEZ/CICHY

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

**Action:** Approved Planning Board Meeting Minutes of October 3, 2019, as submitted.

**~~2. Roundtable Discussion~~ REMOVED**

~~Planning Director's Report~~

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**8. Bloom Montgomery Village, Site Plan No. 82017013A**---Request to make minor modifications to final locations of infrastructure and stormwater management facilities per permit review by County Agencies and Utility Companies; increase the number of moderately priced dwelling units provided throughout the site plan area to 25 percent, including new MPDU locations in Area 5; identify the conservation easement areas in Area 6 to meet Phase 1 afforestation requirements; and make minor revisions to proposed landscape elements per updated architecture, permit review, and utility company requirements; located at the intersection of Montgomery Village Avenue and Stewartown Road, Montgomery Village; on approximately 147 acres of land zoned TLD and CRN; within the 2016 Montgomery Village Master Plan area.

*Staff Recommendation: Approval with Conditions and Adoption of Resolution*

**BOARD ACTION**

**Motion:** CICHY/FANI-GONZÁLEZ

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

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

Following Chair Anderson's motion to remove this Item from the Consent Agenda and discuss it as a regular agenda Item, staff offered a multi-media presentation and discussed a proposed Site Plan Amendment request to modify the final locations of infrastructure and stormwater management facilities, increase the number of Moderately Priced Dwelling Units (MPDUs), identify conservation easement areas, and make minor revisions to proposed landscape elements. The 147-acre site is located on the west side of Montgomery Village Avenue, at the northeast and southeast quadrants of its intersection with Stewartown Road and is split-zoned Townhouse Low Density (TLD) and Commercial/Residential/Neighborhood (CRN) in the Montgomery Village Master Plan area. According to staff, the application under review today was accepted as a Minor Amendment to be approved by the Planning Department Director and applies only to the portion of the property that is located on the northeast and southeast quadrants of the intersection of Montgomery Village Avenue and Stewartown Road, identified as Areas IV, V, and VI. The portion of the site on the west side of Montgomery Village Avenue is not part of the request. Staff noted that based on the correspondence received regarding the proposed increase in MPDUs, the item was deemed to require Planning Board approval, and was placed on the Consent Agenda.

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**8. Bloom Montgomery Village, Site Plan No. 82017013A****CONTINUED**

Staff then discussed previous approvals, noting that in November 2017, the Planning Board approved the Preliminary and Site Plans for the construction of 26 detached single-family dwelling units, two duplexes, and 466 townhouses, including 12.5 percent MPDUs located in the CRN zone and 14.1 percent in the TLD zone.

In addition to the identification of conservation easement areas in Area VI to meet Phase I afforestation requirements for Areas IV and V, minor modifications to infrastructure and stormwater management facilities in Areas IV and V, and revisions to the proposed landscape elements for Areas IV and V, including updated architecture, permit review, and utility company requirements, the applicant is also requesting to increase the number of MPDUs to 25 percent, with 20 new MPDU locations proposed for Area V. No additional MPDUs are proposed for Area IV. Staff added that the proposed stormwater management changes do not affect the validity of the original stormwater management approval, and that the proposed Amendment continues to comply with Forest Conservation requirements for Areas V and VI.

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

There followed a brief Board discussion with questions to staff.



**3. Maryland Department of Planning Presentation on Transit Oriented Development (TOD) Tools and Work Plan****BOARD ACTION****Motion:****Vote:****Yea:****Nay:****Other:****Action: Received briefing followed by discussion.**

Following brief opening remarks by Planning Department staff, Messrs. Michael Bayer and Scott Hansen and Ms. Bihui Xu of the Maryland Department of Planning (MDP) offered a multi-media presentation and discussed the development of tools to support Transit Oriented Development (TOD). According to Mr. Bayer, MDP staff is currently conducting ongoing TOD outreach meetings with local officials from Baltimore City and Anne Arundel, Baltimore, Montgomery, and Prince George's Counties to demonstrate the new Transit Station Area Profile Tool (TSAPT) and discuss the ongoing work to develop a TOD Assessment tool. Mr. Bayer noted that meetings with Howard County and other municipalities are pending.

Mr. Hansen then discussed the TSAPT, an online interface for the general public, policy makers, public and private planners, developers, and bicycle and transit advocates that will aid in supporting local community development efforts, increasing Maryland's transit Return on Investment (ROI), increasing private investment and tax base, and strengthening planners' role in promoting TOD locally and state-wide. According to Mr. Hansen, the TSAPT will provide users with MDP and Maryland Department of Transportation (MDOT) TOD-related information regarding the more than 120 transit stations in rural areas, towns, and cities across the state in an easy-to-use interactive map. The TSAPT will allow users to analyze, filter, layer, and sort transit data by area based on such categories as transit and land use, median housing and sales price, socioeconomics, and employment. During the recent outreach meetings, user groups have offered feedback, such as the inclusion of additional layers for data on Opportunity Zones, Maryland Transit Administration (MTA) routes and stops, Commuter Bus routes and stops, the Charm City Circulator, and bike share; the identification of station areas and how the information is being gathered; and the incorporation of real estate activity through Maryland Property View Residential Sales Data. The next steps for the TSAPT include continued functionality enhancement based on user feedback, with over 100 revisions made in the past six months, and new and enhanced help documentation with tutorial videos.

Ms. Xu then discussed the development of a TOD Assessment tool to assess readiness and potential, compare station areas, identify potential strategies to guide public and private investments that apply to typologies, and address equity issues. According to Ms. Xu,

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**3. Maryland Department of Planning Presentation on Transit Oriented Development (TOD) Tools and Work Plan****CONTINUED**

the proposed tool will measure market strength by looking at an area's market demand and supply; transit orientation by analyzing an area, including its built environment, transit quality, and local and State support for TOD; and community wellbeing in order to address equity. Thus far in the process, five TOD typologies have been identified: 1) Strong Transit Orientation in an Emerging Market, such as the Glenmont and Takoma Langley Transit Center areas; 2) Auto Orientation in an Emerging Market, such as the Germantown Station area; 3) Auto Orientation in a Cool Market, such as the Boyds MARC Station site; 4) Moderate Transit Orientation in a Cool Market; and 5) Strong market and Transit Orientation, such as the Silver Spring Library and Dale Drive areas. Ms. Xu then discussed factors to consider when developing tools to support TOD, noting that assessment only captures conditions in a half-mile radius, all data will require periodic updates if the tool is developed as an online application, and that tools cannot replace the need for local planning. The next step for the creation of a TOD Assessment tool is the development of a work plan.

There followed extensive Board discussion with questions to MDP staff, during which the Board recommended that the TSAPT include Ride On bus, parking garage, Smart Trip, and pedestrian data, as well as continued coordination between MDP and Planning Department staff regarding the Purple Line.

4. **Zoning Text Amendment No. 19-06: Vape Shops, Bill 29-19/Bill 31-19/Bill 32-19: Health and Sanitation – Electronic Cigarettes - Distribution, Use, and Possession/Flavored Electronic Cigarettes---**ZTA 19-06 amends the Montgomery County Zoning Ordinance add Vape Shop as a use allowed in certain zones; and establish the standards for a Vape Shop. **Bill 29-19** is an Act to prohibit an electronic smoking devices manufacturer from distributing electronic cigarettes to retail stores within a certain distance of certain schools; and would generally amend County law regarding smoking, electronic cigarettes, and health and sanitation. **Bill 31-19** would prohibit the distribution of any tobacco product, coupon redeemable for a tobacco product, cigarette rolling paper, or electronic cigarette to any individual under 21 except under certain circumstances. It would also prohibit an individual under 21 from using or possessing a tobacco product or electronic cigarette except under certain circumstances. **Bill 32-19** would prohibit an electronic smoking devices manufacturer from distributing flavored electronic cigarettes to certain retail stores.

*Staff Recommendation: Transmit Comments to the County Council*

**(NOTE: Action required for County Council Public Hearing of 11/5/19)**

#### **BOARD ACTION**

**Motion:** FANI-GONZÁLEZ/VERMA

**Vote:**

**Yea:** 5-0

**Other:**

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

In keeping with the October 10 technical staff report, Planning Department staff offered a multi-media presentation and discussed a proposed Zoning Text Amendment (ZTA 19-06) regarding Vape Shops, and related Bill 29-19, Bill 31-19, and Bill 32-19: Health and Sanitation – Electronic Cigarettes - Distribution, Use, and Possession/Flavored Electronic, which would add Vape Shop as a use allowed in certain zones as a limited use and establish the limited use standards for a Vape Shop. Three companion bills were also introduced to be adopted as Board of Health Regulations. Bill 29-19 would prohibit an electronic smoking devices manufacturer from distributing electronic cigarettes to retail stores within a certain distance of certain schools. Bill 31-19 would prohibit the distribution of any tobacco product, coupon redeemable for a tobacco product, cigarette rolling paper, or electronic cigarette to any individual under 21 except under certain circumstances. It would also prohibit an individual under 21 from using or possessing a tobacco product or electronic cigarette except under certain circumstances. Bill 32-19 would prohibit an electronic smoking devices manufacturer from distributing flavored electronic cigarettes to certain retail stores.

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**4. Zoning Text Amendment No. 19-06: Vape Shops, Bill 29-19/Bill 31-19/Bill 32-19: Health and Sanitation – Electronic Cigarettes - Distribution, Use, and Possession/Flavored Electronic Cigarettes---ZTA 19-06**

CONTINUED

Staff recommended approval of ZTA 19-06 with modifications to add Vape Shop as a limited use allowed in certain zones and to establish the limited use standards for a Vape Shop. One modification is that the Vape Shop definition be clarified to state that the Retail or Service Establishment must devote at least 51 percent of its floor area to the sale and display of electronic cigarettes to be classified as a Vape Shop. The one question staff raises, for clarification purposes, is what constitutes an “established” middle or high school in the context of a Vape Shop continuing as a nonconforming use if a middle or high school is “established” within 0.5 miles of a Vape Shop after the Vape Shop was established. Staff suggests possibly tying this provision to the issuance of a use and occupancy permit for the school. Staff also noted that the three companion bills (as Board of Health Regulations) were included in the Planning Board packet only to provide context to the ZTA.

There followed a brief Board discussion with questions to staff.

**6. Briefing on Quarterly Economic Indicators Factsheets**

*Staff Recommendation: Receive Briefing*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received Briefing followed by Board Discussion.**

Planning Department staff and Mr. Brandon Bedford of the Montgomery County Economic Development Corporation (MCEDC) offered a multi-media presentation and discussed their joint quarterly published report, the *Economic Indicators Briefing* for Montgomery County. Mr. Bedford noted that the purpose of the report is to provide regular updates on key economic indicators, including labor force, employment, real estate, and capital investment data.

Staff noted that each edition also examines industry-specific information and trends of interest. To date, four editions of the report have been published and staff has included the last two editions in the Planning Board packet for discussion today.

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

**7. Briefing on Bill 27-19***Staff Recommendation: Receive Briefing***BOARD ACTION****Motion:****Vote:****Yea:****Nay:****Other:****Action: Received Briefing followed by Board discussion.**

Planning Department Director Gwen Wright briefed the Planning Board regarding Bill 27-19, which is the result of a major Racial Equity and Social Justice initiative sponsored by the Montgomery County Council. Staff have followed this initiative closely by participating in Racial Equity and Inclusion trainings that have been conducted; attending a series of community meetings about disparate outcomes among County residents in wealth, housing, criminal justice, education, and health due to race; and staying in close touch with the Office of Legislative Oversight staff and the County's Racial Equity Program Manager.

Ms. Wright noted that Bill 27-19 would establish a formal process for the County to implement a holistic approach to advancing Racial Equity and Social Justice in the county through decision-making and investments in government operations and community programs and services. Although the majority of Bill 27-19 relates to requirements for the Executive Branch, it is an important document for M-NCPPC as well. The bill amends a section of the County Code related to Planning Procedures (Chapter 33A, Section 33A-14) to require the Planning Board, in preparing master plans, to "consider the impact of the plan on racial equity and social justice in the County." Staff believes that the Board should provide comments to the County Council on Bill 27-19 as part of the October 29<sup>th</sup> public hearing on this proposed bill stating that: 1) Strongly support the goals and purpose of the bill; 2) Acknowledge that the issues of Racial Equity and Social Justice are multi-layered; 3) Per Section 27-83 (lines 180 to 249) regarding the Racial Equity and Social Justice Advisory Committee, recommend that the Chair of the Planning Board be included as a member of this Committee; and 4) Offer technical support and expertise to the Executive Branch as they develop a Racial and Social Justice Equity Action Plan.

There followed a brief Board discussion with questions to Ms. Wright during which Commissioner Patterson recommended that Vice Chair Fani-González be nominated to serve on the Committee since she has the breadth and depth of experience that would be suitable for this Committee.

The Chair agreed that the Committee should include the Planning Chair or a designee.

**5. FY21 Operating Budget Discussion---Planning Department, Commissioners' Office, and Central Administrative Services (CAS)**

*Staff Recommendation: Receive Briefing*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Other:**

**Action:** Received briefing followed by Board discussion, and by consensus, agreed to give preliminary approval of the proposed FY21 Operating Budgets for the Central Administrative Services (CAS), the Commissioners' Office and the Planning Department.

Mr. John Kroll, the Commission's Corporate Budget Director, offered brief introductory comments and discussed the Commissioners' office FY21 budget request, on behalf of Ms. Garcia who was out sick.

**Commissioners' Office** – Mr. Kroll noted that the proposed FY21 budget request for the Commissioners' Office, prepared by Montgomery County Planning Board Administrator Joyce Pettigrew Garcia, reflects \$10,000 for training and Board retreats; \$15,000 for Planning Board members and staff to attend conferences; and \$5,000 for additional funding to support internal events and activities that promote diversity. Mr. Kroll noted that the FY21 budget request for the Commissioners' office reflects a decrease of 3.1 percent or \$40,236 from the FY20 adopted budget.

There followed a brief Board discussion.

**Planning Department** – In accordance with the October 10 memorandum to the Planning Board, Management Services Division Chief Karen Warnick offered a multi-media presentation and discussed the Planning Department's proposed FY21 budget, which represents an increase of 2.8 percent over the approved FY20 budget. Ms. Warnick noted that the FY21 budget includes the on-going operating budget impact (OBI) for the new Wheaton Headquarters building, which is scheduled to be turned over to the Commission for operations in May 2020, and the Planning Department is scheduled to move to the new building in August 2020.

Planning Department Director Gwen Wright then discussed the Master Plans that will carry over into FY21, as well as a list of one-time major projects and new initiatives, which include priority one initiatives such as the Takoma Park Minor Master Plan Amendment; the Fairland-Briggs Chaney Minor Master Plan Amendment; and support for the General Plan Update; the Mixed-Use Trip Generation Functional Master Plan and the I-270 Transit Corridor Functional Master Plan.

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**5. FY21 Operating Budget Discussion---Planning Department, Commissioners' Office, and Central Administrative Services (CAS)****CONTINUED**

Ms. Wright also discussed priority two initiatives such as the Historic Preservation at 40 years; Mixed-Use Development Current Status and Future Trends; and Bikeway Branding Plan.

There followed extensive Board discussion with questions to Ms. Wright and Ms. Warnick.

**Department of Human Resources and Management (DHRM)** –Acting Executive Director Anju Bennett and Acting Director of Policy and Management Operations Tracey Harvin, briefly discussed the proposed FY21 DHRM budget, which reflects an increase of 3.8 percent over the adopted FY20 budget. Ms. Bennett also noted that, as discussed in detail in the October 17 memorandum to the Planning Board of Montgomery and Prince George's Counties, DHRM is not proposing funding for new initiatives or changes in positions for FY21.

Ms. Bennett then discussed the proposed FY21 Merit System Board budget, noting that the total budget reflects a 3.0 percent or \$5,074 increase over the approved FY20 budget. Ms. Bennett added that the Merit Board has not proposed any new initiatives for FY21.

There followed a brief Board discussion with questions to Ms. Bennett.

**Finance Department** – Secretary-Treasurer Joseph Zimmerman briefly discussed the Finance Department proposed FY21 budget request. Mr. Zimmerman noted that the proposed budget request reflects a 3.5 percent increase over the FY20 adopted budget. Mr. Zimmerman also noted that there is a shift in funding away from the Montgomery County Administrative Fund to the Prince George's County Fund. This is reflective of the cost allocations the Commission has adopted for FY21. A new position is requested in the Secretary-Treasurer's office to monitor and administer the Supplier Diversity Program currently under development, as mandated by the legislature.

There followed a brief Board discussion with questions to Mr. Zimmerman.

**Legal Department** – General Counsel Adrian Gardner briefly discussed the Legal Department proposed FY21 budget. Mr. Gardner noted that he is proposing a maintenance level budget which takes into account the reduced service level at the Montgomery County Regional Office (MRO) that was required to meet the FY19 and FY20 funding cuts in the Montgomery County Administrative Fund. The fiscal impact of the personnel budget would be a net increase of \$81,178. The Legal Department labor allocation will be 48.9 percent for Montgomery County and 51.1 percent for Prince George's County.

There followed a brief Board discussion with questions to Mr. Gardner.

**Office of the Inspector General (OIG)** – The Commission's Inspector General Renee Kenney briefed the Board on the proposed FY21 budget for the Office of Internal Audit (OIA). Ms. Kenney noted that the proposed FY21 budget represents an overall increase of 30.2 percent or \$207,019 over the FY20 budget, with most of the increases attributed to approved salary and

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**5. FY21 Budget Discussion Session #1 – Planning Department, Commissioner’s Office, and Central Administrative Services (CAS)****CONTINUED**

benefit costs. Ms. Kenney added that the OIG is requesting four proposed changes to support its current operations: an additional Inspector position at \$150,368 per year; an \$8,800 increase to the training budget; a \$3,000 Peer Review contract; and a \$13,320 increase in funding for Technology (IT) projects proposed by the Office of the Chief Information Officer.

There followed a brief Board discussion with questions to Ms. Kenney.

**Office of the Chief Information Officer (OCIO)** – Chief Information Officer Mazen Chilet briefed the Planning Board on the proposed FY21 budget request for the OCIO, which reflects a 3.0 percent increase or \$43,594. Mr. Chilet added that the FY21 budget includes Corporate Information Technology (IT), which was formerly part of the Finance Department and is funded by the two Administration Funds and chargebacks; the OCIO, an internal service fund (ISF) funded by direct charges to departments that are utilizing the services; and Commission-Wide IT Initiatives (CWIT), also an ISF that is funded by direct charges to the departments.

There followed a brief Board discussion with questions to Mr. Chilet.