



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, February 25, 2021, at 9:01 a.m., and adjourned at 12:21 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 9:01 a.m. and convened in Closed Session at 9:02 a.m. to take up Item 8, 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 9:02 a.m. via video conference on motion of Vice Chair Fani-González, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor of the motion. The meeting was closed under authority of Annotated Code of Maryland §3-305(b)(7), to consult with counsel to obtain legal advice.

Also present for the meeting were Principal Counsel Emily Vaias, Senior Counsel Matthew Mills, and Associate General Counsel Delisa Coleman of the Legal Department; Director Gwen Wright, Deputy Director Robert Kronenberg, and Elza Hisel-McCoy of the Planning Department; and James Parsons of the Commissioners' Office.

In Closed Session, the Board received briefing and legal advice regarding pending litigation.

The Closed Session meeting was adjourned at 9:31 a.m.

The Planning Board reconvened via video conference at 9:32 a.m.

Items 1 through 6 are reported on the attached agenda.

MCPB, 2-25-21, APPROVED

The Planning Board recessed for lunch at 11:45 a.m. and reconvened via video conference at 12:07 p.m.

Item 7 is reported on the attached agenda.

There being no further business, the meeting was adjourned at 12:21 p.m. The next regular meeting of the Planning Board will be held on Thursday, March 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, February 25, 2021
2425 Reddie Drive
Wheaton, MD 20902
301-495-4605

8. CLOSED SESSION

Pursuant to Section 3-305(b)(7) of the General Provisions Article of the Annotated Code of Maryland – 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**

1. SAR East Village at North Bethesda Gateway Site Plan 82014018A - MCPB No. 21-010
2. Grosvenor Improvements Preliminary Forest Conservation Plan SC2020015 – MCPB No. 21-016

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 5-0

Nay:

Other:

Action: Adopted the Resolutions cited above, as submitted.

***B. Record Plats**

Subdivision Plat No. 220200380, 220200580 - 220200620, 220200640 - 220200650, Amalyn Bethesda – R-90 zone; 171 lots, 46 parcels; located approximately between the northern terminus of Greentree Road and the western terminus of Greyswood Road; North Bethesda / Garrett Park Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 5-0

Nay:

Other:

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

***C. Other Consent Items**

Wheaton Headquarters Lease (Term) Approval (2425 Reddie Drive, Wheaton, MD 20902)
Planning Board approval and County Council approval are required when the lease term exceeds 20 years.

Staff Recommendation: Approve Wheaton Headquarters Lease Agreement Term Between M-NCPPC and Montgomery County

BOARD ACTION

Motion: CICHY/FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the lease term agreement cited above.

***D. Approval of Minutes**

Planning Board Meeting Minutes of February 11, 2021

BOARD ACTION

Motion: CICHY/FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved Planning Board Meeting Minutes of February 11, 2021, as submitted.

2. Roundtable Discussion

- Parks Department 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: a recent Montgomery Parks Foundation (MPF) Board meeting, during which new Board members Devin Ellis, Trish Heffelfinger, Shawn Jenkins, Emory Linder, and Aruna Miller were introduced; the recent completion of the museum at the Josiah Henson Park, with staff planning VIP tours for Planning Board members, MPF Board members, and certain elected officials; the ongoing celebration of Black History Month, with the final Parks Department event, Josiah Henson – Celebrating His Legacy, scheduled for today at 2 p.m.; the recent screening of *Redeeming Uncle Tom – The Josiah Henson Story*, which aired on PBS on February 10; the recent GreenScapes Symposium virtual event held on February 19, which focused on issues such as pollinators and conservation; the status of the Warner Mansion at the Warner Circle Special Park in Chevy Chase, with staff currently in negotiations with a developer to convert the mansion into condominiums, while preserving the grounds as a public park; a recent meeting with the Director of the Montgomery County Office of Management and Budget (OMB) regarding the FY22 Operating Budget, for which the County Executive will release his recommendations on March 15; the status of the new Wheaton Headquarters Building, which recently achieved the Leadership in Energy and Environmental Design (LEED) Platinum certification awarded by the United States Green Building Council (USGBC); and the status of an upcoming Planning Board briefing on tree planting scheduled for March 11.

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

3. Subdivision Regulation Amendment No. 21-01: Exemptions – Farm Alcohol Production and Agritourism---SRA 21-01 would add an exemption from platting any parcel in the AR Zone used for farm alcohol production or accessory agricultural tourism.

Staff Recommendation: Transmit Comments to the County Council

(NOTE: Action required for County Council Public Hearing of March 2, 2021)

BOARD ACTION

Motion: **PATTERSON/FANI-GONZÁLEZ**

Vote:

Yea: **5-0**

Nay:

Other:

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

Planning Department staff offered a multi-media presentation and discuss a proposed Subdivision Regulation Amendment (SRA) that exempt an owner of a property in the Agricultural Reserve (AR) zone from having to plat their property and go through the Preliminary Plan process before the Montgomery County Department of Permitting Services (DPS) could issue a building permit for a building used for Farm Alcohol Production or for an Agritourism use. According to staff, all owners of properties where construction requires building permits, except for those specifically exempt, must plat their land before being issued that permit. For properties not currently platted, owners must obtain a plat, typically through the subdivision process with a Preliminary Plan, an Administrative Preliminary Plan, or a Minor Subdivision. If SRA 21-01 is enacted as written, any farm owner wishing to construct buildings for Farm Alcohol Production or Agritourism uses would no longer need to provide proof of a platted property before the permit could be issued.

Staff then discussed their analysis of the proposed SRA, noting they support providing an expedited path for Agritourism uses because they implement a major goal of increasing the accessibility of the AR zone to the general public. However, staff noted that the proposed SRA lacks a reference to the Subdivision Regulations’ definition of Farm Alcohol Production, which staff believes does not clearly define the phrase “other activities unrelated to the production and sale of alcohol or farming.” According to staff, the current use standards limit many ancillary operations, including tasting rooms, the sale of food and alcohol, and special events such as weddings or corporate events, which are much larger, more intensive and commercialized, and not size limited like the agritourism uses.

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3. Subdivision Regulation Amendment No. 21-01: Exemptions – Farm Alcohol Production and Agritourism

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Staff also discussed their recommendations, which include clarification that the intent of the SRA is to only exempt the direct operation of Farm Alcohol Production, but not exempt operations that include the onsite tasting facilities, the sale of food or beverage for on-site consumption, or special event and wedding venues; amending the Administrative Subdivision provisions to include Agritourism and Farm Alcohol Production as uses that qualify for the Administrative Subdivision process; and a more collaborative and comprehensive approach to reviewing process and regulations, as suggested in the Agritourism Study.

There followed extensive Board discussion with questions to staff.

4. Halpine View Real Property Disposition: Mandatory Referral, No. MR2021014---
Disposition of County-owned property; located off Twinbrook Parkway, Rockville MD; zoned CRT 1.25, C-0.25, R-1.25, H-85; within the 2019 Veirs Mill Corridor Master Plan.

Staff Recommendation: Approval and Transmittal of Comments to Montgomery County Department of General Services

BOARD ACTION

Motion: CICHY/FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to transmit comments to Montgomery County Department of General Services, as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed a proposed Mandatory Referral request by Montgomery County Department of General Services (DGS) to dispose of County owned land. The 1.99-acre property is located on the east side of Twinbrook Parkway, bounded by the Parklawn Cemetery to the east, the northern section of the Halpine View Apartments and the Parkway Woods Apartments to the north, the southern portion of the Halpine View Apartments to the south, and is zoned Commercial/ Residential/Town (CRT) within the Veirs Mill Corridor Master Plan area. While the property was initially reserved for a planned extension of Aspen Hill Road to connect to Twinbrook Parkway, which has since been reconsidered, the site is currently mostly unimproved except for a short segment of driveway connecting the north and south sections of the Halpine View Apartments.

Staff noted that the property was acquired fee simple by the County in 1964, and as such is required to go through the disposition process. In 2016, the Montgomery County Office of Management and Budget (OMB) determined that the property was no longer needed for public use, and a reuse analysis was sent to all County departments outside agencies. After no proposals were received, a competitive solicitation was issued. The County intends to dispose of the property by selling it to Halpine Park LLC, owners of the surrounding Halpine View Apartments. Specific terms will be included in a Declaration of Covenants and will include the specific provisions to achieve the affordability requirements recommended in the Veirs Mill Corridor Master Plan.

The Planning Department has notified all abutting and confronting property owners; civic, homeowners, and renters associations that are registered with the Planning Board and located within one-half mile of the site of the proposed disposition. As of the date of this report, staff has received no comments on the proposed disposition.

There followed a brief Board discussion with questions to staff.

5. 9221 Colesville Road, Conditional Use No. CU202103---Request to transmit comments to the Hearing Examiner on a Conditional Use application to operate a Home Health Practitioner within an existing home, with a maximum of 6 staff persons on-site at 9221 Colesville Road, Silver Spring; 0.72 acres; R-60 Zone; 2000 North and West Silver Spring Master Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: FANI-GONZÁLEZ/VERMA

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to transmit comments to the Hearing Examiner, as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed a proposed Conditional Use request to allow health care uses within a residence. Staff noted that the application also includes a waiver request for relief from the design specifications for four tandem parking spaces for the Home Health Practitioner use and minimum drive aisle width. The 0.72-acre property, identified as Lot 20, Block A, is located on the east side of Colesville Road (US29) and zoned Residential within the North and West Silver Spring Master Plan area. The site is currently developed with a 5,507-square foot single-family detached dwelling. An existing four-foot wide sidewalk with a one-foot wide grass buffer from the street which extends along the US29 frontage.

Staff noted that the applicant is seeking approval for a Home Health Practitioner use, a Major Impact use, within the existing residence. The applicant and family are proposing to reside on-site while operating a health care business with up to six non-resident employees. The majority of health care services are to be performed offsite at patients' homes, with the applicant spending approximately half the workday on-site, and the remainder off-site conducting in-home healthcare visits. Of the six staff, two will work eight hours a day on-site at the residence, with the other four working primarily off-site for most of the day treating patients, interacting with health care staff and operators at hospitals and other health care facilities, performing sales duties, and conducting meetings. The applicant proposes a total of ten patients present on-site per week with a maximum of two at any one time. No expansion or change to the building or exterior structures is proposed, though the applicant does propose additional landscaping to further screen the existing parking. Six existing on-site parking spaces will be available for the residents and staff. Four remaining on-site spaces, including one Americans with Disabilities Act (ADA) accessible space and access aisle provided within the existing driveway are available for

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5. 9221 Colesville Road, Conditional Use No. CU202103CONTINUED

either employees or patients. Additional parking can also be accommodated by 10 street parking spaces. As conditioned, the applicant will also be required to replace the existing four-foot wide sidewalk along the US29 frontage with a five-foot wide sidewalk. A proposed maximum five-square foot sign, to be set five feet from the right-of-way (ROW), will be located along the US29 frontage, pending approval by the Montgomery County Sign Board. Staff added that they support the applicant's waiver request to allow tandem parking and slightly reduce the size of the drive aisle.

Mr. Sean Hughes, attorney representing the applicant, offered a multi-media presentation, comments, and concurred with the staff recommendation with the exception of the requirement to construct a 5-foot wide sidewalk along the US29 frontage, which he believes should not apply to the application under review today.

Mr. Kwesi Woodruffe of the Maryland Department of Transportation/State Highway Administration (MDOT/SHA) offered comments and answered questions from the Board.

There followed extensive Board discussion with questions to staff and Mr. Hughes, during which the Planning Board agreed that the applicant will be responsible for the sidewalk improvements along US29.

6. Silver Spring Downtown & Adjacent Communities Plan - Planning Board Briefing Project Update - Briefing on the Office/Retail Market Study by Consultant PES---Staff will brief the Planning Board on the findings of the Office/Retail Market Study conducted by Consultant PES for downtown Silver Spring.

Staff Recommendation: Briefing

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by discussion.

Following opening remarks from Planning Department staff, Ms. Anita Morrison, consultant from Partners for Economic Solutions (PES), offered a multi-media presentation and discussed the ongoing work on the Silver Spring Downtown and Adjacent Communities Plan, specifically the findings from a study of the Downtown Silver Spring retail and office market. The study was commissioned to assess the existing economic conditions within the downtown area, with a focus on the performance of office and retail properties, and will serve to create the economic and market context for the proposed Sector Plan and ultimately play an important role in shaping staff recommendations on issues like density, height, and business retention and growth. Ms. Morrison offered a brief background on the area, noting that the Downtown area contains five districts: the Ellsworth District, consisting mainly of retail uses; the Fenton Village District, consisting mainly of small business uses; the Metro Center District, consisting mainly of office uses; the West of the Railroad District, consisting mainly of retail uses; and the North Silver Spring District, consisting mainly of residential uses.

Ms. Morrison then discussed the existing retail market, noting that the area currently contains 1,030,000 square feet of occupied retail space, including neighborhood goods and services; food and beverage; and general, apparel, furniture, and other uses. An estimated 143,000 square feet, or 11 percent, of retail space is currently vacant, mainly located within the Ellsworth and Metro Center Districts. Due to the ongoing COVID-19 pandemic and the softness of the office market, Ms. Morrison estimates that it could take seven to eight years for vacancy to fall to a healthier level of five percent. To address this, the downtown area will need to attract new businesses to replace those that closed due to the pandemic, including Next Day Blinds, Guitar Center, Washington Sports Clubs, and numerous restaurants. Despite the existing conditions, however, retailers continue to seek out downtown opportunities, with at least four

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6. Silver Spring Downtown & Adjacent Communities Plan - Planning Board Briefing Project Update - Briefing on the Office/Retail Market Study by Consultant PESCONTINUED

new restaurants and other retail uses opening during the pandemic. In addition to the pandemic, other ongoing issues affecting the retail market include competition from e-commerce, the Purple Line construction, and an increased homeless population.

Ms. Morrison also discussed the existing office market, noting that there is currently 6,750,000 square feet of office uses in the Downtown area. Following the relocation of Discovery Communications and years of businesses downsizing their spaces, 1,150,000 square feet, or 17 percent, of office space in the Downtown area is currently vacant, an increase from the 8.1 percent level in 2018. Additionally, there has been very little new office construction since 2008, consisting mainly of the 221,000-square foot purpose-built structure for United Therapeutics. Ms. Morrison estimates that it will take 10 years of steady growth before vacancies would reach a level that makes the area attractive for new development, which would be equal to or less than nine percent vacancy. Ms. Morrison added that given current trends, the downtown area is unlikely to see new development of speculative or for-rent office space, as owners of existing buildings compete to fill their vacant spaces with rents below the levels required to finance new construction, though opportunities may continue for single-tenant construction. Other challenges include uncertain market response, conversions to residential use, and a lack of incentives to construct office space.

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

7. Thrive Montgomery 2050 Worksession No. 9: Conclusion – How the Ideas in This Plan Can Be Implemented. ~~Briefing on Equity Focused Areas analysis~~---Revised (redlined) drafts of the Complete Communities and Parks and Recreation chapters.

Staff Recommendation: Discuss Issues and Provide Direction to Staff

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by Board discussion.

Planning Department staff offered a multi-media presentation and discussed how the ideas in the Thrive Montgomery 2050 Plan can be implemented. Staff noted that the Conclusion chapter provides guidance on how the Plan’s recommendations will be implemented. With a call to action, it stresses the urgency of updating the county’s General Plan and implementing the ideas in Thrive Montgomery 2050 because of the significant technological, demographic, economic, social and environment changes the county is facing. It emphasizes the importance of indicators to track our progress and evaluate how new ideas and proposals will help achieve the Plan’s key objectives of economic competitiveness, racial and social equity and environmental sustainability. It discusses the roles of public agencies, the private sector and the community in implementing the Plan’s ideas. Implementing this plan will cost money, and the chapter provides high level guidance on the types of public and private sector funding sources that will be tapped to support capital investments, as well as the pressing need to identify new funding sources and strategies and talks about the policy and regulatory tools available for implementation. Additionally, the Conclusion chapter discusses the roles of and coordination between Thrive Montgomery 2050 and the county’s Climate Action Plan as two major planning tools to help Montgomery County combat climate change and it also describes a standalone “Actions Document” that will cover tasks that can be achieved in the short, medium and long term to implement the policies proposed under each chapter of the Plan. This “Actions Document” will be reviewed by the Board at the March 4th worksession.

Staff also noted that a great number of speakers who testified at the Public Hearing were concerned about the county’s ability to fund the improvements needed to achieve Complete Communities, affordable housing, infrastructure upgrades to address climate change, high quality transit to reduce reliance on private automobiles, and many other goals of the Plan. Some of them indicated that the county does not have sufficient funds to update its schools, parks, libraries, sidewalks, bike lanes, and recreation centers today, so it would be highly unlikely that

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7. Thrive Montgomery 2050 Worksession No. 9: Conclusion – How the Ideas in This Plan Can Be implementedCONTINUED

the county would be able to build new facilities given the slow job growth and negative revenue projections for many years to come. For many the fiscal challenge is even greater as the Plan recommends smaller, more decentralized public facilities, such as schools, libraries, and community centers, to encourage 15-minute living in Complete Communities. And all these challenges are further compounded by the economic impacts of the pandemic, which some commenters believe have not been fully addressed by the Plan. Some of the commenters were concerned that trying to achieve the Plan's ambitious goals with reduced revenues in the near to mid-term future would lead to increased taxes.

Staff then added that many speakers asked that Thrive Montgomery 2050 explicitly identify the tools that will be used for its implementation instead of leaving to future master plans and studies to determine the tools and how they will be used to achieve specific recommendations such as Complete Communities. For example, some supported the Plan's recommendation that the zoning changes, to allow missing middle housing, be carried out through subsequent master plans, while others requested that such zoning changes be done through countywide zoning text amendments. Other speakers stated that the Plan should provide more information about how sites for parks and green space, schools, and other public facilities and services will be identified, and whether the adequate public facilities requirements will play any role in future decisions about provision of these facilities. Some stated that the Plan does not provide clear guidance with specific strategies and tools to strengthen county's economy so the county has the ability to pay for the public improvements needed to achieve the Plan's vision of a resilient, affordable, equitable and sustainable place.

There followed a brief Board discussion with questions to staff.