



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, January 23, 2020, at 9:01 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 11:44 a.m.

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

Items 1, 3, 4, 2, and 6, discussed in that order, are reported on the attached agenda.

Item 5 was removed from the Planning Board agenda.

The Board recessed at 11:25 a.m. and convened in Closed Session at 11:28 a.m. to take up Item 7, a Closed Session Item.

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

The Board convened in Closed Session at 11:28 a.m. in the 3rd floor conference room on motion of Commissioner Cichy, seconded by Commissioner Verma, with Chair Anderson and Commissioners Cichy and Verma voting in favor of the motion, and Vice Chair Fani-González and Commissioner Patterson absent. The meeting was closed under authority of Annotated Code of Maryland §3-305(b)(3), to consider the acquisition of real property for a public purpose and matters directly related to the acquisition.

Also present for the meeting were Director Mike Riley, Deputy Director of Administration Miti Figueredo, Philip Gallegos, Carl Morgan, Patricia McManus, Brenda Sandberg, and Susanne Paul of the Parks Department; Acting Principal Counsel Matthew Mills and Senior Counsel Megan Chung of the Legal Department; and James Parsons of the Commissioners' Office.

In Closed Session the Board received briefing and discussed the proposed acquisition of land as an addition to the Ridge Road Recreational Park.

The Closed Session meeting was adjourned at 11:44 a.m.

MCPB, 1-23-20, APPROVED

There being no further business, the meeting was adjourned at 11:44 a.m. The next regular meeting of the Planning Board will be held on Thursday, January 30, 2020, in the Montgomery Regional Office in Silver Spring, Maryland.

A handwritten signature in black ink, appearing to read "James J. Parsons", with a long horizontal flourish extending to the right.

James J. Parsons
Sr. Technical Writer/Editor

**Montgomery County Planning Board Meeting
Thursday, January 23, 2020
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. 220190500, Edgemoor -- CR zone; 2 ownership units within an existing recorded lot; located in the northwest quadrant of the intersection of Woodmont Avenue and Edgemoor Lane; Bethesda Downtown Sector Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 3-0

Nay:

Other: FANI-GONZÁLEZ & PATTERSON ABSENT

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

***C. Other Consent Items**

1. 8104 Woodhaven Boulevard, Administrative Subdivision No. 620200020, Extension Request No. 2---R-90 zone, 0.49 acres, Request to extend review period from January 25, 2020 to April 23, 2020; located on Woodhaven Boulevard approximately 200 feet north of Thoreau Drive; 1990 Bethesda-Chevy Chase Master Plan.

Staff Recommendation: Approval of Extension

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 3-0

Nay:

Other: FANI-GONZÁLEZ & PATTERSON ABSENT

Action: Approved staff recommendation for approval of the Administrative Subdivision Plan Extension request cited above.

***D. Approval of Minutes**

Planning Board Meeting Minutes of January 9, 2020

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 3-0

Nay:

Other: FANI-GONZÁLEZ & PATTERSON ABSENT

Action: Approved Planning Board Meeting Minutes of January 9, 2020, as submitted.

***3. Meadowvale, Preliminary Plan No. 12006028A---**Request to subdivide property to create nineteen lots and associated HOA parcels, comprising of eleven townhouse lots, seven single-family detached lots and one lot for one existing single-family dwelling to remain, and connect Bell Tower Drive and Cross Country Lane; located at 18857 Cross Country Lane in Gaithersburg; on approximately 5.17 acres of land zoned R-200/TDR 5.0 and R-90/TDR 5.0; within the 1985 Gaithersburg Vicinity Master Plan area.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 3-0

Nay:

Other: FANI-GONZÁLEZ & PATTERSON ABSENT

Action: Approved staff recommendation for approval of the Preliminary Plan Amendment cited above, subject to conditions, as stated in the attached adopted Resolution.

Planning Department staff offered a multi-media presentation and discussed a proposed Preliminary Plan Amendment request to subdivide a property for townhouses, single-family dwelling units, and associated homeowners association (HOA) parcels, and to connect two existing roads. The 5.17-acre property, identified as Parcel 54, is located on the north side of Cross Country Lane and the southern terminus of Bell Tower Drive, and is split-zoned Residential (R-200) and Transferable Development Rights (TDR 5.0) on 5.05 acres, and R-90 and TDR 5.0 on 5,134 square feet in the Gaithersburg Vicinity Master Plan area. The property is currently developed with one existing single-family house, numerous sheds, a perimeter fence, and a garage, all of which will be retained as part of the application under review today. Staff noted that in 1995, the Planning Board approved a Preliminary Plan for the creation of three lots on the site, which was never implemented. In 2007, the Planning Board approved another Preliminary Plan for the creation of ten lots. That approval was never implemented either and expired in October 2018.

Staff noted that using Optional Method Moderately Priced Dwelling Unit (MPDU) Development Standards, the applicant proposes to subdivide the property into eleven lots for townhouses, and eight lots for seven new single-family detached units plus the existing single-family detached unit. The applicant also proposes to purchase nine TDRs for a total of 19 units. Access to the site will be provided via a sixty-foot wide right-of-way (ROW) for the extension of Bell Tower Drive through the property connecting to Cross County Lane, which will also accommodate on-street parking. All townhouses units will be rear-loaded and will front on a

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***3. Meadowvale, Preliminary Plan No. 12006028A**CONTINUED

common open space parcel. The proposed single-family detached units will be clustered and oriented to front on either extended Bell Tower Drive or a shared alley. The applicant will also provide a pedestrian path through the southeast portion that will connect the sidewalk on Bell Tower Drive to the Nike Missile Park access road and continue to the park parking lot.

Staff then discussed environmental issues, noting that the proposed project requires 0.80 acres of afforestation, for which the applicant proposes to plant 0.85 acres of new forest onsite in two Category II conservation easements located on the northern and eastern portions of the site. A Final Forest Conservation Plan must be approved with the subsequent Site Plan. The applicant has also submitted a variance request to remove four high priority trees and impact, but not remove another, which will be mitigated with the planting of 12 replacement canopy trees. Staff supports the variance request.

Staff also noted that they had received a number of correspondence from neighboring property owners expressing concerns regarding additional on-street parking along Cross County Lane; the proposed location of the project primary access and stage of construction, which neighboring property owners would prefer be from the Mike Missile Local Park access road; and the current lack of maintenance on Cross County Lane. Staff addressed each of these issues, as detailed in the January 13 technical staff report.

The following speakers offered testimony: Ms. Susan Kleinman representing the Meadowvale Homeowners Association; Ms. Denise Lewinski, adjacent property owner; and Mr. William Van Der Weele of Calypso Lane.

Mr. Jody Kline, attorney representing the applicant, offered comments and concurred with the staff recommendation.

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

4. **St. Anne’s Episcopal Church, Preliminary Plan No. 120180230**---Request to subdivide the Subject Property into two (2) lots, one lot for an existing religious assembly use and one-family residential use and a lot for a proposed 76 multi-family dwelling unit, independent senior living facility, from one platted parcel shown on Plat No. 6531; located on the 25100 Ridge Road, 10.49 acres, R-200 Zone, 2006 Damascus Master Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 3-0

Nay:

Other: FANI-GONZÁLEZ & PATTERSON ABSENT

Action: Approved staff recommendation for approval of the Preliminary Plan cited above, subject to revised conditions discussed during the meeting, and adopted the attached Resolution.

Planning Department staff offered a multi-media presentation and discussed a proposed Preliminary Plan request to subdivide a property into two lots to accommodate existing religious assembly and single-family residential uses, and a new multi-family senior living facility. The 10.49-acre property, identified as Parcel A, is located on the west side of Ridge Road (MD27) and is zoned Residential in the Damascus Master Plan area. The site, accessed from MD27 via a 25-foot wide private driveway, is currently developed with an approximately 15,500-square foot church building, a separate two-story frame dwelling used for church-related services, and a 73-car parking lot. The remainder of the property consists of landscaping and 2.75 acres of existing forest cover. Staff noted that in 2018, a Conditional Use was approved for the construction and operation of an Independent Living Facility for Seniors or Persons with Disabilities in a new 73,000-square foot, four-story, 76-unit apartment building. The portion of the property subject to the Conditional Use review consists of the 3.44 acres identified as Lot 2. A condition of approval for the Conditional Use is that the existing Final Forest Conservation Plan (FFCP) be revised as part of the proposed Preliminary Plan.

Staff noted that the applicant proposes to subdivide one platted parcel to create two lots, one lot for the existing religious assembly use and residential use and the other for a 76-unit multi-family building to be used as an independent living facility for seniors or persons with disabilities. The lot for the senior housing will be located within the existing parking lot. The proposed project will utilize the existing access point on MD27 as well as nearly all of the existing driveway currently used by the church and house. Due to significant steep slopes, no frontage improvements along MD27 are proposed, with the applicant paying into an existing

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4. St. Anne's Episcopal Church, Preliminary Plan No. 120180230CONTINUED

Capital Improvements Program (CIP) project along nearby Oak Drive instead. If the County decides not to implement the CIP project, the applicant will make a payment to fund other bicycle infrastructure improvements in the Damascus Master Plan area based on a Montgomery County Department of Transportation (MCDOT) cost estimate to construct a 10-foot wide shared use path across flat ground over the distance of the property's frontage.

Staff then discussed environmental issues, noting that the existing FFCP, approved in 2002, requires that 2.2 acres of the existing 2.75 acres of forest be permanently protected with a Category I conservation easement totaling 2.35 acres, which has yet to be recorded, though the areas of forest protection remain undisturbed as approved. According to staff, the applicant has submitted a new FFCP that replaces approximately 0.62 acres of the Category I conservation easement that was never recorded in the land records with 0.33 acres of existing forest previously counted as removed but now saved, and 0.29 acres of on-site forest planting. The 2.35-acre Category I conservation easement required by the previous FFCP will be reconfigured on-site, resulting in the same amount of Category I conservation easement.

Staff has received two letters regarding this application from adjacent property owners on Oak Drive, expressing concerns regarding views, privacy, and a potential pedestrian connection from the southwest to Appleton Terrace. Staff addressed each of these issues, as detailed in the January 10 technical staff report.

Mr. Jody Kline, attorney representing the applicant, offered comments and concurred with the staff recommendation.

Mr. Ken Jones, member of the applicant's team, offered comments and answered questions from the Planning Board.

There followed extensive Board discussion with questions to staff and Messrs. Kline and Jones, during which the Planning Board instructed staff to replace existing Condition 12 with a revised condition stating that in addition to contributing to the proposed Oak Drive sidewalk project or other bicycle infrastructure improvements in the Damascus Master Plan area, the applicant must work with staff and other relevant agencies to accommodate safe bicycle access along the property MD27 frontage prior to Certified Preliminary Plan review.

2. Vision Zero Update and Work Program Discussion---Briefing on the Planning Department’s Vision Zero work plan and request to add the predictive safety analysis project to the Planning Department’s work program from a budgetary and staffing perspective.

Staff Recommendation: Approve Work Program Item

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 3-0

Nay:

Other: FANI-GONZÁLEZ & PATTERSON ABSENT

Action: Approved staff recommendation to add a Predictive Safety Analysis project to the Planning Department FY20 work program.

Planning Department staff offered a multi-media presentation and discussed ongoing work for the Vision Zero program, and a request for Planning Board approval to add a Predictive Safety Analysis project to the department’s work program for the current fiscal year. According to staff, the Vision Zero program is a proven approach to preventing roadway-related deaths and severe injuries by ensuring that roads are safe regardless of whether traveled by car, bus, bicycle, or foot. In 2017, the County Executive released an initial two-year action plan of activities to advance the County toward Vision Zero, for which two items in the Planning Department’s current work program, the Road Design Standards, also identified as the Complete Streets Design Guide/Roadway Classification Study, and the Pedestrian Master Plan, are well underway. A One-Year 2020 Action Plan will soon be released by the County to bridge activities between the current Two-Year Action Plan and the Ten-Year Action Plan, the latter of which will be developed over the next year.

Staff then highlighted some of the department’s work on Vision Zero during 2019, which include hiring the department’s first Vision Zero Coordinator; completing the Veirs Mill Corridor Master Plan, MARC Rail Communities Master Plan, and Aspen Hill Vision Zero Study; co-leading the development of the Complete Street Design Guide/Roadway Functional Classification Project and the Fire Department Access Performance-Based Design Guide with the Montgomery County Department of Transportation (MCDOT) and the Montgomery County Department of Permitting Services (DPS); initiating the Pedestrian Master Plan; preparing a Pedestrian Level of Comfort Map; and reviewing a number of important, relevant regulatory projects.

Staff then discussed the proposed Predictive Safety Analysis project, which seeks to prevent serious injury or fatal crashes from happening throughout the roadway network, including locations without a recent history of crashes but with a high risk of future crashes

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2. Vision Zero Update and Work Program DiscussionCONTINUED

based on the roadway characteristics and surrounding context. To that end, staff requested Planning Board approval to add a Predictive Safety Analysis project to the Department's work program for the current fiscal year FY20. It is anticipated that the project will be completed in January 2021. Staff believes that it is necessary to initiate the project this fiscal year, as the analysis it provides is critical to guiding the projects and policy changes that will be identified in the County's Ten-Year action plan, which the County intends to complete by the end of calendar year 2020. The proposed project will be completed in partnership with MCDOT and CountyStat and managed by the recently hired Planning Department Vision Zero Coordinator. Staff estimates the cost of the project at approximately \$250,000, and recommends using a combination of existing funding sources: 1) \$75,000 from the FY20 Functional Planning and Policy operating budget, consisting of \$25,000 for Transportation Modeling for the Pedestrian Master Plan and \$50,000 for data collection for the Vision Zero program; 2) the transfer of approximately \$125,000 from FY20 personnel savings in the FY20 operating budget; and 3) \$50,000 from additional personnel savings or other budget savings over the remaining six months in FY20. Staff also recommends requesting a supplemental appropriation from the County Council for any remaining funding shortfall.

There followed extensive Board discussion with questions to staff, during which the Planning Board instructed staff to explore the feasibility of implementing interactive react maps, speed cameras, or other safety precautions in areas with numerous resident complaints regarding continued speeding.

~~5. Roundtable Discussion~~

~~Parks Director's Report~~

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

6. County Executive’s Recommended FY21 Capital Budget and the FY21-26 Capital Improvements Program

BOARD ACTION

Motion: VERMA/CICHY

Vote:

Yea: 3-0

Nay:

Other: FANI-GONZÁLEZ & PATTERSON ABSENT

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

Parks Department staff offered a multi-media presentation and discussed the County Executive’s recommended FY21 Capital Budget and the FY21-26 Capital Improvements Program (CIP). According to staff, the County Executive’s recommended CIP, released on January 15, recommends \$18,100,000 in reductions, consisting of an Affordability Project Description Form (PDF) for \$15,800,000 in reductions for General Obligation bond funding, a 20 percent reduction from what was requested by the Parks Department; and a \$2,300,000 reduction for current revenue funded projects in FY21-26, an eight percent reduction from what was requested. Staff noted that discussion of a proposed \$3,600,000 reduction in Community Use of Public Facilities (CUPF) funding for Montgomery County Public Schools (MCPS) ballfield renovation was deferred until spring.

Staff then discussed their recommendations, which include holding Level-of-Effort (LOE) projects as harmless, and through the use of delays, Maryland Program Open Space funds, or both, transmitting the following projects as non-recommended reductions: 1) South Germantown Recreational Park cricket field; 2) Wheaton Regional Park improvements; 3) Ovid Hazen Wells Recreational Park construction; 4) Brookside Gardens Master Plan implementation; 5) Little Bennett Regional Park Day Use Area construction; and 6) Legacy Open Space (LOS) funded projects.

The next steps for the CIP include County Council public hearings scheduled for February 4 through 6, County Council Planning, Housing, and Economic Development (PHED) Committee meetings scheduled for February 24, Full County Council meetings scheduled for February and March, reconciliation meetings scheduled for early May, and County Council action scheduled for mid-May.

There followed a brief Board discussion with questions to staff.

7. CLOSED SESSION

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

The topic to be discussed is the proposed acquisition of land as an addition to the Ridge Road Recreational Park

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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