



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, June 18, 2020, at 9:02 a.m., and adjourned at 5:15 p.m.

Present were Chair Casey Anderson, Vice Chair Natali Fani-González, and Commissioners Gerald R. Cichy and Partap Verma. Commissioner Tina Patterson joined the meeting at 10:38 a.m. during discussion of Item 5.

Items 1 through 6 are reported on the attached agenda.

The Board recessed for lunch at 12:24 p.m. and reconvened via video conference at 1:00 p.m.

Items 7 and 8 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 5:15 p.m. The next regular meeting of the Planning Board will be held on Thursday, June 25, 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, June 18, 2020
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Resolutions submitted for adoption.

***B. Record Plats**

Subdivision Plat No. 220200410, North Bethesda Office Center East -- CR zone; 2 parcels; located immediately southeast of the intersection of Nicholson Lane and Huff Court; White Flint Sector Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 4-0

Nay:

Other: PATTERSON ABSENT

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

***C. Other Consent Items**

1. Long Branch Corner, Preliminary Plan No. 120180090, Extension Request No. 7---CRT 2.5 C 0.5 R 2.5 H 60 zone, 0.67 acres, Seventh request to extend review from June 30, 2020 to December 31, 2020, for one lot for up to 3,428 square feet of new non-residential development in addition to the existing 3,714 square feet of non-residential development, which will remain on the Site. The Application includes a waiver of the required number of parking spaces; located at the northwest quadrant of the intersection with University Boulevard East and Piney Branch Road; 2013 Approved and Adopted Long Branch Sector Plan.

Staff Recommendation: Approval of Extension

2. Radwick Lane

A. Preliminary Plan 120200150, Regulatory Extension Request No. 2---Request to extend the regulatory review period from July 9, 2020 to September 3, 2020; request for ten lots and various HOA parcels for ten detached single-family homes; located on Radwick Lane 1,500 feet south of the intersection of Radwick Lane and Norbeck Road, Aspen Hill; on approximately 5.8 acres of land zoned R-200; within the 1994 Aspen Hill Master Plan area.

Staff Recommendation: Approval of the Extension Request

B. Site Plan 820200120, Regulatory Extension Request No. 2---Request to extend the regulatory review period from July 9, 2020 to September 3, 2020; request for ten lots and various HOA parcels for ten detached single-family homes; located on Radwick Lane 1,500 feet south of the intersection of Radwick Lane and Norbeck Road, Aspen Hill; on approximately 5.8 acres of land zoned R-200; within the 1994 Aspen Hill Master Plan area.

Staff Recommendation: Approval of the Extension Request

3. Administrative Subdivision No. 620200010, 20035 New Hampshire Avenue - Regulatory Review Extension Request No. 1---Request to extend the regulatory review period from March 25, 2020 to September 23, 2020: Application to create one lot for a one detached single-family home; located at 20035 New Hampshire Avenue; 3.61 acres; RC Zone; 2005 Olney Master Plan.

Staff Recommendation: Approval of the Extension

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***C. Other Consent Items**

CONTINUED

4. Adoption of Corrected Resolution for Collection I: Site Plan 82001021H

BOARD ACTION

Motion: 1. through 4. CICHY/VERMA

Vote:

Yea: 1. through 4. 4-0

Nay:

Other: PATTERSON ABSENT

Action: 1. & 2A. Approved staff recommendation for approval of the Preliminary Plan Extension requests cited above.

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

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

4. Adopted the corrected Resolution cited above, as submitted.

***D. Approval of Minutes**

Planning Board Meeting Minutes of June 4, 2020

BOARD ACTION

Motion: VERMA/CICHY

Vote:

Yea: 4-0

Nay:

Other: PATTERSON ABSENT

Action: Approved Planning Board Meeting Minutes of June 4, 2020.

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 Board on the following ongoing and upcoming Planning Department events and activities: status of LGBTQ Pride Month events, including a webinar on LGBTQ inclusion scheduled for June 22, a webinar on community connectedness for LGBTQ youth and seniors scheduled for June 26, and ongoing work by Historic Preservation Division, Maryland Historical Trust, and Preservation Maryland staff on a thematic study of LGBTQ historic sites throughout the State; the status of upcoming Veirs Mill Corridor Master Plan area pedestrian improvements along Veirs Mill Road, including traffic signals in design at the North Drive and the Andrew Street intersections, sidewalk improvements, and pedestrian treatments to eliminate left turns from Norris Drive and Galt Avenue towards Wheaton; and the status of ongoing work by Planning Department, Parks Department, and Montgomery County Department of Transportation (MCDOT) staff on the Shared Streets initiative, with a staff briefing next week at a joint meeting of the County Council Planning, Housing, and Economic Development (PHED) and Transportation & Environment (T&E) Committees.

Planning Department staff then offered a multi-media presentation and briefly discussed the online, interactive Pedestrian Shortcut Map, which will help track informal pedestrian connections as part of the County’s first Pedestrian Master Plan to make walking safer, more comfortable, convenient, and accessible for pedestrians. The map is also part of an effort to better understand informal pedestrian connections and where they exist in the County, and will supplement a map of pedestrian conditions, including existing trails, sidewalks, and crossings as part of the Pedestrian Level of Comfort Analysis. To date, staff has received over 400 online submissions, totaling 36 miles of new formally mapped pedestrian connections.

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

3. Presentation of Annual Land Use Report to MDP---As per the requirements established by State legislation, each local jurisdiction must submit an annual land use report to the Maryland Department of Planning (MDP). The objective of this request is to monitor growth statewide and to determine if State smart growth policies are having beneficial or unanticipated effects. This report for Calendar Year 2019 is the tenth such report prepared by the Montgomery County Planning Department for Board approval of transmission to the County Council President and the State of Maryland Department of Planning.

Staff Recommendation: Approve Report and Transmit to County Council President and the Director of the State Department of Planning

BOARD ACTION

Motion: VERMA/CICHY

Vote:

Yea: 4-0

Nay:

Other: PATTERSON ABSENT

Action: Approved staff recommendation for approval of the Annual Land Use Report and transmittal to the County Council President and the Director of the State of Maryland Department of Planning, as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed the Maryland Department of Planning (MDP) Local Jurisdiction 2019 Annual Land Use Report. Under the Maryland Smart and Sustainable Growth Act of 2009, 39 municipalities and 17 counties, including Montgomery County, are required to complete a land use questionnaire regarding growth related to changes in development patterns, measures and indicators, agricultural land preservation, local land use percentage goals, development capacity analysis, and Adequate Public Facilities Ordinance (APFO) restrictions; and submit the results, as well as maps and planning data, to MDP. The information submitted is collected from various sources, including zoning and subdivision approval data from the Planning Department’s Hansen plan tracking system and Parcel file, permitting records from digital links to Montgomery County Department of Permitting Services (DPS) systems, school Capital Improvements Program (CIP) and APFO information from Montgomery County Public Schools (MCPS), and from other County Geographic Information System (GIS) data layers. The information is then utilized to monitor State Smart Growth policies and determine if those policies are having beneficial or unanticipated effects, particularly in the County’s Targeted Growth and Priority Funding Areas.

Staff added that following Planning Board approval, the report will be submitted to MDP and the County Council no later than July 1. MDP staff will then upload the data for growth and development analysis.

There followed a brief Board discussion.

***4. 7272 Wisconsin Avenue**

A. Preliminary Plan No. 12016038A, 7272 Wisconsin Avenue---CR 8.0 C 7.5 R 7.5 H 290 and Bethesda Overlay zones, 2.69 acres, Request for 937,184 square feet of development for up to 456 multi-family dwelling units, including a minimum of 12.5 percent MPDUs, up to 360,800 square feet of office uses, and up to 14,572 square feet of retail uses; Up to 80 market-rate multifamily dwelling units within the maximum 456 dwelling units may be short-term rentals; located at the southwest quadrant of the intersection with Wisconsin Avenue and Elm Street, 2017 Bethesda Downtown Sector Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

B. Site Plan No. 82016020B, 7272 Wisconsin Avenue---CR 8.0 C 7.5 R 7.5 H 290 and Bethesda Overlay zones, 2.69 acres, Request for 937,184 square feet of development for up to 456 multi-family dwelling units, including a minimum of 12.5 percent MPDUs, up to 360,800 square feet of office uses, and up to 14,572 square feet of retail uses; Up to 80 market-rate multifamily dwelling units within the maximum 456 dwelling units may be short-term rentals; located at the southwest quadrant of the intersection with Wisconsin Avenue and Elm Street, 2017 Bethesda Downtown Sector Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: A. & B. FANI-GONZÁLEZ/CICHY

Vote:

Yea: A. & B. 4-0

Nay:

Other: PATTERSON ABSTAINED

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

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

Planning Department staff offered a multi-media presentation and discussed proposed Limited Preliminary Plan and Limited Site Plan Amendment requests to reduce the number of multi-family units and allow short-term rental units for a previously approved development. The 2.69-acre property, formerly the site of the Apex Building, is located on the southwest quadrant of the intersection of Wisconsin Avenue and Elm Street and is zoned Commercial/Residential and Bethesda Overlay Zone (BOZ) in the Bethesda Downtown Sector Plan area. According to staff, the site is currently under construction for a 23-story building comprised of three separate towers with up to 937,184 square feet of total development, including up to 360,800 square feet

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***4. 7272 Wisconsin Avenue**CONTINUED

of office uses, 14,572 square feet of retail/restaurant uses, and up to 480 multi-family dwelling units, including 12.5 percent Moderately Priced Dwelling Units (MPDUs), and the future Bethesda Purple Line Station. The first phase of construction is anticipated to be completed in fall 2020.

Staff noted that the applicant proposes to reduce the maximum number of dwelling units, from 480 to 456 for a maximum of up to 561,812 square feet of residential use, and is requesting the option to convert up to 80 of the remaining multi-family dwelling units for use as hotel units to provide flexibility in response to market demand for variable-term rentals, which may include periods of less than 30 days. The short-term rental units will be substantially similar to the traditional multi-family residential units within the building and are anticipated to be converted back to traditional multi-family residential units at an as yet undetermined date in the future. If the applicant does not elect to exercise the option of up to 80 hotel units, the project will remain subject to the findings set forth in the current approved Preliminary and Site Plan Amendments, including a minimum of 57 units, or 12.5 percent, MPDUs. If the applicant elects to exercise the option of up to 80 hotel units, the project will be subject to the findings of the Limited Amendments under review today, including a minimum 15 percent MPDUs.

Staff has received one letter expressing concerns regarding a possible decrease in affordable housing, a decrease in residential housing supply, and the proposed project consistency with short-term rental legislation. Staff has addressed these issues, as detailed in the June 5 technical staff report.

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

There followed a brief Board discussion.

Following an initial vote of 4-0, on motion of Commissioner Cichy, seconded by Vice Chair Fani-González, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy and Verma voting in favor, and Commissioner Patterson absent, where no specific mention of the adoption of the attached two Resolutions was made, Legal Counsel to the Planning Board requested that the Board revote on this Item, specifically stating the adoption of the two Resolutions. The Board actions cited above reflect the second round of vote, which took place following discussion of Item 5.

***5. Downtown Silver Spring**

A. Project Plan Amendment 91998005C---CBD-0.5; CBD-1; CBD-2; CBD; R-2 zone; 22.5 acres. Request to amend previously approved Project Plan to increase public use space by 10,242 square feet, from 268,758 square feet to 279,000 square feet; located within the blocks bounded by Colesville Road, Georgia Avenue, Cedar Street, and Wayne Avenue. Silver Spring Sector Plan.

Staff Recommendation: Approval with Conditions

B. Site Plan Amendment 81999002M---CBD-0.5; CBD-1; CBD-2; CBD; R-2 zone; 22.5 acres. Request to amend previously approved Site Plan to redesign and increase public use space by 10,242 square feet, from 268,758 square feet to 279,000 square feet, restrict Ellsworth Drive access for non-essential vehicles, reduce parking by 11 spaces, decommission previously approved public art and install new public art, and update data table to reflect past amendments; located within the blocks bounded by Colesville Road, Georgia Avenue, Cedar Street, and Wayne Avenue; Silver Spring Sector Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: A. & B. VERMA/CICHY

Vote:

Yea: A. & B. 3-0

Nay:

Other: A. & B. FANI-GONZÁLEZ & PATTERSON ABSTAINED

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

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

Planning Department staff offered a multi-media presentation and discussed proposed Project and Site Plan Amendments to redesign and increase approved public use space, restrict vehicular access on an adjacent street, reduce approved parking spaces, decommission approved public art and install new public art, and update the approved data table. The 1.75-acre project site limits, the subject of the Amendments under review today, which cover only the portion of the development along Ellsworth Drive between Georgia Avenue (MD97) and Fenton Street, are part of a larger 22.5-acre site located on the eastern quadrant of the intersection of MD97 and Colesville Road (US29) and Zoned Central Business District (CBD) in the Silver Spring CBD

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***5. Downtown Silver Spring**CONTINUED

Sector Plan area. The larger site is currently developed with office, retail, hotel, and residential uses as well as the Silver Spring Civic Building. The limits of the Amendments are almost entirely outside of the existing building footprints and limited to the surface parking lot and landscaped island at the intersection of MD97 and US29, and the public use space interior to the site fronting on Ellsworth Drive, including the existing public and private right-of-way (ROW) along Ellsworth Drive between MD97 and Fenton Street. The area at the intersection of MD97 and US29 is under a historical easement for the Silver Spring Shopping Center and is developed as a surface parking lot containing 20 parking spaces with a landscaped island containing a monument sign marking the Downtown Silver Spring development. The interior public use space is developed as a plaza surrounded by two-story retail, restaurant, and service establishments, and several public art features. Ellsworth Drive runs through the public plaza, and while it is composed of both public and private ROW, the street is generally closed to vehicular traffic and is utilized as a pedestrian thoroughfare that is often used for Farmers Markets and other outdoor events. Staff then briefly discussed previous approvals, noting that in 1998 and 1999, Planning Board approved Project, Preliminary, and Site Plans for the construction of a 1,175,935 square feet of retail, office, entertainment, restaurant, hotel and housing uses and 354,023 square feet of public amenities over 22.5 acres, broken into five blocks.

Staff noted that the applicant proposes to redesign and enhance the existing public plaza fronting on Ellsworth Drive and the corner of MD97 and US29 by abandoning the ROW and permanently restricting non-essential vehicular movement along Ellsworth Drive, increasing available public use space by 10,242 square feet, reducing parking at the corner of MD97 and US29 and along Ellsworth Drive from 33 spaces to 22 spaces to allow temporary café seating, installing new public art, and decommissioning three existing public art pieces. The proposed redesign of the public plaza includes removal of the existing public art mosaic tile fountain, hardscape, a stairwell with translucent panels, and an exterior elevator located within the existing plaza space. The elevator and stairwell will be relocated in a more compact design directly adjacent to the existing building façade. Other improvements include new hardscape, various forms of public seating, two new tree pits, a water feature, either a digital or scrim projection screen, and a seating element that can transition from dispersed individual seating into a stage for various public events and concerts. Synthetic turf will be installed over a portion of the existing asphalt on Ellsworth Drive. Staff noted that the proposal would not expand any existing building footprint or approved density for any elements of the previously approved Site Plan. Staff then briefly discussed a minor correction to Site Plan Amendment condition 7d.

Staff has received numerous letters expressing concerns regarding the proposed installation of synthetic turf, removal of the existing mosaic tile fountain, reduced bicycle access on Ellsworth Drive, and abandonment of the Ellsworth Drive public ROW. Staff has addressed each of these issues, as detailed in the June 8 technical staff report.

The following speakers offered testimony: Mr. Dan Reed of Hartford Avenue; Mr. Eric Rasch, Operations Manager for the Silver Spring Civic Building; Mr. Sheldon Fishman

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***5. Downtown Silver Spring**

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representing the Safe Healthy Playing Fields Coalition, who offered a multi-media presentation; Ms. Amanda Farber of Kentucky Avenue, who also offered a multi-media presentation; Ms. Kathleen Michels representing the Safe Healthy Playing Fields Coalition; Ms. Kit Gage representing the Friends of Sligo Creek; Ms. Anne Vorce of Bennington Drive; and Ms. Roberta Steinman of Fairview Road.

Ms. Barbara Sears, attorney representing the applicant, offered comments and concurred with the staff recommendation.

Messrs. Bryant Foulger and Don Hoover, members of the applicant's team, offered a multi-media presentation, discussed the project elements, addressed concerns regarding the proposed installation of artificial turf that were expressed during testimony, and answered questions from the Planning Board.

There followed extensive Board discussion with questions to staff and Messrs. Foulger and Hoover, during which Vice Chair Fani-González expressed concern regarding the safety of the proposed synthetic turf and made a motion to approve a modified plan that does not include its installation. No second was made to her motion, though Commissioner Cichy recommended that the condition and maintenance of the synthetic turf be closely monitored.

***6. Metro Tower, Limited Site Plan Amendment No. 82019011A---CR 5.0 C 5. R 4.75 H** 250 and Bethesda Overlay zones, 0.57 acres, Request to modify the design of the below-grade parking garage to provide up to 75 additional parking spaces within one-and-a-half additional below grade levels. No changes to density, height, or exterior building design are proposed. Located on the west side of Wisconsin Avenue between Elm Street and Hampden Lane; Bethesda Downtown Sector Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: CICHY/PATTERSON

Vote:

Yea: 5-0

Nay:

Other:

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

Planning Department staff offered a multi-media presentation and discussed a proposed Site Plan Amendment request to modify the design of a previously approved below-grade parking garage. The 1.08-acre property is located on the northwest quadrant of the intersection of Wisconsin Avenue (MD355) and Elm Street and is zoned Commercial/Residential and Bethesda Overlay Zone (BOZ) in the Bethesda Downtown Sector Plan area and the Willett Branch watershed, which is a tributary to the Little Falls Branch Stream. The site is currently developed with a five-story commercial building and structured underground parking.

Staff noted that the applicant proposes to increase the number of parking spaces from an approved maximum of 160 to 233, modify the Minimum Parking public benefit category to reflect the increase in parking spaces, and update the data table and public benefit points accordingly. Although the proposed increase of up to 73 additional parking spaces will inversely reduce the Minimum Parking public benefit points and decrease the overall public benefit points, the project will still be above the minimum requirement. The increased parking will be accommodated within one-and-a-half additional below-grade levels. No changes to density, height, or exterior building design are proposed.

Ms. Mary Beth Avedesian, member of the applicant’s team, offered comments and requested that the associated Resolution be adopted no later than ~~the~~ June 25, the date of the next Planning Board hearing.

Staff added that the associated Resolution is currently scheduled to be presented to the Board for adoption at next week’s hearing.

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

7. Shady Grove Sector Plan Minor Master Plan Amendment Worksession No. 1: Land Use Analysis-Metro Neighborhoods

Staff Recommendation: Discussion and Provide Direction to Staff

BOARD ACTION**Motion:****Vote:****Yea:****Nay:****Other:**

Action: Received Briefing Followed by Board Discussion and Provided Guidance to Staff.

Planning Department staff offered a multi-media presentation and discussed an overview of the land use framework for the Shady Grove Sector Plan Minor Master Plan Amendment, highlighting the Metro Neighborhoods. Staff discussed the land use recommendations for the Sector Plan Metro Neighborhoods in the context of other transit station areas in the County and discussed options for adjustments to the zoning as requested by the Planning Board at the March 26, 2020 meeting. The purpose of this worksession is to provide the Planning Board with the context for the land use and zoning recommendations in the Public Hearing Draft Plan as well as discuss options for adjustments to the land use and zoning recommendations, focusing on the Metro Neighborhoods.

Staff noted that the Metro Neighborhoods, which include Metro West, Metro South, Old Derwood and WMATA North serve as the core of the Sector Plan area and are primarily located within a half-mile from the Shady Grove Metrorail Station. Much of the Plan's proposed new development is anticipated within these neighborhoods. The Metro West neighborhood is located west of the Metro Station and is envisioned as the most intensively developed portion of the Sector Plan area. This neighborhood, which is approximately 30 acres in size, has the highest recommended heights and densities. In addition to the existing Metrorail Station, this area will also be served by additional transit in the future, including the MD 355 Bus Rapid Transit (BRT) and the Corridor Cities Transitway (CCT). The City of Rockville has annexed two properties in this neighborhood, including the Bainbridge Shady Grove residential development and the former Silverwood /CarMax property. This Sector Plan Amendment increases the potential for new transit-oriented development, beyond the potential envisioned in the 2006 Shady Grove Sector Plan by providing additional height, density and development flexibility for properties in this neighborhood, including the Metro surface parking lot. The Metro parking lot and the

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7. Shady Grove Sector Plan Minor Master Plan Amendment Worksession No. 1: Land Use Analysis-Metro NeighborhoodsCONTINUED

adjacent Somerville property offer the best long-term opportunities for significant development in this neighborhood, which is reflected in the land use and zoning recommendations for these properties. The key recommendations for this neighborhood include a) mixed-use development with building heights up to 200 feet at the Metro and the Somerville property; a minimum one-acre Civic Green on the Metro property; and new streets that could accommodate the future BRT and CCT.

Staff then noted that the Metro South neighborhood is located south of Redland Road, between Frederick Road (MD 355) and the CSX/Metrorail tracks. There are 16 properties in this neighborhood with a variety of property owners. The vacant 4.85-acre property at Redland Road and Somerville Drive has significant redevelopment potential and the Sector Plan recommends additional density and height to promote redevelopment of this site. In addition to the site's proximity to the Metro Station, the proposed MD 355 BRT will also serve the site along Redland Road to the Metro Station. A key recommendation for the Metro South neighborhood is a flexible approach to the street network that permits greater flexibility than the 2006 Sector Plan recommended network. The proposed street network introduces options, such as public streets or linear open spaces, to provide multiple ways to navigate the area. More flexibility is desired because this neighborhood has more than 10 different property owners, and new development will occur over several years and in phases by property owners.

Staff further added that the Old Derwood neighborhood, which dates to the 1800s, constitutes the oldest part of the Sector Plan area with a combination of residential development as well as institutional uses, including the Derwood Bible Church, a Pepco substation, and the State Vehicle Emissions Inspection Program (VEIP). Located east of the CSX rail tracks, south of Redland Road and west of Crabbs Branch Way, Old Derwood has missing sidewalks and streetscapes on some streets that reflect the historic nature of the area. There are a variety of zones in this neighborhood, including R-90 and R-200. This Plan Amendment, similar to the 2006 Sector Plan, recommends new zones for promoting future residential development in this neighborhood. In addition, this Sector Plan recommends changing some single-family zoned properties in the R-200 zone to either the R-90 or R-60 zones since these properties do not meet lot sizes for the R-200 zone. Additional zoning changes are made in this neighborhood to remove the Planned Figure 9: Key Old Derwood Properties Development (PD) Zone, which cannot be confirmed per the 2014 Zoning Ordinance. The historic preservation and reuse of the Derwood Store and Post Office, located at the intersection of Chieftain Avenue and Derwood Road, is a key recommendation for this neighborhood. Historic preservation staff will address this property at a future worksession in July.

Staff then discussed the WMATA-North neighborhood, noting that this neighborhood is composed of a variety of transit facilities, including two structured parking garages and three

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7. Shady Grove Sector Plan Minor Master Plan Amendment Worksession No. 1: Land Use Analysis-Metro NeighborhoodsCONTINUED

surface parking areas consisting of approximately 4,800 parking spaces. Located south of the Shady Grove Station, Westside development, this approximately 24-acre WMATA owned-property has several Ride-On and Maryland Transportation Authority (MDTA) bus bays, along with a Kiss-N-Ride area. A stream on this property bisects the northern parking areas from the smaller southern parking areas. This Plan Amendment recommends rezoning this property from a Commercial Residential Town (CRT) zone to a Commercial Residential (CR) zone with increased density and height to promote intense mixed-use development at the Metrorail Station. The Plan Amendment further recommends consolidation of access points into existing WMATA garages to facility redevelopment of taller buildings, which could screen the existing parking garage.

Staff also added that the proposed upcoming worksession are as follows: July 9 - Historic Preservation- Derwood Store and Post Office; and July 23 - Land Use- Shady Grove Station Westside and Jeremiah Park and other key properties.

There followed extensive Board discussion with questions to staff, during which the Board provided guidance to staff regarding recommendations on the zoning of some of the properties.

8. 2020-2024 Subdivision Staging Policy (SSP)/County Growth Policy: Worksession # 1 – Schools Element---The Planning Board will hold a work session on recommendations for the 2020 update to the county’s Subdivision Staging Policy and related infrastructure funding mechanisms.

Staff Recommendation: Planning Board Discussion

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received Briefing followed by Board Discussion.

Planning Department staff offered a multi-media presentation and discussed the Schools Element of the 2020-2024 Subdivision Staging Policy (SSP)/County Growth Policy. Staff noted that the current SSP defines adequacy for public school facilities from the perspective of facility utilization. Each year, the Planning Department receives projected enrollment and capacity data from Montgomery County Public Schools (MCPS) to conduct an Annual Schools Test that determines whether a school or cluster will have adequate seat capacity five years in the future. The results, once adopted by the Planning Board in June, indicate which school or cluster service areas will be in residential moratorium, a temporary halt to the approval of new residential projects in the areas determined to be over school capacity for the upcoming fiscal year. MCPS enrollment has been increasing steadily since the mid-1980s, and the growth pattern has been particularly strong since 2008. According to MCPS, the enrollment growth in recent years can mainly be attributed to high kindergarten capture rates and entry of students from outside the system.

Staff noted that the key objectives of the County Growth Policy school elements are shifting the focus of the policy from limiting growth in areas with inadequate school infrastructure, which has had limited effectiveness in addressing school capacity issues, to ensuring the adequacy of school infrastructure to help achieve desired patterns and types of growth; being adaptable to the different growth contexts and desired growth patterns within the county; and supporting other county policy priorities, such as attainable housing, economic development, and sustainable growth. To achieve the policy shift stated above requires an understanding of the county’s current growth context and trends as presented in Chapter 2 of the report and several of the appendices to this report. Unlike when the Adequate Public Facilities Ordinance (APFO) was first conceived 50 years ago, new development is generally not the greatest burden on school infrastructure adequacy today. Most of the county is experiencing

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8. 2020-2024 Subdivision Staging Policy (SSP)/County Growth Policy: Worksession # 1 – Schools ElementCONTINUED

school enrollment growth due to changing demographics and turnover of existing single-family neighborhoods, that is, families with children buying homes from households without children. Smaller parts of the county with high amounts of development are distinguished by: neighborhoods experiencing redevelopment or infill resulting in multi-family units that do not generate many students on a per unit basis, and neighborhoods still experiencing greenfield development of new single-family units that attract families with school-age children.

Staff also noted that to assist in updating the school elements of the policy, Montgomery Planning formed the Schools Technical Advisory Team (STAT). The STAT was composed of a mix of representatives from community organizations and community members who responded to the Planning Department call for applicants in September 2019. The STAT group met six times during the first five months of the project, with members serving as links between their communities and Montgomery County Planning staff to share knowledge of neighborhoods, diverse perspectives and relevant information. During those meetings, staff prepared data including alternate student generation rates based on neighborhood and parcel attributes that were reviewed with the STAT and used to inform many of the recommendations provided in this update. Graphs highlighting some of these data are provided in Appendix G.

Staff added that the current SSP Schools Element generally treats all areas of the county the same. There is one set of adequacy standards applied countywide and one set of school impact tax rates based on countywide student generation rates. In some situations, the Planning Board has adopted SSP related procedures that deviate from a countywide approach. For instance, to estimate the school enrollment impacts of master plans and development applications, Montgomery Planning utilizes regional student generation rates that are based on aggregations of adjacent school clusters. While these regional rates have demonstrated some differences between three regions of the county, some people contend that the regional classifications are arbitrary and less a predictor of a new housing unit's enrollment impacts than the attributes of the unit, type, size, cost, etc. For this update, staff recommends an approach that groups neighborhoods based on the character of their growth and that growth's impact on schools. This is in contrast to the current countywide approach as well as the regional approach that groups neighborhoods based on their assignment to a school cluster and then their proximity to each other. This new context-sensitive approach assembles neighborhoods into School Impact Areas based on the neighborhood's amount of new and planned housing, the type of new housing, single-family vs. multi-family, and the amount of school enrollment growth.

Staff further added that the current SSP requires the Planning Board to assess school infrastructure adequacy through the Annual School Test no later than July 1 of each year. The test evaluates projected utilization rates at individual schools and across school clusters. When the test indicates that capacity is an issue, the area in question, an individual school or a school cluster, is placed in a residential development moratorium – a temporary halt to new residential projects in a designated area – to limit continued public school enrollment growth resulting from

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8. 2020-2024 Subdivision Staging Policy (SSP)/County Growth Policy: Worksession # 1 – Schools ElementCONTINUED

new housing. The Annual School Test is currently a two-tier test that evaluates the adequacy of 1) cluster capacity at each school level, elementary, middle and high school; and 2) capacity at each individual elementary and middle school. The countywide adequacy standards used to evaluate each cluster and school are based on projected utilization rates five years in the future. The current Subdivision Staging Policy requires the Annual School Test results to report a staging ceiling for each elementary and middle school as well as elementary, middle and high school staging ceilings for each cluster. The staging ceiling identifies the number of additional projected students that would trigger a moratorium in the respective school or cluster. It is against these staging ceilings that a residential development application's enrollment impact is currently evaluated. Many have argued that the current process places too much emphasis on a false level of precision. The enrollment impacts of a development application are based on regional student generation rates that assumes the new project will generate public school students at the average per dwelling unit rate of existing dwelling units in the region. Then those precise numbers, one estimated enrollment impact for each level – elementary, middle and high school, are compared to the staging ceilings that are based on understandably questionable enrollment projections for five years in the future. With that, a decision is made as to whether or not the application meets the school adequacy standards.

Staff then discussed school moratorium and its proposed elimination and stated that under the current SSP, when schools reach 120 percent capacity utilization, the affected area goes into a moratorium, which means the Planning Board cannot approve new residential development. A moratorium generally lasts one year, or until school enrollment drops, school boundaries are changed, or additional classroom space is found or created. Since July 2019, 12 percent of the county's total land area has been placed in a residential development moratorium as a result of the FY 2020 Annual Schools Test. The coverage and impact of this moratorium is considerably higher in the areas of many recently adopted master plans. The areas for the Forest Glen/Montgomery Hills Sector Plan adopted earlier this year, and the Grosvenor-Strathmore Metro Area Minor Master Plan adopted in 2017 are under moratorium. Similarly, the Rock Spring Sector Plan (99 percent of the plan area is in moratorium), the White Flint 2 Sector Plan (77 percent), the Veirs Mill Corridor Master Plan (58 percent), and the Greater Lyttonsville Sector Plan (50 percent) areas have all been significantly impacted by the current moratoria. Some community members favor the idea of a moratorium on the premise that even a small number of additional students can be a burden to overutilized facilities and should be curbed. However, it is important to not lose sight of the county's other policy priorities pertaining to filling its housing supply gap, providing attainable housing and supporting sustainable economic growth in order to remove what might amount to a very small source of school enrollment growth. In preparing the update to this policy, stakeholders raised several other concerns about the SSP use of automatic moratoria, and its particular impact on mixed-use infill development that produces multifamily units that generate very few students per unit.

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Staff then added that in light of the above, staff recommends the new County Growth Policy limit the use of automatic residential development moratoria—those that are established automatically when the Annual School Test determines that a school’s utilization exceeds a particular threshold. Rather than applying automatic moratoria countywide as is currently done, this type of moratoria would apply only to Greenfield Impact Areas. The Greenfield Impact Areas are still experiencing the type of development that originally led to the creation of the Adequate Public Facilities Ordinance in 1973, where the construction of new schools cannot keep pace with rapidly increasing enrollment caused by new development. Between 2013 and 2018, the Greenfield Impact Areas saw a 37.8 percent increase in population, a 40.1 percent increase in housing units, and a 50.7 percent increase in students attending MCPS schools.

Ms. Essie McGuire, Executive Director of MCPS offered comments and answered questions from the Board.

Mr. Bob Harris, attorney from Lerch, Early & Brewer; and Ms. Barbara Sears, attorney from Miles Stock & Bridge offered testimony.

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

Staff concluded the discussion by adding that an additional Planning Board worksession on Schools Element is scheduled for July 25.