



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, January 28, 2021, at 8:59 a.m., and adjourned at 1:38 p.m.

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

The Board recessed at 8:59 a.m. and convened in Closed Session at 9:00 a.m. to take up Item 9, 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 9:00 a.m. via video conference on motion of Commissioner Verma, 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.

Also present for the meeting were Senior Counsel Matthew Mills and Associate General Counsel Delisa Coleman of the Legal Department; and James Parsons of the Commissioners' Office.

In Closed Session, the Board received briefing and legal advice regarding a proposed reconsideration request.

The Closed Session meeting was adjourned at 9:03 a.m.

The Planning Board reconvened via video conference at 9:05 a.m.

Items 1, 10, and Items 3 through 6, discussed in that order, are reported on the attached agenda.

Items 2 and 7 were removed from the Planning Board agenda.

MCPB, 1-28-21, APPROVED

The Planning Board recessed for lunch at 11:34 a.m. and reconvened via video conference at 12:28 p.m.

Item 8 is reported on the attached agenda.

There being no further business, the meeting was adjourned at 1:38 p.m. The next regular meeting of the Planning Board will be held on Thursday, February 4, 2021, 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, January 28, 2021
2425 Reddie Drive
Wheaton, MD 20902
301-495-4605

9. CLOSED SESSION

According to MD ANN Code, General Provisions Article, §3-305(b)(7), to 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.

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**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Record Plats submitted for approval.

***C. Other Consent Items**

1. Carderock Springs, Administrative Subdivision No. 620200140, Regulatory Extension Request No.2---Second request to extend the regulatory review period, from February 2, 2021 to April 2, 2021 to create 2 single-family lots. Located on Osage Lane, NE of the intersection of Tomlinson Avenue and Buxton Terrace; 1990 Bethesda Chevy Chase Master Plan.
Staff Recommendation: Approval of the Extension Request

2. Adoption of Corrected Resolution for Cedar Ridge Community Solar Site Plan 820200040 MCPB No. 20-069

3. Petition to Reconsider Approval of Creekside at Cabin Branch Preliminary Plan No. 120200050

BOARD ACTION

Motion: 1. & 2. CICHY/PATTERSON

Vote:

Yea: 1. & 2. 5-0

Nay:

Other:

Action: 1. Approved staff recommendation for approval of the Administrative Subdivision Plan Extension request cited above.
2. Adopted the corrected Resolution cited above, as submitted.
3. No motion was made to reconsider.

***D. Approval of Minutes**

Planning Board Meeting Minutes of January 14, 2021

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved Planning Board Meeting Minutes of January 14, 2021, as submitted.

2. ~~Roundtable Discussion~~ — **REMOVED**

- Planning Directors Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

10. Senate Bill 88 - State and Local Government---Participation in Federal Immigration Enforcement (Cross-filed as House Bill 304).

BOARD ACTION

Motion: FANI-GONZÁLEZ/PATTERSON

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to support proposed Senate Bill SB 88.

Montgomery County Park Police Chief Darryl McSwain briefed the Planning Board on proposed Senate Bill 88 (SB88), identified as the Trust Act, regarding participation in federal immigration enforcement. As submitted, the Bill proposes that an official from state government or a local government will be immune from criminal and civil liability for refusing to provide information to the federal government or another state that will be used for the creation or maintenance of a registry for the purpose of discriminating against individuals on the basis of religion, race, gender, sexual orientation, immigration status, or national or ethnic origin. Chief McSwain noted that following consultation with General Counsel, respective Commission department heads, and internal leadership, he and Counsel agree with the policies embodied in the Bill, and that its passage would provide benefits that would be useful for sworn personnel.

According to Chief McSwain, the Park Police support the proposed legislation, as it will minimize the chance of county residents, suffering in silence as victim of crime or in need of critical social services, to receive assistance due to the fear of contacting the police and having them report their citizenship status to federal Immigration and Customs Enforcement (ICE); prevent discrimination based on immigration status; establish one conformance standard; and reduce confusion within law enforcement entities and the community. The Chief added that because immigration laws are federal, he and Counsel believe they should be enforced by federal rather than local agencies.

There followed a brief Board discussion.

3. FY22 Resource Conservation Plan and Annual Business Recycling and Waste Reduction Report Presentation---Required annual presentation of the Resource Conservation Plan and Annual Business Recycling and Waste Reduction Reports. The presentation includes recycling, solid waste, energy expenditures, and budgeting forecast.

Staff Recommendation: Approval of Resource Conservation Plan and Annual Business Recycling and Waste Reduction Reports

BOARD ACTION

Motion: CICHY/PATTERSON

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the **FY22 Resource Conservation Plan and Annual Business Recycling and Waste Reduction Report.**

Parks Department staff offered a multi-media presentation and discussed the FY22 Resource Conservation Plan and Annual Business Recycling and Waste Reduction Report for the Departments of Planning and Parks. According to staff, the reports reflect important accomplishments to conserve energy and water resources within the agency. The Resource Conservation Plan will be submitted to the Montgomery County Government for inclusion in the annual combined-agency Resource Conservation Plan document, which is prepared by the Interagency Committee on Energy and Utilities Management (ICEUM). The Annual Business Recycling and Waste Reduction report will be submitted to the Montgomery County Department of Environmental Protection (MCDEP). Staff noted that the reports reflect accomplishments to conserve both energy and water resources as of December 2020 and include plans for FY22 to conserve resources based on the Commission's Comprehensive Resource Conservation Plan.

Staff also reviewed recent changes to, and accomplishments of the recycling and waste reduction program in 2020. Staff added that initiatives and programs implemented across the Departments of Parks and Planning are in alignment with the Commission's Sustainability Practice 6-40.

There followed a brief Board discussion with questions to staff, during which Chair Anderson instructed staff to include cost effectiveness and return on investment figures for new initiatives in future reports.

4. Briefing: County Executive's Recommended FY 21-26 Capital Improvements Program and FY22 Capital Budget for the Department of Parks

Staff Recommendation: Briefing for the Planning Board

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 4-0-1

Nay: PATTERSON

Other:

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

Parks Department staff offered a multi-media presentation and discussed the County Executive's Recommended FY21-26 Capital Improvements Program (CIP) and FY22 Capital Budget, specifically the County Executive's January 15 recommended reductions to the Department's CIP submission of October 30, 2020, which totaled \$227,500,000. According to staff, the County Executive's recommendations include a \$485,000 reduction in FY22 Current Revenue General spending, \$4,441,000 reduction for General Obligation (GO) Bond funded projects in FY23 through FY25, replacing Community Use of Public Facility (CUPF) Funding with GO Bonds in FY21 and FY22, as well as other minor technical adjustments, for a total of \$4,926,000 in additional reductions. Staff noted that the County Executive's approach of identifying reductions by funding source and fiscal year rather than by project places the Parks Department in the position of having to review specific CIP projects for impacts.

Staff then discussed their recommendations to meet these reductions, noting that their approach was to avoid reductions in capital projects that deal with renovations to maintain the park system and reduce deferred maintenance, projects that contribute to public safety, and projects that leverage other funding, such as contributions, state funding, or federal funding. Staff noted that there were some projects with so few GO bonds that they would provide little if any relief. Staff's non-recommended reductions include reducing FY23 through FY25 ballfield initiative spending by \$500,000; delaying Phase II of Blair High School field renovations and lights until FY26 for \$1,500,000 in savings; delaying Legacy Open Space funding into FY26 for \$500,000 in savings in FY23 and FY24 and \$441,000 in FY25; delaying \$250,000 for Wheaton Regional Park improvements from FY24 to FY25; and delaying \$250,000 in GO Bonds for the South Germantown Cricket Field from FY24 to FY25.

Next steps include transmission of Planning Board comments to the County Council, who will begin work on the CIP on February 9, which will continue through March, a County Council Public Hearing to be scheduled in February, and final County Council action on the FY22 Capital Budget and any amendments to the FY21-22 CIP scheduled to take place in May.

There followed extensive Board discussion with questions to staff.

5. Congressional Country Club: Final Forest Conservation Plan Amendment No. CBA 1206---Amendment to construct a Performance Center, modify the Arrival Area of the Clubhouse, and stream stabilization work. The application includes revisions to site grading, limits of disturbance, and forest conservation, resulting in the removal of and mitigation for existing conservation easements and a tree variance request, located at 8500 River Road, in the southeast quadrant of the intersection of River Road and Bradley Blvd., Bethesda; 357.80 acres, RE-2 Zone, 2002 Potomac Subregion Master Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: CICHY/PATTERSON

Vote:

Yea: 5-0

Nay:

Other:

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

Planning Department staff offered a multi-media presentation and discussed a proposed Final Forest Conservation Plan (FFCP) Amendment to construct a performance center, modify the arrival area of an existing clubhouse, and modify previously approved stream stabilization work. The 357.8-acre property, identified as Parcels A and B, is located on the southeast quadrant of the intersection of River Road (MD190) and is split-zoned Residential Estate (RE-2) and Residential in the Potomac Subregion Master Plan area within the Cabin John Creek Watershed. Staff noted that Parcel B is not part of the application under review today. The site is currently developed as the private Congressional Country Club, with Parcel A, the RE-2 portion, located on the northeast side of Persimmon Tree Road and the Residential portion, Parcel B, located on the southwest side. Each parcel contains an 18-hole golf course, with Parcel A also containing maintenance and storage buildings, tennis courts, pools, a club house, and other recreational amenities. A tributary stream to Cabin John Creek enters the property near the northwestern corner and flows in a southeasterly direction along the property boundary before entering a series of ponds that are centrally located on the site. After exiting the ponds, the stream flows in a westerly direction before leaving the property and ultimately joining the mainstem of Cabin John Creek within the nearby Cabin John Stream Valley Park. Parcel A contains existing Category I and II conservation easements, established as part of previous approvals.

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5. Congressional Country Club: Final Forest Conservation Plan Amendment No. CBA 1206CONTINUED

Staff then briefly discussed previous approvals, specifically 2019 and 2020 modifications to Special Exception CBA-1206-G for the construction of a new performance center and modifications to the existing arrival area. Staff added that the application under review today is to amend the FFCP to coincide with those approvals.

Staff noted that the applicant proposes to construct a new performance center/training facility to be located on the northwest corner of the property, fronting the MD190 and Bradley Boulevard intersection, where the existing maintenance and storage facility buildings are located. The proposed project will require the removal of two existing structures and a reorganization of this portion of the maintenance complex resulting in a change to the layout and paved areas and the removal of 0.80 acres from the existing 4.88 acres of onsite Category II Conservation Easement, which will be mitigated for at an offsite location. The proposed modifications to the existing arrival area at the Clubhouse include the reorganization of the golf cart parking area, changes to the vehicular circulation around the center island to facilitate traffic flow, and the addition of five parking spaces to the bag drop-off area, resulting in the realignment of existing landscape islands, updated pedestrian and golf cart circulation, and the removal of 0.27 acres of Category II Conservation Easement, which will also be mitigated for at an offsite location. Also proposed is approximately 500 linear feet of stream restoration to restore and stabilize eroding banks within the stream located on the southern side of the clubhouse, which will require temporary disturbance to an existing Category I Conservation Easement to allow the work to occur. The area will then be stabilized and replanted as needed. In addition to the removal of 1.07 acres of Category II Conservation Easement, the applicant has also submitted variance request to remove eight protected trees and impact, but not remove, three others, which will be mitigated through the onsite planting of eight trees and the purchase of credits at an offsite forest bank.

Staff has received correspondence from neighboring property owners expressing concerns regarding past tree removal violations, pesticide use, mitigation for tree removal, water quality and sediment runoff into a stream that flows under Fenway Road, and stormwater management design. Staff has addressed each of these concerns, as detailed in the January 15 technical staff report.

The following speakers offered testimony: Mr. Jack Orrick representing the Carderock Springs Citizens Association; Ms. Lisa Deyo of Lilly Stone Drive; Ms. Jenny Lockwood of Magruder Mill Court; and Mr. Philip Gray representing Friends of Cabin John Creek.

Mr. Tom Weadon of Montgomery County Department of Permitting Services (DPS) offered comments and answered questions from the Planning Board.

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

Messrs. Peter Wendt and Jim Soltesz, members of the applicant's team, also offered comments.

There followed extensive Board discussion with questions to staff.

***6. Snowdens Manor: Preliminary Plan No. 120200230**---Application to create one lot and two parcels for a 5,000 square foot restaurant use and an associated outdoor seating area; 27,364 square feet (net tract); NR-0.75, H-45 Zone; located approximately 800 feet north of the intersection of New Hampshire Avenue and Briggs Chaney Road; 1997 Cloverly Master Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 5-0

Nay:

Other:

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

Planning Department staff offered a multi-media presentation and discussed a proposed Preliminary Plan request to subdivide a property for restaurant uses. The 28,262-square foot property, consisting of 13,707-square foot Parcel 859, 14,555-square foot Parcel 870, and two offsite residual parcels totaling 2,615 square feet identified as A and B, is located on the west side of New Hampshire Avenue (MD650), approximately 800 feet north of its intersection with Briggs Chaney Road and is zoned Neighborhood Retail (NR) in the Cloverly Master Plan area. The adjoining parcels and offsite parcels are bisected by a stormwater facility owned by the Maryland Department of Transportation/ State Highway Administration (MDOT/SHA). Parcel 859, the northern parcel, shares access with the adjacent property to the north via an existing shared driveway and is improved with an existing single-family detached house along with associated accessory structures. The remaining parcels are undeveloped and do not have vehicular access.

Staff noted that the applicant proposes to create one lot for a 5,000-square foot commercial building, specifically, a restaurant with associated outdoor seating area located in the northeast portion of the property, leaving the offsite portions as residual parcels. A total of 898 square feet from the site will be dedicated to the construction of MD650 right-of-way, reducing the net tract area to 27,364 square feet. Though vehicular access will still be from MD650, the existing shared driveway will be removed and relocated along the southeast corner of the property, providing access to an associated parking area with 21 parking spaces and a total of four short-term bicycle parking spaces located near the entrance. Staff then briefly discussed minor modifications to the Conditions of Approval.

There followed a brief Board discussion with questions to staff.

7. ~~Zoning Text Amendment No. 20-07: R-60 Zone—Uses and Standards—ZTA 20-07~~ would allow owners of R-60 zoned property located within 1 mile of a Metrorail station to build duplexes, townhouses, and multi-family structures within the current R-60 lot coverage, building height, setbacks, minimum lot size, and minimum parking requirements. More flexibility would be allowed for projects constructed on R-60 zoned sites located within ½ mile of a Metrorail Station. Such sites would be excluded from infill lot coverage limits and the minimum parking requirements would be decreased. ---- **REMOVED**

Staff Recommendation: Transmit Comments to County Council
(NOTE: ~~Action required for County Council Public Hearing of February 9, 2021~~)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

8. Thrive Montgomery 2050 Worksession No. 5: Compact Growth: Corridor-Focused Development

Staff Recommendation: Discuss Issues and Provide Direction to Staff

BOARD ACTION**Motion:****Vote:****Yea:****Nay:****Action: Received briefing followed by Board discussion and provided guidance to staff.**

Planning Department staff offered a multi-media presentation and discussed Compact Growth & Corridor-Focused Development, one of the chapters of the Thrive Montgomery 2050 Draft Plan. Staff noted that the worksession will focus primarily on the locations proposed to accommodate future growth and the type of growth proposed. Staff will also summarize the primary themes from the public hearing related to this topic and will then present the proposed compact growth: corridor focused development chapter. Staff then noted that many comments from the public hearing focused on the relationship between the 1964 Plan's Wedges and Corridors concept and the Web of Corridors and Centers envisioned in the public hearing draft. Some speakers requested that the draft plan identify the failures of the 1964 Plan as well as provide additional clarity on the growth concept proposed. Others requested a reaffirmation of the commitment to protect the residential communities in the Wedge, and some requested a recommitment to the original corridor cities. While most of the public testimony was supportive of accommodating growth in the county, a few speakers questioned the basic premise of the need to accommodate 200,000 people in the next few decades. In their view, we should not plan for the projected growth but rather either stop population and housing growth or limit growth to a smaller, more manageable level.

Staff also noted that a great portion of the public testimony was supportive of focusing growth in walkable, transit-oriented communities, but some speakers were skeptical about the idea of compact growth in general and concentrating such growth along transit corridors. due to the existing land uses. Many requested additional information to clarify where growth would be focused, how growth would vary among the urban, suburban and rural portions of the county, and how growth would translate to the existing residential communities and rural areas. Some speakers suggested listing the transit stations where growth would be focused, others asked for a map of the county showing areas where the compact growth is envisioned. Several people suggested that the draft Plan needed to demonstrate more clearly the relationship between future growth expectations and the Agricultural Reserve. Most of these commenters believed that the Agricultural Reserve is facing pressure to allow non-agricultural uses, and that the Plan should provide a strong argument for protecting the Agricultural Reserve to meet the county's goals.

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8. Thrive Montgomery 2050 Worksession No. 5: Compact Growth: Corridor-Focused Development

CONTINUED

Consistent with the housing and transportation chapters reviewed in the last few weeks, this chapter is divided into four sections:

1-What is the problem we are trying to solve? The core issue that Montgomery County faces is that over the past several decades, the county has not used land efficiently, which has resulted in the dispersal of development and infrastructure – or sprawl – and the decline of land available for agriculture, recreation and environmental stewardship.

2-What policies are going to solve this problem? To solve these challenges and maximize the efficiency of land use and public investment, we have identified four broad areas for policy interventions: i) Concentrate growth in centers of activity along corridors through compact infill development and redevelopment to maximize efficient use of land; ii) Promote and prioritize public investment in infrastructure along growth corridors and leverage it to attract future private investment in a compact form; iii) Limit growth beyond corridors to compact, infill development and redevelopment in complete communities to prevent sprawl. Apply principles of urbanism at an appropriate scale along a rural-to-urban transect as outlined in the Complete Communities chapter, and iv) Preserve and enhance the Agricultural Reserve and manage the areas designated within the footprint for a rural pattern of development for the benefit of the entire county.

3-How will these policies further the key objectives of Thrive Montgomery? Compact growth, coupled with the preservation of the Agricultural Reserve, will allow the county to accommodate the anticipated growth in the next 30 year and beyond. If we fail to maximize the efficient use of land and continue to sprawl, we will be unable to accommodate growth in the future. This growth strategy will direct population and employment to locations served by infrastructure, services and amenities and create focused centers of activity which will reduce the cost of infrastructure, deliver more favorable returns on investment – and support the county's economic health. Identifying growth areas in the eastern portion of the county and prioritizing investment in these areas – will ensure that the benefits of growth are more equitably distributed across the county. Focusing investment, infrastructure and services along these corridors will improve access to housing and employment as well as result in a more prosperous and equitable future. Compact, corridor-focused growth together with the reinforcement of the rural pattern outside of the corridors, enhances the county's environmental resilience. By concentrating development in a limited footprint, corridor-centered growth facilitates walking, biking and transit use and reduces emissions from motor vehicles.

4-How will we know we are making progress? Staff has prepared a list of indicators that we can use to determine if the county is making progress in achieving the key objectives of Thrive Montgomery. The list included on this slide – and the next will demonstrate the success of Thrive Montgomery. These indicators include the amount of infill development and redevelopment along major corridors, investment along corridors, increase in environmental performance of buildings and sites.

Planning Department staff also offered a brief preview of the Design, Arts and Culture Chapter, which will be discussed at next week's Planning Board meeting.

There followed extensive Board discussion with questions to staff.