



**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, April 30, 2020, at 9:02 a.m., and adjourned at 1:51 p.m.

Present were Chair Casey Anderson and Commissioners Gerald R. Cichy, Tina Patterson, and Partap Verma.

Vice Chair Natali Fani-González was necessarily absent

Items 1 through 4 are reported on the attached agenda.

The Board recessed at 10:57 a.m. and convened in Closed Session at 11:04 a.m. to take up Items 7 and 6, Closed Session Items.

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 11:04 a.m. via teleconference on motion of Commissioner Cichy, seconded by Commissioner Verma, with Chair Anderson and Commissioners Cichy, Patterson, and Verma voting in favor of the motion, and Vice Chair Fani-González absent. The meeting was closed under authority of Annotated Code of Maryland §3-305(b)(13), to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter; and §3-305(b)(7), to consult with counsel to obtain legal advice.

Also present for the meeting were Acting Principal Counsel Matt Mills of the Legal Department; Planning Department Director Gwen Wright; and James Parsons of the Commissioners' Office.

In Closed Session the Board approved the Planning Board Meeting Minutes of December 19, 2019, January 23, and March 5, 12, and 26, 2020; and received briefing and legal advice regarding the proposed RCCG Jesus House Preliminary Plan request.

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

The Board reconvened via video conference at 11:23 a.m.

Item 5 is reported on the attached agenda.

MCPB, 4-30-20, APPROVED

There being no further business, the meeting was adjourned at 1:51 p.m. The next regular meeting of the Planning Board will be held on Thursday, May 7, 2020, via video conference.

James J. Parsons  
Sr. Technical Writer/Editor

**Montgomery County Planning Board Meeting**  
**Thursday, April 30, 2020**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600

**1. Consent Agenda**

**\*A. Adoption of Resolutions**

1. Battery Lane District Preliminary Plan 120190240 - MCPB No. 20-033

**BOARD ACTION**

**Motion:** CICHY/VERMA

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** FANI-GONZÁLEZ ABSENT

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

**\*B. Record Plats**

**Subdivision Plat No. 220100940 - 220100990, Bennett Knolls**

RC zone; 28 lots, 13 parcels; located in the northeast quadrant of the intersection of Georgia Avenue (MD 97) and Bordly Drive; Olney Master Plan.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:** CICHY/VERMA

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** FANI-GONZÁLEZ ABSENT

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

**\*C. Other Consent Items****1. 7900 Wisconsin Avenue**

**A. Project Plan Amendment No. 92012003A**---CR 5.0 C 5.0 R 5.0 H 175', 1.07 acres, Request to Reduce public use space from 10,953 square feet to 10,323 square feet; Located on Wisconsin Avenue between Wisconsin Avenue and Woodmont Avenue; 2017 Bethesda Downtown Sector Plan.

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

**B. Site Plan Amendment No. 82013017A**---CR 5.0 C 5.0 R 5.0 H 175', 1.07 acres, Request to decrease residential units from 450 to 322 units, maintaining 15% MPDUs; decrease non-residential uses from 21,630 square feet to 21,600 square feet; reduce public use space from 11,329 square feet to 10,323 square feet; modify building footprint, stormwater, landscape and hardscape elements; minor changes to building elevations; reduce parking from 445 to 340 spaces; and make minor adjustments to streetscape elements within public right of way; Located on Wisconsin Avenue between Wisconsin Avenue and Woodmont Avenue; 2017 Bethesda Downtown Sector Plan.

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

**2. Downtown Silver Spring**

**A. Project Plan Amendment No. 91998005C, Extension Request No. 3**---CBD-0.5, CBD-1, CBD-2, CBD R-2, 22.5 acres, Request to extend review period from April 30, 2020 to June 25, 2020; located within the blocks bounded by Colesville Road, Georgia Avenue, Cedar Street, and Wayne Avenue; Silver Spring CBD Sector Plan.

*Staff Recommendation: Approval of Extension*

**B. Site Plan Amendment No. 81999002M, Extension Request No. 2**---CBD-0.5, CBD-1, CBD-2, CBD R-2, 22.5 acres, Request to extend review period from April 30, 2020 to June 25, 2020; located within the blocks bounded by Colesville Road, Georgia Avenue, Cedar Street, and Wayne Avenue; Silver Spring CBD Sector Plan.

*Staff Recommendation: Approval of Extension*

**3. 809 Easley Street, Preliminary Plan No. 120200010, Extension Request No. 3**---CRN 0.5 C 0.5 R 0.25 H35 zone, 0.17 acres, Request to extend review period from May 14, 2020 to July 30, 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*

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**\*C. Other Consent Items**

CONTINUED

**4. Dowden’s Station: Site Plan Amendment No. 82016006C**---Amendment to revise the construction trigger in Planning Board Condition 17b of the MCPB Resolution No. 16-107 dated October 20, 2016; 24.37 acres; PD-4 Zone; 1994 Clarksburg Master Plan & Hyattstown Special Study Area.

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

**5. Freeman Property: Administrative Subdivision Plan No. 620190140, Regulatory Review Extension Request No. 2**---Request to extend the regulatory review period for 3 months until July 31, 2020; an Application to create two lots; on Sugarland Road 1,200 feet northeast of Sugarland Lane; 7.65 acres; R-200 Zone; 1980 Agricultural and Rural Open Space Master Plan.

*Staff Recommendation: Approval of Extension Request*

**6. Cedar Ridge Community Solar, Site Plan No. 820200040 – Regulatory Review Extension Request No. 2**---Request to extend the regulatory review period by 3 months, from April 30, 2020 until July 30, 2020; Application to install a solar field, 2420 Spencerville Road, on the north side of Spencerville Road, opposite of Thompson Road, RC zone & RE-1 zone, 62.71 acres, 1997 Cloverly Master Plan.

*Staff Recommendation: Approval of the Extension*

**7. Rosewood Manor Estates, Preliminary Plan Amendment No. 12006102A – Regulatory Review Extension Request No. 3**---Request to extend the regulatory review period by 3 months, from April 30, 2020 until July 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 of the Extension*

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**\*C. Other Consent Items**

CONTINUED

**8. Key Bridge Estates, Preliminary Plan 120190170, Regulatory Extension Request No. 3---** Request to extend the regulatory review period from ~~March 2, 2020~~ May 2, 2020 to June 4, 2020 ~~May 2, 2020~~; to create six residential lots and one outlot; located at 1415 Smith Village Road, approximately 1500 feet east of Randolph Road, on approximately 2.17 acres of land zoned R-90; within the 1997 White Oak Master Plan area.

*Staff Recommendation: Approval of the Extension Request*

**BOARD ACTION**

**Motion: 1. through 8. CICHY/VERMA**

**Vote:**

**Yea: 1. through 8. 4-0**

**Nay:**

**Other: FANI-GONZÁLEZ ABSENT**

**Action: 1A. Approved staff recommendation for approval of the Project Plan Amendment cited above, subject to conditions, and adopted the attached Resolution.**

**1B. & 4. Approved staff recommendation for approval of the Site Plan Amendments cited above, subject to conditions, and adopted the attached Resolution.**

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

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

**3. & 8. Approved staff recommendation for approval of the Preliminary Plan Extension request cited above.**

**5. Approved staff recommendation for approval of the Administrative Subdivision Plan Extension request cited above.**

**6. Approved staff recommendation for approval of the Site Plan Extension request cited above.**

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

**\*D. Approval of Minutes**

Planning Board Meeting Minutes of April 16, 2020

**BOARD ACTION**

**Motion: CICHY/VERMA**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: FANI-GONZÁLEZ ABSENT**

**Action: Approved Planning Board Meeting Minutes of April 16, 2020, as submitted.**



**2. Roundtable Discussion**

- ~~Planning~~ Parks Director's Report

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received briefing.**

**Parks Department Director’s Report** – Parks Department Director Mike Riley briefed the Board on the following ongoing and upcoming Parks Department events and activities: the recent presentation of the Spring 2020 Semi-Annual Report to the County Council, which focused on the effects of the ongoing pandemic on Parks operations, the ongoing weekend closings of Sligo Creek Parkway, Little Falls Parkway, and Beach Drive to vehicular traffic, the online Explore from Home program, progress on the Vision Zero program, recently implemented crosswalk safety measures, recent urban park acquisitions, the pending opening of the Maydale Nature Center, the continued progress on the Matthew Henson Museum, and ongoing park refresher projects; the status of the recent County Council FY21 Parks Capital Budget wrap-up meeting, during which the Council approved additional funds for Level of Effort projects for trails and the Vision Zero program; the status of the Parks Department FY21 Operating Budget, which the County Council discussed at their April 28 meeting and approved an FY21 Continuity of Services budget; the recent Parks Department Award of Excellence in the Best Practices category from the American Planning Association and National Association of County Planners for their work on the Energized Public Spaces Functional Master Plan and analysis tool; the status of ongoing labor negotiations with the Municipal and County Government Employee Organization (MCGEO) and Fraternal Order of Police (FOP); and an upcoming senior management team meeting scheduled for May 1 to discuss Governor Larry Hogan’s Maryland Strong: Roadmap to Recovery plan.

There followed a brief Board discussion.

**\*3. 7340 Wisconsin Avenue, Sketch Plan 320200010**---CR-5.0 C-5.0 R-4.75 H-250 and Bethesda Overlay zones, 0.42 acres. Request for up to 315,500 square feet for a senior residential facility with residential and nonresidential uses. Including up to 311,000 square feet of residential use and up to 4,500 square feet ground-floor retail, with up to 142,475 square feet of BOZ density and associated PIP; located at the northwest quadrant of the intersection of Wisconsin Avenue and Hampden Lane.; Bethesda Downtown Sector Plan.

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

**BOARD ACTION**

**Motion: CICHY/VERMA**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: FANI-GONZÁLEZ ABSENT**

**Action: Approved staff recommendation for approval of the Sketch 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 Sketch Plan request to redevelop a property into a mixed-use building. The 0.42-acre property is located on the northwest quadrant of the intersection of Wisconsin Avenue (MD355) and Hampden Lane and is zoned Commercial/Residential (CR) in the Downtown Bethesda Sector Plan area, the Bethesda Overlay Zone (BOZ), and the Bethesda Parking Lot District. The site is currently developed with a former gas station that has been vacant for several years.

Staff noted that the applicant proposes to redevelop the property by demolishing the gas station and replacing it with a new 250-foot tall mixed-use building for up to 315,500 square feet of development, including 311,000 square feet of residential development associated with senior housing, including independent living, assisted living, and memory care, and 4,500 square feet of commercial use. The proposed project includes 15 percent Moderately Priced Dwelling Units (MPDUs) and a future allocation of up to 146,779 square feet density from the BOZ, which along with the associated Park Impact Payment (PIP), will be determined at Site Plan review. All vehicular access is proposed from Hampden Lane, with the applicant eliminating all existing access points on both Montgomery Lane and MD355. Staff noted that they will continue to work with the applicant during subsequent Preliminary and Site Plan-reviews to further refine the Hampden Lane access point to minimize pedestrian and vehicular conflicts near the MD355 intersection.

Staff then discussed minor corrections to the conditions of approval.

Mr. Bob Harris, attorney representing the applicant, offered comments and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff.

**4. Corridor Forward: The I-270 Transit Plan Scope of Work**

*Staff Recommendation: Approval of the “Corridor Forward: The I-270 Transit Plan” Scope of Work*

**BOARD ACTION**

**Motion: CICHY/VERMA**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: FANI-GONZÁLEZ ABSENT**

**Action: Approved staff recommendation for approval of the Scope of Work cited above.**

Planning Department staff offered a multi-media presentation and discussed the Scope of Work for the proposed I-270 Transit Plan. According to staff, the Plan, identified as Corridor Forward, will provide County decisionmakers with an opportunity to assess and prioritize transit options for the I-270 Corridor through the vision of the forthcoming General Plan Update. As the Planning Department’s first transit-focused plan for the I-270 Corridor, which is the County’s main north-south corridor, the purpose of Corridor Forward is to help the County understand the costs and benefits of potential transit investments between the City of Frederick in Frederick County, Maryland, and Tysons in Northern Virginia. The Plan area also encompasses 40 major centers of activity, such as Clarksburg, Germantown, the Great Seneca Life Sciences Center, White Flint, Bethesda, as well as activity centers in jurisdictions beyond County borders.

Staff noted that the Maryland Department of Transportation/State Highway Administration (MDOT/SHA) is currently conducting National Environmental Policy Act (NEPA) and Pre-NEPA efforts for two separate managed lanes projects on I-495 and I-270, both of which are intended to improve accessibility for automobile users between points in Frederick and the Virginia state line by providing managed lanes where users can elect to carpool or pay for shorter travel times. The County also has several County Council-approved plans that recommend high-quality transit along the I-270 Corridor, including Bus Rapid Transit (BRT) service along Rockville Pike (MD355), the Corridor Cities Transitway (CCT) and the North Bethesda Transitway; a third rail for the MARC Brunswick Line; and new MARC stations in White Flint and Shady Grove. Transit advocates have also proposed other solutions, such as a monorail system, an extension of the Purple Line into Northern Virginia and an extension of the Washington Metropolitan Area Transit Authority (WMATA) Red Line north from Shady Grove. Because the County cannot realistically fund and operate all of these transit opportunities, and

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**4. Corridor Forward: The I-270 Transit Plan Scope of Work**CONTINUED

because as of today, there is no plan that strategically prioritizes which options have the most merit. The proposed Plan will prioritize transit opportunities to ensure resources are directed to the projects that best satisfy the County's strategic environmental, equity, and economic goals.

Following review and Planning Board approval of the Scope of Work for the Plan, the next steps for the Corridor Forward Plan include outreach and engagement activities, such as meetings with jurisdictional and agency partners. A kick-off meeting is tentatively scheduled for summer 2020, the format of which will be determined based on needs related to the COVID-19 pandemic. Additional plans include targeted advertising, updates and meetings with representative citizen and advocacy groups and regional stakeholders throughout the County; an online educational content series, and survey to solicit feedback; continued Planning Board briefings; development of up to fifteen transit alternatives for study; assessment of the potential stops and stop typologies for the study alternatives; development of evaluation metrics; development of an evaluation methodology to assess metric outputs; development of a prioritization methodology and recommendations; and a General Implementation Plan for priority alternatives. The final steps are Planning Board review and approval of the draft Plan, transmittal to the County Executive and County Council, and County Council review and approval.

There followed extensive Board discussion with questions to staff, during which the Board instructed staff to use the proposed Plan to explore and address the efficiency of current local bus service routes and stops; to coordinate with other stakeholders, such as the National Association for Industrial and Office Parks (NAIOP) and the Maryland Building Industry Association (MBIA); to consider including Washington, DC, and other job centers near the Plan area; and to define best project criteria in future presentations.

**7. CLOSED SESSION**

According to MD ANN Code, General Provisions Article, §3-305(b)(13), to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.

**The topic to be discussed is the approval of Closed Session Minutes**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**6. CLOSED SESSION**

According to MD ANN Code, General Provisions Article, §3-305(b)(7) consult with counsel to obtain legal advice.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**5. Remand from the Circuit Court for Montgomery County: RCCG Jesus House, Preliminary Plan No. 120160040**---Request to create one (1) lot from three (3) un-platted parcels for a 1600 seat religious assembly and 350 student private school; located along the west side of New Hampshire Avenue/MD650 approximately 0.15 miles south of the New Hampshire Avenue/MD650 and Spencerville Road/MD198 intersection; 15.55 acres; RE-2 zone; 1997 Cloverly Master Plan.

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion:** CICHY/VERMA

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** FANI-GONZÁLEZ ABSENT

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

Following brief introductory comments from Legal Counsel to the Planning Board, during which Counsel explained that this hearing would focus solely on the accuracy of the calculation regarding the theoretical amount of forest that should be set aside for a septic system, Planning Department staff offered a multi-media presentation and discussed a Preliminary Plan request to create one lot from three un-platted parcels for a 1,600-seat religious assembly and a 350-student private school with a non-commercial kitchen and no weekday daycare facilities. The 15.55-acre property is located along the west side of New Hampshire Avenue (MD650), approximately 0.15 miles south of the intersection of MD650 and Spencerville Road (MD198) and is zoned Residential Estate (RE-2) in the Cloverly Master Plan area. The property is currently improved with a detached single-family residential structure, several sheds, and two driveways accessing MD650. The property is located in the Northwest Branch Watershed and contains 10 acres of forest, as well as numerous large trees located in the northeastern corner of the property and along the property boundaries. An existing Category I Conservation Easement abuts the property on the north side. Staff noted that the County Council approved a water/sewer category change in 1999 that requires the applicant to preserve the area of forest that would have been removed for a septic system. The adopted County Council resolution also requires that the proposed low-pressure sewer main extension be dedicated for use only by the church, and that the church pay all costs associated with the extension of public sewer service.

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**5. Remand from the Circuit Court for Montgomery County: RCCG Jesus House, Preliminary Plan No. 120160040**CONTINUED

Staff offered background information, noting that the Planning Board originally heard this application in March 2017. At that time, the Board found that the proposed subdivision met all the required legal findings in the Subdivision Regulations as well as the current Master Plan. After the Planning Board approved the application, the Concerned Citizens of Cloverly filed an appeal with the Circuit Court for Montgomery County, which ultimately upheld the Planning Board decision. The Concerned Citizens of Cloverly then appealed to the Court of Special Appeals of Maryland, which reversed the Circuit Court and the Planning Board decisions. The Court of Special Appeals ruled that the Planning Board committed an error of law by failing to determine if the application met the conditions of the 1999 water/sewer category change. The Circuit Court has since remanded the matter to the Planning Board for the limited purpose of the Board making an independent determination as to whether or not the conditions of the water/sewer category change have been met by the Preliminary Plan application.

Staff added that to confirm compliance with the County Council water/sewer category change resolution, staff, Montgomery County Department of Environmental Protection (DEP), and Montgomery County Department of Permitting Services (DPS) required the applicant to submit theoretical wastewater calculations for the church and the private school to determine how much area would be required for a septic system to service the highest daily wastewater generator operating on different days. The results of this analysis were confirmed by the DPS Well and Septic Section, who determined that the private school is the highest wastewater generator and would require a septic field of 4.82 acres if a septic system were to be constructed. Thus, preservation of 4.82 acres of forest would satisfy the conditions of the sewer category change resolution. A Category I Forest Conservation easement and the covenant required by the sewer category resolution will permanently preserve an additional 1.04 acres of forest beyond the 4.82 acres, for a total of 5.86 acres. An additional 3.64 acres of off-site forest conservation will be satisfied by purchasing credits from an approved forest mitigation bank.

Staff has received numerous letters in opposition to the project expressing concerns regarding the County Council approval of the water/sewer category change, the septic design as related to on-site forest preservation, the use of a mathematical versus a site specific approach to achieve compliance, the proposed uses for the site, and the uses proposed for the non-commercial kitchen, all of which was addressed in the April 17 technical staff report.

Staff then briefly discussed a minor revision to Condition of Approval 12 of the accompanying Resolution.

The following speakers offered testimony: Ms. Kathleen Hastings of Soapstone Lane; Mr. Richard Klein representing the Cloverly Civic Association; Mr. David Brown, attorney representing the Concerned Citizens of Cloverly; Mr. Michael Grodin, adjacent property owner, who also offered a multi-media presentation; Ms. Renee Chen of Windmill Lane, who also

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**5. Remand from the Circuit Court for Montgomery County: RCCG Jesus House, Preliminary Plan No. 120160040**

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offered a multi-media presentation; Ms. Michele Albornoz of Snider Lane, who also offered a multi-media presentation; Mr. Eliezer Livay of Rutherford Road, who also offered a multi-media presentation; and Ms. Patricia Thomas of Holly Grove Road.

Mr. Mark Etheridge, from DPS Water Resources Plan Review Section, offered comments.

Ms. Heidi Benham, from DPS Well and Septic Section, also offered comments regarding the calculation of the size of the site's theoretic septic field and projected water usage and answered questions from the Board.

Ms. Erin Girard, attorney representing the applicant, offered comments regarding the concerns expressed by Mr. Brown and neighboring property owners regarding the proposed non-commercial kitchen, the calculation of the site's theoretic septic field, and the uses and activities proposed for the site, and concurred with the staff recommendation.

Mr. Alan Soukup of DEP offered comments and answered questions from the Board.

Pastor Ghandi Olaoye, offered comments on behalf of Jesus House.

There followed extensive Board discussion with questions to staff.