



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, February 20, 2020, at 9:03 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 11:51 a.m.

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

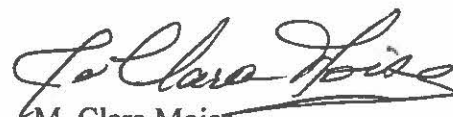
Commissioner Gerald Cichy was necessarily absent.

Items 1 through 8 are reported on the attached agenda.

Item 9 was removed from the Planning Board agenda.

Commissioner Verma left the meeting at 11:30 a.m. during discussion of Item 7.

There being no further business, the meeting was adjourned at 11:51 a.m. The next regular meeting of the Planning Board will be held on Thursday, February 27, 2020, in the Montgomery Regional Office in Silver Spring, Maryland.


M. Clara Moise
Sr. Technical Writer/Editor

Montgomery County Planning Board Meeting
Thursday, February 20, 2020
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

1. John F. Kennedy High School Forest Conservation Plan MR2020010 – MCPB No. 20-005
2. Sandy Spring Townhomes Site Plan 82016001B – MCB No. 20-006

BOARD ACTION

Motion: **PATTERSON/VERMA**

Vote:

Yea: **4-0**

Nay:

Other: **CICHY ABSENT**

Action: **Adopted the Resolutions cited above, as submitted.**

***B. Record Plats**

Subdivision Plat No. 220200050, 220200080 & 220200090 Seven Locks Village - CRT zone; 48 lots, 12 parcels; located in the northeast quadrant of the intersection of Seven Locks Road and Tuckerman Lane; Potomac Sub-Region 2002 Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220200150, Wilks' Addition to Kensington - IM zone; 1 lot; located on the south side of Howard Avenue, 625 feet west of the intersection with Warfield Street; Kensington Sector Plan 2010.

Staff Recommendation: Approval

BOARD ACTION

Motion: VERMA/PATTERSON

Vote:

Yea: 4-0

Nay:

Other: CICHY ABSENT

Action: Approved staff recommendation to approve the Record Plats cited above, as submitted.

***C. Other Consent Items**

1. Claiborne, Site Plan Amendment No. 82017008C---CR 3.0 C 3.0 R 3.0 H110', CR 3.0 C 3.0 R 3.0 H90', & Bethesda Overlay Zone, 0.41 acres, Request to revise Condition No. 7.a, "Affordable Housing," to eliminate the "on-site" requirement for MPDUs; Located in the east quadrant of the intersection of Auburn Avenue & Norfolk Avenue; 2017 Bethesda Downtown Sector Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

2. Hillandale Gateway, Sketch Plan Amendment No. 32018002A, Preliminary Plan No. 120190220, and Site Plan No. 820190130 Regulatory Extension Request #2---Request to extend the regulatory review period from February 27, 2020 to June 25, 2020; for redevelopment of the property with up to 463 multi-unit dwellings (155 age-restricted) and 71,939 square feet of commercial uses including a restaurant with a drive-thru; located at the southwest corner of the New Hampshire Avenue (MD 650) and Powder Mill Road intersection, Silver Spring; on approximately 6.60 acres of land zoned CRT 1.75, C-0.5, R-1.5, H-85; within the 2014 White Oak Science Gateway Master Plan area.

Staff Recommendation: Approval of the Extension Request

3. Rosewood Manor Estates, Preliminary Plan Amendment No. 12006102A – Regulatory Review Extension Request No. 2---Request to extend the regulatory review period from February 27, 2020 to April 30, 2020; Application to add a new condition to extend the Preliminary Plan validity by 10 months and modify the approved driveway layout, located on the northside of Rosewood Manor Lane, approximately 1,150 feet east of Woodfield Road (MD 124); 7.87 acres; RE-1 Zone; 2004 Upper Rock Creek Area Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: 1. FANI-GONZÁLEZ/VERMA
 2. VERMA/FANI-GONZÁLEZ
 3. FANI-GONZÁLEZ/VERMA

Vote:

Yea: 1. through 3.: 4-0

Other: CICHY ABSENT

Action: 1. Following a brief presentation by Planning Department staff and questions from Board members, approved staff recommendation to approve the Site Plan Amendment for the Claiborne project, subject to conditions, and adopted the attached Resolution.

 2. Approved staff recommendation to approve the Preliminary and Site Plans Regulatory Extension Request No. 2 for the Hillandale Gateway Project, as cited above.

 3. Approved staff recommendation to approve the Rosewood Manor Preliminary Plan Amendment Regulatory Review Extension Request, as cited above.

***D. Approval of Minutes**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **There were no Planning Board Meeting Minutes submitted for approval.**

2. Roundtable Discussion

- Planning Department Director's Report

BOARD ACTION**Motion:****Vote:****Yea:****Nay:****Other:****Action: Received briefing.**

Planning Department Director's Report – Planning Department Director Gwen Wright briefed the Planning Board on the following ongoing and upcoming Planning Department events and activities: the status of efforts to promote economic health in the County; staff working full time on Thrive Montgomery; report on two earlier winter speaker series events and a third one scheduled for March 1, the speakers provided interesting ideas on creating food opportunities and a healthy county and also discussed transportation issues, and another event on housing for all scheduled for March 3 with Ms. Heather Wellington, Planning Director for the City of Minneapolis, and Ms. Stacy Spann of the Housing Opportunities Commission, with Ms. Wright participating as a speaker, and Planning Department Deputy Director Tanya Stern as the moderator; the issues report to be discussed at the Planning Board meeting next Thursday following a Planning Board briefing in December 2019 during which the Board provided comments and staff also received comments from the public. Staff will organize additional community meetings and forums countywide to discuss the report and receive comments, with one scheduled in Spanish with English translation.

Ms. Wright then noted that Thrive Montgomery and the Subdivision Staging Policy (SSP) are keeping staff very busy with a great number of community meetings and roundtables which took place last year and a schools roundtable which took place on Saturday, February 8, and additional meetings scheduled for tonight from 7:00 to 9:00 p.m. at the Up-County Regional Services Center in Germantown, and another one at the East County Regional Services Center on February 24. Ms. Wright also mentioned that the SSP report is very technical and she gave kudos to Transportation Planning Division Chief Jason Sartori for creating a 40-minute tutorial video explaining the SSP meaning and process and its impact on residents' lives, which will help anyone attending the roundtables and community meetings to participate in the discussion in a more meaningful way. Ms. Wright also added that the Planning Board will be hearing more about the SSP in the spring. Ms. Wright also added that work on some Master Plans is still ongoing. She noted that the County Council took a final straw vote on the Montgomery Hills/Forest Glen Master Plan and a Resolution will be adopted in the next two weeks with a

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2. Roundtable Discussion - Planning Department Director's Report**CO NTI NUED**

Sectional Map Amendment to follow. Ms. Wright also mentioned the Germantown Plan for the Town Sector Zone to be discussed at the County Council Committee on Planning, Housing, and Economic Development (PHED) Committee worksession, and hopefully the plan will move quickly to the County Council for approval. Ms. Wright also briefly talked about work on ongoing Master Plans such as the Shady Grove Minor Master Plan, the Ashton Plan, the Rustic Roads Update, and the Pedestrian Master Plan and briefly mentioned new projects that staff is working on, the Silver Spring Sector Plan and the I-270 Corridor Transit Plan, and several special studies that the Planning Board will be briefed on in the coming months.

Ms. Wright then asked Planning Department Deputy Director Robert Kronenberg, and Division Chief of Development Application Review Committee (DARC), Mark Pfefferle, to briefly update the Planning Board on proposed updates to the development review process and distributed a brochure titled "*Demystifying the Development Review Process for Applicants and Neighbors in Montgomery County*" to be made available to the public regarding this process.

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

3. Preliminary FY21 Operating Budget Discussion*Staff Recommendation: Briefing and Discussion***BOARD ACTION****Motion:****Vote:****Yea:****Nay:****Other:****Action: Received briefing followed by Board Discussion.**

The Commission's Corporate Budget Director, Mr. John Kroll, briefed the Planning Board on the issued FY21 Spending Affordability Guidelines (SAG) for Montgomery County. Mr. Kroll noted that the County Council approved the SAG for the FY21 Operating Budget on Tuesday, February 11. The guidelines project a 7.5 percent reduction from the proposed FY21 Budget, or approximately \$11.3 Million in Montgomery County (MC) funded departmental budgets, including the MC funded portion of the bi-county departments. By comparison, last year SAG reduction was 5 percent, approximately \$6.5 Million.

Mr. Kroll added that the required reduction may change with the release of the County Executive's Budget on March 15. The Planning Board must respond to the County Council regarding the SAG by the end of February. As customary, the Commission, as well as other outside governmental agencies, usually respond with a general letter stating that the reductions necessary to meet the guidelines will result in substantive service reductions and are therefore not recommended. Although recent history suggests that the fiscal picture of Montgomery County may be shown to improve in the coming month, given the magnitude of the proposed reduction, it may be appropriate to start the process of developing some options. While there are other scenarios to consider, three scenarios are proposed at this time: 1) Pro-ration of proposed budget across all departments; 2) pro-ration after removing OPED and compensation markers; and 3) Pro-ration after eliminating all new requests.

Executive Director Asuntha Chiang-Smith and Planning Department Director Gwen Wright also offered comments.

There followed extensive Board discussion with questions to Mr. Kroll.

4. Review of Bill 38-19: Streets and Roads - Permit to Obstruct Public Rights-of-Way – Amendments

Staff Recommendation: Transmit comments to the County Council Transportation, Infrastructure, Energy and Environment (T&E) Committee

BOARD ACTION

Motion: FANI-GONZÁLEZ/VERMA

Vote:

Yea: 4-0

Nay:

Other: CICHY ABSENT

Action: Approved staff recommendation to transmit comments to the County Council Transportation, Infrastructure, Energy and Environment Committee regarding Bill 38-19 related to Streets and Roads – Proposed Amendments to the Issuance of Permit to Obstruct Public Rights-of-Way, as discussed during the meeting, and as stated in the attached Transmittal Letter.

Planning Department staff offered a multi-media presentation and discussed Bill 38-19 related to amendments to the Permit process regarding the obstruction of public rights-of-way. Staff noted that the Planning Board's comments will be transmitted to the County Council Transportation, Infrastructure, Energy and Environment (T&E) Committee. Staff noted that a public hearing was held on January 14 and a worksession with the T&E Committee is scheduled for March 12.

As described in detail in the February 13 staff report, several suggestions for ways to further strengthen the impact of this Bill have been discussed. Among them: 1) Maintain the scope of this legislation at the countywide level; 2) Clarify that "minimize inconvenience to the public" refers to pedestrians and other vulnerable rights-of-way users; 3) Include safe alternate pathways for bicycles when all bikeway types in the public right-of-way are temporarily closed; 4) Reduce the length of time sidewalks and paths can be closed without an alternative pathway on the same side of the street; 5) Provide audio messaging devices in addition to signage to ensure that pedestrians with low or no vision can navigate along pedestrian pathways with temporary closures; 6) Provide audio messaging devices to ensure that pedestrians with low or no vision are informed when transit stops are temporarily closed; and 7) Clarify how safe alternative pathways are to be provided for temporary sidewalk closures that affect intersections.

Staff then added that it strongly supports Bill 38-19 as it will improve pedestrian safety and comfort countywide. The Bill updates requirements for issuing permits to obstruct public rights-of-way, also update the conditions under which rights-of-way can be obstructed, and established criteria for providing alternative pathways.

There followed a brief Board discussion with questions to staff.

5. Briefing on the Environmental Guidelines Update Scope and Process — Recommendations in the Approved and Adopted 10 Mile Creek Area Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area necessitate updates to the Environmental Guidelines. Additional updates to reflect changes in local and State legislation since the last update in 2000 will also be included in a set of proposed updates that will be brought before the Planning Board at a future meeting. This briefing will summarize the scope of the updates to be proposed and the review and approval process.

Staff Recommendation: Receive Briefing, Provide Comments, and Approve Scope

BOARD ACTION

Motion: VERMA/PATTERSON

Vote:

Yea: 4-0

Nay:

Other: CICHY ABSENT

Action: Received Briefing on the Environmental Guidelines Update to the Scope of Work and Process, as discussed during the meeting, provided comments and approved the proposed Scope of work.

Planning Department staff briefed the Planning Board on the Environmental Guidelines proposed update to the scope of work and process. Staff noted that it will prepare a limited update to the Guidelines for Environmental Management of Development in Montgomery County, primarily to incorporate changes required as a result of previous County Council and State actions.

Staff added that the 10 Mile Creek Master Plan established some new environmental standards and buffers for new development in the Ten Mile Creek Watershed that lies within the Master Plan planning area. The Plan recognizes the unique and sensitive natural resources of the Ten Mile Creek and reflects the desire to provide extra environmental protection to limit the impacts from new development to those resources. The County Council Resolution approving the 10 Mile Creek Master Plan included general provision to that effect. Staff is continuing its review of the 10 Mile Creek Master Plan and is drafting the remaining changes to the Environmental Guidelines required to implement the Plan recommendations and reflect the County Council's subsequent actions in creating the Clarksburg East and West Overlay Zones, and the 10 Mile Creek Special Protection Area. Most of these changes will appear in a proposed new chapter that will deal specifically with the Ten Mile Creek area.

Staff will prepare a redline version of the Guidelines to highlight the proposed changes. When completed, the proposed updates will be presented to the Planning Board at a Public Hearing. The Public Hearing and worksessions are scheduled for June and July 2020. After approval, the revised document will be finalized by the Planning Department for public release.

There followed a brief Board discussion with questions to staff.

6. Zoning Text Amendment No. 20-01: Solar Collection System – AR Zone Standards-- ZTA 20-01 amends the Montgomery County Zoning Ordinance to revise the Solar Collection System use standards to allow larger facilities in the AR zone; amend the provisions for Solar Collection Systems in other zones; and amend the provisions for site plan approval in the AR zone.

Staff Recommendation: Transmit Comments to the County Council

(NOTE: Action required for County Council Public Hearing of February 25, 2020)

BOARD ACTION

Motion: FANI-GONZÁLEZ/VERMA

Vote:

Yea: 4-0

Nay:

Other: CICHY ABSENT

Action: Approved staff recommendation to transmit comments to the County Council regarding Zoning Text Amendment 20-01 cited above, as mentioned in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed proposed Zoning Text Amendment (ZTA) 20-01 related to Solar Collection System, which amends the Montgomery County Zoning Ordinance to revise the Solar Collection System use standards to allow larger facilities in the Agricultural Reserve (AR) zone; amend the provisions for Solar Collection systems in other zones; and amend the provisions for site plan approval in the AR zone. Staff noted that as defined under Section 59.3.7.2.A of the Zoning Ordinance, a Solar Collection System means an arrangement of panels or other solar energy devices that provide for the collection, inversion, storage and distribution of solar energy for electricity generation, space heating, space cooling, or water heating. ZTA 20-01 includes a number of provisions to support agriculture, including requirements that the ground under the panels have pollinator-friendly plants or is suitable for grazing, and that soil and tree removal is minimized. It also has site size, setback, height and fencing requirements. The goal of this ZTA is to get solar deployed quickly while limiting its impact on the overall AR area. To achieve this balance, community solar is limited to two percent of the AR, or 1,800 acres.

Staff recommended approval of ZTA 20-01 with the proposed modifications discussed in detail in the February 13 technical staff report.

Planning Department Director Gwen Wright also offered comments.

There followed extensive Board discussion with questions to staff, mainly focused on staff's proposed modifications, specifically the proposed locations of the solar panels.

7. Memorandum of Understanding between M-NCPPC and Montgomery County Department of Permitting Services on Site Plan Enforcement*Staff Recommendation: Approval***BOARD ACTION****Motion: FANI-GONZÁLEZ/PATTERSON****Vote:****Yea: 3-0****Nay:****Other: VERMA & CICHY ABSENT**

Action: Approved staff recommendation to approve proposed modifications to the Memorandum of Understanding between The Maryland-National Capital Park and Planning Commission (M-NCPPC) and the Montgomery County Department of Permitting Services regarding Site Plan Enforcement.

Planning Department staff introduced Mr. Ehsan Motazedi, Chief of Zoning and Site Plan Enforcement at the Montgomery County Department of Permitting Services (MCDPS) and briefed the Planning Board on the proposed modifications to the Memorandum of Understanding (MOU) between The Maryland-National Capital Park and Planning Commission (M-NCPPC) and Montgomery County Department of Permitting Services (MCDPS) regarding Site Plan enforcement. The primary modifications include: 1) updating sections of the MOU to include technology advances in plan review and approval of site plans and building permit applications and plan delivery and notification; 2) Revising inspection procedures and process for the release of financial sureties; and 3) including language that addresses violations found in scenic easements created by site plan approval.

Staff recommended approval and adoption of the proposed modifications to the June 9, 2016 MOU, as discussed.

Mr. Motazedi discussed the proposed MOU and offered brief comments.

There followed a brief Board discussion with questions to staff.

8. Forest Conservation Law Amendments – Modifications, Corrections, and Clarifications

Staff Recommendation: Approval to Transmit to the County Council for Introduction

BOARD ACTION

Motion: FANI-GONZÁLEZ/PATTERSON

Vote:

Yea: 3-0

Nay:

Other: VERMA & CICHY ABSENT

Action: Approved staff recommendation for approval to transmit the Forest Conservation Law Amendments, Modifications, Corrections and Clarifications, discussed at the meeting, to the County Council for Introduction, as stated in the attached Transmittal Letter.

Planning Department staff offered a brief presentation and discussed proposed Forest Conservation Law Amendments, modifications, corrections and clarifications to be transmitted to the County Council for introduction. Staff noted that Mr. David Myers, member of the Forest Conservation Advisory Committee is present and available to answer questions from the Planning Board.

Staff noted that changes to Chapter 22A of the Montgomery County Code are needed primarily to align the Forest Conservation Law with the enabling state law, which was recently amended per Senate Bill 234 which became effective statewide on October 1, 2019, and Montgomery County is obligated to incorporate these changes. Other changes recommended by staff, as discussed in detail in the February 7 technical staff report, are intended to clarify and update sections of the Forest Conservation Law.

Staff recommended approval of the proposed revisions/modifications and corrections to Chapter 22A for transmittal to the County Council.

There followed a brief Board discussion with questions to staff.

9. ~~Shady Grove Minor Master Plan Amendment~~

~~Staff Recommendation: Approve the Working Draft of the Shady Grove Sector Plan Amendment as the Public Hearing Draft and Set the Public Hearing Date for April 2, 2020~~

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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