



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**APPROVED
MINUTES**

The Montgomery County Planning Board met in regular session via Microsoft Teams video conference on Thursday, March 26, 2020, at 9:05 a.m., and adjourned at 5:45 p.m.

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

Items 1 through 3 are reported on the attached agenda.

Item 4 was removed from the Planning Board agenda.

The Board recessed at 10:11 a.m. and convened in Closed Session at 10:16 a.m. to take up Item 14, 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 10:16 a.m. via video conference on motion of Vice Chair Fani-González, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor of the motion. The meeting was closed under authority of Annotated Code of Maryland §3-305(b)(7), to consult with counsel to obtain legal advice; and §3-305(b)(9), to consider matters relating to collective bargaining negotiations.

Also present for the meeting were Director Gwen Wright, Deputy Director Tanya Stern, and Karen Warnick of the Planning Department; Executive Director Asuntha Chiang-Smith and John Kroll of the Department of Human Resources Management; Joe Zimmerman of the Finance Department; Deputy Director Miti Figueredo, Shuchi Vera, and Nancy Steen of the Parks Department; General Counsel Adrian Gardner of the Legal Department; and James Parsons of the Commissioners' Office.

In Closed Session the Board received briefing and discussed collective bargaining negotiations.

The Closed Session meeting was adjourned at 10:39 a.m.

The Board reconvened via video conference at 10:47 a.m.

Items 5 through 7 are reported on the attached agenda.

MCPB, 3-26-20, APPROVED

The Planning Board recessed for lunch at 12:06 p.m. and reconvened via video conference at 1:32 p.m.

Vice Chair Natali Fani-González was temporarily absent and rejoined the meeting at 2:17 p.m. during discussion of Item 9.

Items 8 through 13 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 5:45 p.m. The next regular meeting of the Planning Board will be held on Thursday, April 2, 2020, via video conference.

M. Clara Moise

M. Clara Moise
Sr. Technical Writer/Editor

James J. Parsons

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Sr. Technical Writer/Editor

Montgomery County Planning Board Meeting
Thursday, March 26, 2020
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

1. Blair High School PSSM at Fire Station 16 Forest Conservation Plan MR2020017 – MCPB No. 20-015
2. The Shops at Sumner Place Site Plan 820200060 MCPB No. 20-016

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 5-0

Nay:

Other:

Action: Adopted the Resolutions cited above, as submitted.

***B. Record Plats**

Subdivision Plat No. 220171000, North Bethesda Office Center East

CR zone; 1 parcel; located immediately southeast of the intersection of Nicholson Lane and Huff Court; White Flint Sector Plan.

Staff Recommendation: Approval

Subdivision Plat Nos. 220190600 and 220190610, Ashton Market

TF & CR zones; 21 lots,10 parcels; located at the intersection of Olney-Sandy Spring Road (MD 108) and Porter Road; Sandy Spring/Ashton Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220200100, Clarksburg Town Center

CRT zone; 31 lots,1 parcel; located on the east side of Clarksburg Square Road at the intersection of Harness Point Way; Clarksburg Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220200220, R.B. Detrick’s Subdivision

CRT zone; 1 lot; located on the south side of Knowles Avenue (MD 547), 220 feet west of Connecticut Avenue (MD 185); Kensington Sector Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

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. 809 Easley Street, Preliminary Plan No. 120200010, Extension Request No. 2---CRN 0.5 C 0.5 R 0.25 H35 zone, 0.17 acres, Request to extend review period from March 26, 2020 to May 29, 2020; located on the north side of Easley Street approximately 300 feet east of Fenton Street; 2000 Silver Spring Central Business District Sector Plan.

Staff Recommendation: Approval of Extension

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 5-0

Nay:

Other:

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

***D. Approval of Minutes**

Planning Board Meeting Minutes of February 27 and March 5, 2020

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved Planning Board Meeting Minutes of February 27 and March 5, 2020, as submitted.

2. Roundtable Discussion

- Planning 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 Board on the following ongoing and upcoming Planning Department events and activities: the status of Planning Department operations under current Covid-19 related restrictions, with the majority of staff able to telework due to the efforts of Information Technology and Innovation Division and Communications Team staff; the status of ongoing development review work, with staff successfully conducting a Development Review Committee (DRC) meeting via a Microsoft Teams video conference last week, and conducting a Pre-DRC meeting via video conference earlier this week; an upcoming National Association for Industrial and Office Parks (NAIOP) webinar scheduled for March 30, which will be attended by Planning Department staff, including Ms. Wright; Chair Anderson’s recent interview in the March 25 issue of BizNOW Magazine regarding Covid-19 related meeting accommodations; and the status of the General Plan Update, with the first draft of the Update’s Goals and Policies scheduled to be presented to the Planning Board on April 9 rather than April 2, as previously scheduled.

There followed a brief Board discussion with questions to Ms. Wright, during which the Planning Board thanked staff for all their hard work during this difficult time.

3. FY21 Operating Budget Discussion on the County Executive Recommendation

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by Board discussion.

Corporate Budget Manager John Kroll offered a multi-media presentation and discussed the County Executive's recommended FY21 budget released on March 16, as detailed in the March 25 memorandum to the Planning Board. The County Executive's proposed budget includes a total reduction of \$9,175,312, or 6.11 percent, from the Montgomery County portion of the proposed budget for the Administration and Park Funds, compared to the \$5,335,863, or a 3.76 percent recommended last year. Mr. Kroll noted that removal of the Non-Departmental Other Post-Employment Benefits and compensation markers in both funds increases the reduction to 6.57 percent. Following the identification of savings for both funds from a delayed position reclassification process, Mr. Kroll noted that the Commissioners' Office proposed budget now requires a reduction of \$81,181, \$30,000 of which will be met through a \$15,000 reduction in funding for Planning Board and staff conference attendance, a \$5,000 reduction in funding to support internal events and activities that support diversity, and a \$10,000 reduction in funding for professional services, such as Planning Board and staff training, memberships, and a Planning Board retreat. The Planning Department will cover the remaining \$51,181 through non-recommended reductions to the FY21 budget and work program.

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

Planning Department – Planning Department Director Gwen Wright briefly discussed the County Executive's recommendation for the Department's FY21 proposed budget, as detailed in the March 25 memorandum to the Planning Board, which includes recommended reductions of \$1,416,610, or 6.61 percent of the requested \$21,430,031. To achieve this goal, the proposed non-recommended reductions include \$589,578 from Tier 1 priorities, which include cuts of \$50,000 to support the General Plan Update, \$75,000 for the development of an equity opportunity index, and \$125,000 for a Takoma Park Minor Master Plan Amendment, among others; \$375,000 from Tier 2 priorities, which include cuts of \$125,000 for the development of mixed-use trip generation tool, \$100,000 for mixed-use development current status and future trends research, and \$25,000 for an Urban Loading and Delivery Management Study, among

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3. FY21 Operating Budget Discussion on the County Executive Recommendation

CONTINUED

others; and other reductions of \$452,032, which include \$300,000 for the I-270 Transit Corridor Functional Master Plan, \$20,000 for Silver Spring Master Plan support, and \$132,032 reduction for the Wheaton Headquarters proposed operating budget.

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

Parks Department – Parks Department Director Mike Riley briefly discussed the County Executive’s recommendation for the Department’s FY21 proposed budget, as detailed in the March 25 memorandum to the Planning Board, which includes recommended reductions of \$7,087,624, or 6.52 percent of the requested \$108,704,733. To meet the County Executive’s proposed budget, the proposed non-recommended reductions include \$3,127,100 from Tier 1 priorities, including cuts of \$1,650,022 through freezing 77 vacant positions, \$712,675 by reducing funding for current contractual obligations by five percent, and \$399,710 by reducing existing supplies funding by five percent, among others; \$889,621 from Tier 2 priorities, including cuts of \$36,820 for a full-time design and construction project manager, \$47,255 for funding for seasonal support staff for individuals with disabilities, and \$117,281 for a full-time equity analyst position, among others; \$656,687 from Tier 3 priorities; and \$2,414,225 through other budget reductions.

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

Central Administrative Services (CAS) – Executive Director Asuntha Chiang-Smith briefly discussed the County Executive’s recommendation for the CAS FY21 proposed budget, as detailed in the March 25 memorandum to the Planning Board, which includes recommended reductions of \$205,324 for the Montgomery County portion of the budget. To meet the County Executive’s proposed budget, the proposed non-recommended reductions include cuts of \$80,754 by delaying the filling of open positions for four months, \$21,596 in reduced funding for temporary help, \$27,396 through reduced funding for agency-wide training, and \$17,782 through the allocation of funding for postage, among others.

There followed a brief Board discussion with questions to Ms. Chiang-Smith.

Legal Department – General Counsel Adrian Gardner briefly discussed the County Executive’s recommendation for the Department’s FY21 proposed budget, as detailed in the March 25 memorandum to the Planning Board, which includes recommended reductions of \$105,194 from the Montgomery County portion of the budget. To meet the County Executive’s proposed budget, the proposed non-recommended reductions include freezing a vacant attorney position assigned to the Montgomery County Land Use team at the Montgomery Regional Office and pre-paying any FY21 Department expenses whenever possible.

~~4. **Revised Park Facility Plan: Acorn Urban Park**---Facility plan for the renovation of a 0.3-acre park, located at 8075 Newell Street, Silver Spring CBD Sector Plan area.~~

~~Staff Recommendation: Approve the Revised Facility Plan and Cost Estimate~~

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

14. CLOSED SESSION

According to MD ANN Code, General Provisions Article, §3-305(b)(7), to consult with counsel to obtain legal advice; and §3-305(b)(9), to consider matters relating to collective bargaining negotiations.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

5. Veterans Park Civic Green---Authorization to acquire 0.26 acres, more or less, improved, from The Charles H. Goldberg Family Trust and Bettie Goldberg GST Tax Exempt Trust located at 7800 and 7810 Wisconsin Avenue, Bethesda MD 20814.

Staff Recommendation: Approval

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the proposed land acquisition cited above, as stated in the attached adopted Resolution.

Parks Department staff offered a multi-media presentation and discussed the proposed acquisition of land for the future Veterans Park Civic Green in Bethesda, Maryland. The 11,152-square foot property, consisting of Lots 613 and 621 and identified as the Goldberg properties, is located on the northwest quadrant of the intersection of Wisconsin Avenue (MD355) and Norfolk Avenue, and is zoned Commercial/Residential (CR) in the Bethesda Downtown Sector Plan area. The property confronts the existing Veterans Park, a public space located in a Montgomery County Department of Transportation (MCDOT) right-of-way, operated by the Bethesda Urban Partnership (BUP), and located across Woodmont Avenue. Lot 613, the larger of the two lots, is currently developed with a two-story commercial building, which for many years housed the Union Hardware store and currently has three existing tenants on the second floor with a vacant ground floor. Lot 621 is also developed with a two-story commercial building that currently houses a retail shop on the first floor and vacant storage space on the second floor. Following the sale of the property, the current tenants will continue to lease their existing spaces during the interim phase of the project, while the vacant space will remain unused and kept in its as-is condition.

Staff noted that purchase of the property will allow the Parks Department the opportunity to create one of three Civic Greens proposed in the Bethesda Downtown Sector Plan by providing a critical real estate asset that will act as leverage to create the future Civic Green through land exchanges, easements, and other real estate transactions. The \$9,600,000 purchase price will be paid in two phases and funded entirely through the Bethesda Park Impact Payment (PIP).

There followed a brief Board discussion with questions to staff.

6. Proposed Zoning Text Amendment: Overlay Zones – Clarksburg East & West Environmental – Exemptions---The Proposed ZTA amends the Montgomery County Zoning Ordinance to clarify that any master-planned bikeway is exempt from the overlay zones’ impervious surface restrictions.

Staff Recommendation: Transmit to County Council Requesting Introduction

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to transmit comments requesting introduction of the proposed Zoning Text Amendment cited above to the County Council, as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed a proposed Zoning Text Amendment (ZTA) request that will amend the Zoning Ordinance to clarify that any master-planned bikeway located in the Clarksburg East and West Environmental Overlay zones is exempt from the overlay zones impervious surface restrictions. According to staff, the 2014 Ten Mile Creek Limited Amendment recommended limiting imperviousness, establishing open space requirements for new development both east and west of I-270, and changing some development standards of the underlying zones in order to maximize development flexibility and protect sensitive natural resources. That same Amendment also recommended the creation of two environmental overlay zones to establish a 15 percent imperviousness limit on new development east of Interstate 270 (I-270), identified as the Clarksburg East Environmental Overlay zone; and a six percent imperviousness limit west of I-270, identified as the Clarksburg West Environmental Overlay zone, with no additional imperviousness on County owned land. Small properties of less than two acres, additions to houses, and publicly funded roads and master-planned bikeways were to be exempt from imperviousness limits in the overlay zones. In 2014, ZTA 14-03 was adopted to implement these recommendations.

Staff noted that since the adoption of ZTA 14-03, there is now a need for two clarifications, the first regarding the overlay zones provision exempting bikeways from impervious surface caps. Staff believes that the intent of the language was to exempt not only any publicly-funded roads, but also any bikeways identified in the Master Plan from the overlay zones impervious surface restriction, which staff noted is corroborated by the lack of specific language in the Master Plan regarding the need for bikeways to be publicly funded in order to be exempt. The second recommended clarification to the exemption provisions pertains to the

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6. Proposed Zoning Text Amendment: Overlay Zones – Clarksburg East & West Environmental – ExemptionsCONTINUED

overlay zones language specifically tying the exemption from impervious surface restrictions for bikeways to those locations identified by the Ten Mile Creek Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area. Staff believes that the text should clarify that an exemption from the impervious surface cap should apply to any master-planned bikeway located in the Plan area and should read, “Impervious surface for any publicly funded road or any master-planned bikeway identified by the Ten Mile Creek Area Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area is exempt from this overlay zone impervious surface restriction.”

Following Planning Board approval to request County Council introduction, the next steps for the proposed ZTA include transmittal to the County Council for introduction and assignment of a ZTA number, transmittal back to the Planning Board for any additional comments, transmittal of Planning Board recommendations to the County Council, a County Council Public Hearing, County Council Planning, Housing and Economic Development (PHED) Committee worksessions, and final action by the County Council.

There followed a brief Board discussion with questions to staff.

7. 020-2024 Subdivision Staging Policy (SSP): Growth Status and Trends---In this briefing, Planning staff will review the latest trends in the county’s population, households, and employment. This will include an overview of (1) the pace and pattern of growth, (2) real estate trends, and (3) current growth forecasts.

Staff Recommendation: Receive Briefing and Provide Comments

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by discussion.

Planning Department staff offered a multi-media presentation and discussed the 2020-2024 Subdivision Staging Policy update, specifically update-related demographic trends and expectations for future County growth. According to staff, the County Code requires that all Subdivision Staging Policy updates submitted to the County Council include a status report on general land use conditions in the County and a forecast of the most probable trends in population, households, and employment. To address this requirement, staff will not only provide an overview of trends among populations and households, including factors influencing population growth in the County and demographic trends shaping the characteristics of residents, but also the results of the most recently completed long-range population and household forecast, the Metropolitan Washington Council of Governments (MWCOG) Round 9.1 Cooperative Forecast, including County growth expectations for the period 2015 through 2045 and County growth expectations in the context of regional growth expectations.

Staff then discussed the more recent substantive population growth trends, noting that Montgomery County is the most populous county in the state, with a population of over 1,000,000 since 2012, an eight percent increase in population since 2010, and a 38 percent gain between 1990 and 2018. The highest population and density growth areas are centered around or near major roads and transitways, particularly the Interstate 270 (I-270) Corridor, with natural population increase being the leading component of growth from 1991 to 2018. Staff noted that even with growth, the number of births in 2018 was only 12,373, the lowest birthrate since 1998. Staff then discussed the increasing racial and ethnic diversity in the County, noting that in 2018, people of color made up 57 percent of the population. Regarding median income, staff noted that while the County consistently ranks high in the region, there has been slow recovery following the 2008 recession, particularly in Hispanic households.

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7. 020-2024 Subdivision Staging Policy (SSP): Growth Status and TrendsCONTINUED

Staff then discussed the MWCOG Round 9.1 Cooperative Forecast. Completed in fall 2017 and reflecting data and land-use information known at that time, the forecast projects population, household, and job growth from 2015 through 2045. Though projected to be the second-most populated jurisdiction in the region with a population of just over 1,200,000, the Forecast results project growth at a relatively low rate in the County, including a regional population growth of 28.5 percent, household growth of 32.2 percent, and employment growth of 35.2 percent, with the majority of population growth focused along and near interstate areas. The County is projected to rank third in growth, with an estimated 208,100 additional residents by 2045, an increase of 20.5 percent from 2015. Regarding employment, the County is projected to be third in the region with 158,593 additional jobs in 2045, an increase of 30.5 percent from 2015.

There followed extensive Board discussion with questions to staff.

***8. Olney Theatre Center, Site Plan Amendment No. 82001022A**---Request to build a 3,393 square foot addition to the existing Mulitz-Gudelsky Theatre Lab, located at 2001 Olney-Sandy Spring Road, approximately 60 feet west of Doctor Bird Road, PCC zone, 10.6 acres, 2005 Olney Master Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 4-0

Nay:

Other: FANI-GONZÁLEZ TEMPORARILY ABSENT

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

In keeping with the March 13 technical staff report, Planning Department staff offered a multi-media presentation and discussed a proposed Site Plan Amendment request to build a 3,393 square-foot addition to the existing Mulitz-Gudelsky Theatre Lab, located on a 10.6-acre site on Olney-Sandy Spring Road, approximately 60 feet west of Doctor Bird Road in the Olney Master Plan area. Staff noted that a Notice of Violation (NOV) was issued by Montgomery County Department of Permitting Services on March 12, 2020, listing some discrepancies between the phasing plan in the Site Plan Enforcement Agreement and the Certified Site Plan and as-built conditions, including the parking lot configuration, the number of light fixtures and their location, and the failure to install landscaping.

Staff also noted that the property is accessible from MD 108 via three separate entrances. The eastern most access point is accessible from westbound MD 108 and is predominately used to access the rear parking lots. The central or main entrance and exit are at the signalized intersection of MD 108 and Doctor Bird Road. This main access point connects to the rear parking lots and drive-aisle in front of the main building entrance. The third access point is only accessible from westbound MD 108 and connects to the front parking lot and drive aisle. The property contains existing forest in a Category I Conservation Easement parallel to the northeast and northwest property boundary that provides a vegetated buffer between the parking lot and the existing residential area to the north. As part of the proposed addition, the exterior of the building will be updated by replacing the existing vinyl siding with fiber cement board and the existing roofline will be modified to incorporate the addition. An additional 1,205 square feet of site work, i.e. land disturbance, is required along the perimeter of the addition in order to regrade and install sidewalks connecting the building entrances to the existing sidewalk and courtyard to the west.

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***8. Olney Theatre Center, Site Plan Amendment No. 82001022A**CONTINUED

existing roofline will be modified to incorporate the addition. An additional 1,205 square feet of site work, i.e. land disturbance, is required along the perimeter of the addition in order to regrade and install sidewalks connecting the building entrances to the existing sidewalk and courtyard to the west.

Staff further added that along the frontage of the property on Olney-Sandy Spring Road and west of Doctor Bird Road, there is an existing shared use path, consistent with the 2018 Bicycle Master Plan recommendations. Along the frontage of the site to the east of Doctor Bird Road, the Bicycle Master Plan recommends a 10-foot wide shared use path, which is currently unbuilt. These improvements will be requested as part of any future application for the property that will generate trips, present any impact to the transportation network or if a site plan is submitted under the current Zoning Ordinance, which requires finding master plan compliance as part of the Site Plan approval.

Ms. Heather Dlhopsky, attorney for the applicant, introduced Mr. Daniel Park of Soltesz, Mr. Dennis Blackledge and Ms. Debbie Ellinghaus of Olney Theatre Center, members of the applicant's team, offered brief comments and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff and Ms. Dlhopsky.

***9. MR2020006: PSSM at Black Rock**

A. Preliminary/Final Forest Conservation Plan MR2020006 - Preliminary/Final Forest Conservation Plan filed by Montgomery County Department of Technology Services to construct a 250-foot self-support tower at 17410 Black Rock Rd in Germantown. This tower is part of the County’s Public Safety System Modernization (PSSM) Project to provide adequate radio coverage in several areas in the County where the new base stations are sited and designed to provide complete and effective coverage according to a ‘95/95’ coverage mandate: 95% coverage reliability in 95% of the County service area.

Staff Recommendation: Approval with Conditions

B. Mandatory Referral MR2020006 - Mandatory Referral filed by Montgomery County Department of Technology Services to construct a 250-foot self-support tower at 17410 Black Rock Rd in Germantown. This tower is part of the County’s Public Safety System Modernization (PSSM) Project to provide adequate radio coverage in several areas in the County where the new base stations are sited and designed to provide complete and effective coverage according to a ‘95/95’ coverage mandate: 95% coverage reliability in 95% of the County service area.

Staff Recommendation: Staff Recommends Approval of the Mandatory Referral with Comments to be Transmitted to Montgomery County Department of Technology Services

BOARD ACTION

Motion: **A. CICHY/VERMA**
 B. CICHY/VERMA

Vote:
 Yea: **A & B. 4-0**

Nay:

Other: **FANI-GONZÁLEZ ABSTAINED**

Action: **A. Approved staff recommendation for approval of the Preliminary/Final Forest Conservation Plan, subject to conditions, as stated in the attached adopted Resolution.**

B. Approved staff recommendation for approval to transmit comments to Montgomery County Department of Technology Services, as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed a Mandatory Referral request and the associated Preliminary/Final Forest Conservation Plan (PFFCP) filed by Montgomery County Department of Technology Services (MCDTS), to construct a 250-foot

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9. MR2020006: PSSM at Black Rock*A. Preliminary/Final Forest Conservation Plan MR2020006 & B. Mandatory Referral MR2020006**CONTINUED

self-support tower on Black Rock Road in Germantown. This tower is part of the County's Public Safety System Modernization (PSSM) project to provide adequate radio coverage in several areas of the County where the new base stations are sited and designed to provide complete and effective coverage according to a '95/95' coverage mandate, i.e., 95 percent coverage reliability in 95 percent of the County service area. Staff noted that the Public Safety Systems Modernization (PSSM) Program will replace the older communications systems with a new system that supports the County's public safety agencies and personnel to protect the lives and ensure the safety of the public. The PSSM Program is a multi-department/agency, multi-year \$110M capital project.

Staff added that the request for the construction of a new PSSM radio communications tower requires the Mandatory Referral review process under the Montgomery County Planning Department Uniform Standards for Mandatory Referral Review. State law requires all federal, state, and local governments and public utilities to submit proposed projects for a Mandatory Referral review and approval by the Commission. The law requires the Montgomery County Planning Board to review and approve the proposed location, character, grade and extent of any road, park, public way or ground, including federal, public building or structure, or public utility prior to the project being located, constructed or authorized. Staff also noted that the property is hilly from the outer edges to the center of the property where there is an existing farm pond and wetlands. There are two forest stands totaling about 3.38 acres along the western edge of the property of the site. There is a stream that flows into the farm pond and exits to the southwest. The site is actively farmed and generally undeveloped with an existing house and some agricultural outbuildings.

Staff also briefly discussed the Forest Conservation Plan (FCP) and noted that the FCP proposes no forest clearing and no forest retention. The net tract area covered by the request, for purposes of Chapter 22A of the Forest Conservation Law, is 1.14 acres, and 15.29 acres will remain in agriculture and is exempt from forest conservation requirements. The proposed request will generate a 0.23-acre planting requirement which MCDTS proposes to meet through Mitigation Credit in an offsite forest conservation bank.

Staff noted that Mr. Gerry Adcock and Ms. Judy Miller of MCDTS; Ms. Tessia Knight of Network Building; Mr. Don Millner of Motorola Developer for DTS; and Captain Dallas Lipp of Montgomery County Fire and Rescue Service-Technical Operations, are also attending the meeting via teleconference, and are available to answer questions from the Planning Board.

There followed a brief Board discussion with questions to staff.

***10. Kiddie Academy Preliminary Plan Amendment 12001077A---CR-1.5 C-1.0 R-1.5 H-60 T, 0.59 acres, Request to convert the existing structure from a veterinary hospital to a childcare center for up to 191 children. Associated changes include proposed vehicular access within a 20-foot ROW alley, conversion of public use space to private use, changes to onsite parking, stormwater management and landscaping; located on Sligo Avenue, 100 feet northeast of Fenton Street; within the 2000 Silver Spring CBD Sector Plan Area.**

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: CICHY/FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

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

Planning Department staff offered a multi-media presentation and discussed a Preliminary Plan Amendment request to convert an existing structure from a veterinary hospital to a childcare center for up to 191 children. The daycare center will provide a needed service to the immediate community and will serve as a facilitator to neighborhood interaction, which will undoubtedly create opportunities for social connections. Furthermore, the upgraded streetscape, and offsite open space will add to the fabric of the civic spaces of the Sector Plan area. The associated changes include proposed vehicular access within a 20-foot Right-of-Way alley, conversion of public use space to private use, changes to onsite parking, stormwater management and landscaping. Staff noted that, as discussed in detail in the March 16 technical staff report, the 0.59-acre property is located at 811 Sligo Avenue, 100 feet northeast of Fenton Street in the Silver Spring Central Business District (CBD). The property is adjacent to, but not within, the Fenton Overlay Zone that is immediately west of the site boundary and is adjacent to the Sligo Artspace project currently under construction on the former location of the Silver Spring Police Station. The frontage area includes onsite public open space streetscape adjacent to the Right-of-Way.

Staff also added that the property contains no environmentally sensitive features however, there is general landscaping and trees on the site, and one specimen tree located along the alley near the property. The site has an approved Special Exception (CBA case S-2469) for the current veterinary use, which will need to be abandoned prior to the issuance of a building

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***10. Kiddie Academy Preliminary Plan Amendment 12001077A**CONTINUED

permit. This application is subject to Chapter 22A of the Montgomery County Forest Conservation Law but is exempt from the requirement to submit a Forest Conservation Plan. However, there is one specimen tree located offsite that will be removed by the work to modify the alley as required by this application. The removal of this specimen tree, which is a 36-inch American Elm, triggers the tree save plan provision of the Forest Conservation Law under 22A-6(b), and requires the approval of a tree save plan, which may require tree preservation or mitigation for loss of individual trees. Staff recommends mitigation for the loss be provided via the planting of four three-inch caliper native canopy trees. As stated in condition of approval no. 9.b. of this Preliminary Plan Amendment, these plantings may occur in a combination of locations: offsite, and/or elsewhere within the Silver Spring CBD, as approved by staff.

Ms. Pat Harris, attorney representing the applicant, offered comments and concurred with the staff recommendation. Ms. Harris added that members of the applicant's team are also present to answer any questions from the Planning Board.

There followed extensive Board discussion with questions to staff and Ms. Harris.

11. Silver Spring Downtown Plan – Scope of Work---The Silver Spring Downtown Plan is an update to the 2000 Silver Spring CBD Sector Plan. Present Scope of Work.

Staff Recommendation: Approve Scope of Work and Plan Boundary

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Action: By consensus approved the Silver Spring Downtown Plan Scope of Work and the Plan Boundary, discussed at the meeting including comments and recommendations provided to staff.

Planning Department staff offered a multi-media presentation and discussed the Silver Spring Downtown Plan Scope of Work. Staff noted that this is an update to the 2000 Silver Spring Central Business District (CBD) Sector Plan. Staff noted that Downtown Silver Spring is a vibrant area that is defined by its unique diversity. Its revitalization over the last 20 years has resulted in an economic and retail center that draws consumers for a variety of local and ethnically diverse food and drink venues, many of them found along Georgia Avenue and in Fenton Village. In the last decade, numerous high-rise apartment buildings have sprung up, adding over 4,000 housing units to the downtown Silver Spring area. There are several changes coming to Silver Spring in the future. The Purple Line is already under construction and will position Silver Spring as a key node on the east-west light-rail network, with two stops in the downtown area and another just outside. In addition, the region is facing a housing shortage, particularly affordable housing, and there will be a lot of pressure to look at new opportunities in downtown Silver Spring, which is home to many diverse groups. The planning team will work hard to engage all communities to ensure that everyone has an opportunity to fully participate in the sector plan process. This Plan will guide future growth in Silver Spring and its recommendations will be built on the engagement of the entire community.

Staff added that the 2000 *Silver Spring CBD Sector Plan* established a planning framework for downtown Silver Spring and a great number of planning and urban design initiatives, discussed in great detail in the March 19 technical staff report, have helped to guide the development of downtown Silver Spring. In addition, the *Bicycle Master Plan* was adopted in 2018 with a vision for a safe and connected bicycle network across the County. In 2018 Montgomery Parks approved the *Energized Public Spaces Functional Master Plan*. This document used downtown Silver Spring as a test area, but issues a county-wide, data-based approach to understanding the open space assets of the County, both public and private, and how well those spaces are serving the needs of the County. This Functional Master Plan will guide the public space recommendations of the Sector Plan but will not supersede them.

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11. Silver Spring Downtown Plan – Scope of WorkCONTINUED

Staff further added that in recent years, the County Council and the Planning Board have approved and adopted a number of sector plans for communities surrounding downtown Silver Spring: 2013 Long Branch Sector Plan; 2017 Greater Lyttonsville Sector Plan; and 2020 Forest Glen/Montgomery Hills Sector Plan, which will inform in particular the analyses conducted on the study area. This scope of work establishes a plan boundary that defines the limits of the planning effort and the site-specific recommendations. The plan boundary for the 2000 *Silver Spring CBD Sector Plan* followed the CBD boundary that was established in the 1993 *Silver Spring Central Business District Sector Plan*. The current plan will largely follow the same boundary as the 2000 plan. The plan area will be approximately 386 acres, with a resident population of approximately 11,500. Planning staff is recommending an adjustment of the plan boundary on the south side of Wayne Avenue between Fenton Avenue and Cedar Street. Currently the CBD boundary crosses through a recently completed building. In addition, there are two adjacent parcels owned by the Church of St. Michael the Archangel that are currently outside the Central Business District. The church owns parcels on both sides of Wayne Avenue, but the northern parcels are inside the boundary, while the southern parcels are not. The church has requested that all of their parcels on Wayne Avenue be included in the plan. The southern parcels are currently included in the *East Silver Spring Master Plan*.

As part of the analysis, a study area has been identified that captures the surrounding neighborhoods and major entrance roads and will be used for broader demographic and traffic analysis, as well as community engagement. As downtown Silver Spring is a retail and commercial destination for the surrounding area, the study area will encompass the neighborhoods to the north, east and west of downtown Silver Spring, and is based on the area covered by the Silver Spring Regional Services Center. The neighborhoods to the south and southwest are in Washington, DC, which is outside the purview of the Planning Department. However, the team is planning to coordinate with both the DC Office of Planning and the City of Takoma Park as part of the engagement process so that all surrounding neighborhood will be considered.

There followed extensive Board discussion with questions to staff.

12. ELP Bethesda at Rock Spring

A. ELP Bethesda at Rock Spring, Local Map Amendment No. H-135: Request to rezone the property from CR-1.5, C-0.75, R-0.75, H-150 to CRF-1.5, C-0.75, R-1.5, H-150 for a Continuing Care Retirement Community with up to 1300 independent dwelling units, 210 assisted living/memory care units, 50 skilled nursing units, and up to 15,000 square feet of commercial space; located at 10400 Fernwood Drive, Bethesda; on approximately 33.64 acres within the 2018 Rock Spring Sector Plan area.

Staff Recommendation: Recommend Approval with Comments to the Hearing Examiner
(NOTE: Action required for Hearing by the Hearing Examiner on April 17, 2020)

***B. ELP Bethesda at Rock Spring, Preliminary Forest Conservation Plan No. H-135:** Request for construction of a Continuing Care Retirement Community with up to 1300 independent dwelling units, 210 assisted living/memory care units, 50 skilled nursing units, and up to 15,000 square feet of commercial space; located at 10400 Fernwood Drive, Bethesda; CR-1.5, C-0.75, R-0.75, H-150 Zone; on approximately 33.64 acres within the 2018 Rock Spring Sector Plan area.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: **A. FANI-GONZÁLEZ/CICHY**
 B. FANI-GONZÁLEZ/CICHY

Vote:
Yea: **A. & B. 5-0**

Nay:

Other:

Action: **A. Approved staff recommendation for approval of the Local Map Amendment cited above, subject to conditions, and to transmit comments to the Hearing Examiner, as stated in the attached transmittal letter.**

B. Approved staff recommendation for approval of the Preliminary Forest Conservation Plan, subject to conditions, and adopted the attached Resolution.

Planning Department staff offered a multi-media presentation and discussed a proposed Local Map Amendment request and the associated Preliminary Forest Conservation Plan (PFCP) for the ELP Bethesda at Rock Spring project. The request is to rezone the property for the construction of a Continuing Care Retirement Community with up to 1,300 independent dwelling units, 210 assisted living/memory care units, 50 skilled nursing units, and up to 15,000 square feet of commercial space on a 33.64-acre property located on Fernwood Drive in Bethesda within the Rock Spring Sector Plan area. Staff noted that the property is improved with

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12. ELP Bethesda at Rock Spring**A. ELP Bethesda at Rock Spring -- Local Map Amendment No. H-135 & Preliminary Forest Conservation Plan**CONTINUED

the 775,000-square-foot Marriott headquarters office building located towards the center of the site and a three-level curvilinear structured parking garage located on the western side of the property. Large surface parking lots cover much of the site between the parking garage and the office building and along Fernwood Road. The property contains approximately 2,718 vehicle parking spaces. A gravel road that transitions to dirt is located between the garage and the western property line, along I-270. The applicant plans to demolish the existing office building and redevelop the property with a Continuing Care Retirement Community (CCRC). The proposed CCRC will include up to 1,300 independent dwelling units, 160-210 assisted living/memory care units, and 30-50 skilled nursing units. The facility will employ approximately 650 full-time staff. In addition to the residential units, a total of approximately 100,000 to 130,000 square feet of amenity space will be provided within the CCRC including food service, recreation areas, exercise rooms, and medical support space. In response to a staff request, the applicant has included 5,000 to 15,000 square feet of commercial space to help activate the Fernwood Road property frontage, with the final location to be determined at subsequent regulatory approvals.

Staff further added that the property Fernwood Road frontage will be improved with a 10-foot wide protected bike lane and a seven-foot-wide sidewalk consistent with the 2019 Urban Design Guidelines for Rock Spring & White Flint 2 Sector Plans. Staff will require the applicant to provide consistent streetscape improvements along Fernwood Road between the southern terminus of the property and Democracy Boulevard. Future consideration is necessary for pedestrian and bicycle facilities at the property three proposed access points. Internal sidewalks and pedestrian facilities will be determined through the development review process.

Staff also discussed the PFCP, noting that the applicant is requesting a variance for 35 trees, but staff recommends approving a variance for only four trees with the PFCP, due to the conceptual nature of the Floating Zone Plan. The applicant must submit a new variance request for the remainder of the trees proposed for impact or removal at the time of the Final Forest Conservation Plan.

Ms. Patricia Harris, attorney representing the applicant, introduced Mr. Steve Montgomery, and Mr. Scott Templin of Erickson Living, Ms. Trini Rodriguez of Parker Rodriguez, Inc. Ms. Keely Lauretti and Mr. Tim Hoffman of Soltesz also present, briefly discussed the proposed request and concurred with the staff recommendation.

Mr. Steve Montgomery offered a multi-media presentation and answered questions from the Planning Board.

There followed a brief Board discussion with questions to staff and Ms. Harris.

13. Shady Grove Sector Plan Minor Master Plan Amendment – Briefing and Approval

Staff Recommendation: Approve the Working Draft of the Shady Grove Sector Plan Minor Master Plan Amendment as the Public Hearing Draft and Set the Public Hearing Date for May 14, 2020

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to approve the Working Draft of the Shady Grove Master Plan Minor Master Plan Amendment as the Public Hearing Draft and to set the Public Hearing date for May 14, 2020.

Planning Department staff offered a multi-media presentation and discussed a proposed Minor Master Plan Amendment for the Shady Grove Sector Plan. Staff noted that the Working Draft of the Shady Grove Sector Plan Minor Master Plan Amendment is an amendment to the approved and adopted 2006 Shady Grove Sector Plan. Staff is requesting Planning Board approval of the Plan Amendment and to set the Public Hearing date for May 14, 2020. Staff discussed the land use and zoning recommendations, noting that the Shady Grove Sector Plan area is within the broader Derwood community that consists of predominately residential neighborhoods. The 2006 Sector Plan recommended retaining the integrity of the existing residential communities while providing some opportunities to enhance residential areas with new sidewalks and bikeways. A significant portion of Derwood is within the Upper Rock Creek Master Plan area. Existing residential neighborhoods are located primarily in the northern and southeastern portions of the Plan area. Mill Creek South, Founders Mill, Parkside Estates, and Redland Station are some of the residential neighborhoods, which are north and south of the Intercounty Connector (MD 200), respectively. Derwood Station, which is east of Crabbs Branch Way, is adjacent to Crabbs Branch Stream Valley Park and the Upper Rock Creek Master Plan area. A variety of public facilities, including Blueberry Hill Local Park, Redland Local Park, Washington Grove Conservation Park, and Shady Grove Middle School provide recreational and educational opportunities within the Plan area. Mill Creek Stream Valley Park, which is located north and south of MD 200, provides additional recreational and trail opportunities for residents.

Staff added that the 2014 Zoning Ordinance update renamed Special Exception uses as Conditional uses. Conditional uses are land uses that are permitted in residential and non-residential zones if specific conditions are met. Division 3.1 of the Ordinance identifies all

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13. Shady Grove Sector Plan Minor Master Plan Amendment – Briefing and ApprovalCONTINUED

Conditional uses, which are typically approved by the Hearing Examiner. The 2006 Sector Plan supported “special exceptions for housing, particularly senior, assisted living, and other special needs housing” in the Plan area. This Sector Plan also endorses specialty housing that contributes to diversifying the existing and future housing inventory in the Plan area. This Plan recommends: support independent living for seniors, residential care, and other specialty housing that is compatible with existing residential development and avoid the concentration of similar conditional uses within residential neighborhoods.

Staff further added that the Sector Plan Amendment is primarily organized by a series of neighborhoods, which are in proximity to the Metro Stations. These neighborhoods serve as the focal point of the land use recommendations in the Sector Plan. Beyond the Metro area neighborhoods, the Plan also includes recommendations for a transition area between the higher densities and intensity of land uses near the Metro Station to the existing low-density residential communities. The Sector Plan also includes recommendations for key properties along Shady Grove Road and in the Upper Mill Creek area. While established residential neighborhoods, such as Redland and Deerwood Stations, office and industrial properties are retained, technical zoning corrections and minor modifications are recommended to comply with the 2014 Zoning Ordinance and better align with existing conditions. Specific land use, urban design and open space guidance are provided for properties where redevelopment is anticipated during the life of the Sector Plan.

Staff then briefly discussed the Urban Design Framework, the land use opportunities, as well as Parks and Open Spaces, Public Facilities, Historic Resources, and Environmental Sustainability in the Sector Plan area.

Staff also briefed the Board on the recommended public benefits of the Plan.

Mr. Lawrence Smith of CLW Real Estate Group at Cork Tree Lane in Rockville, offered testimony.

There followed extensive Board discussion with questions to staff.

Following comments on environmental sustainability by the Chair and Commissioners, Planning Department Director Gwen Wright and staff noted that a worksession will be scheduled for further and more in-depth discussion of this matter.