



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 17, 2021, at 9:04 a.m. and adjourned at 3:10 p.m.

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

Item 14 and Items 2 through 7, discussed in that order, are reported on the attached agenda.

The Planning Board recessed for lunch at 12:09 p.m. and reconvened via video conference at 1:02 p.m.

Items 9, 10, 12 and 13 are reported on the attached agenda.

Item 11 was removed from the Planning Board agenda.

There being no further business, the meeting was adjourned at 3:10 p.m. The next regular meeting of the Planning Board will be held on Thursday, June 24, 2021, via video conference.

M. Clara Moise

M. Clara Moise
Sr. Technical Writer/Editor

James J. Parsons
Sr. Technical Writer/Editor

Montgomery County Planning Board Meeting
Thursday, June 17, 2021
2425 Reddie Drive
Wheaton, MD 20902
301-495-4605

1. Consent Agenda

***A. Adoption of Resolutions**

1. The Guardian Sketch Plan 32017008A MCPB No. 21-046
2. The Guardian Site Plan 82017010A MCPB No. 21-047

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 5-0

Nay:

Other:

Action: Adopted the Resolutions cited above, as submitted.

***B. Record Plats**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Record Plats submitted for approval.

***C. Other Consent Items**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **There were no Other Consent Items submitted for approval.**

***D. Approval of Minutes**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **There were no Planning Board Meeting Minutes submitted for approval.**

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: the recent grand re-opening of a newly renovated athletic field at the White Oak Recreation Center; the June 15 passing of a County Council Resolution, identified as Support for Continuing of Open Streets, supporting the Parks Department's Open Parkways Program; the June 7 luncheon and graduation ceremony honoring the 26 employees who successfully completed the annual Communicate with Confidence program, which allows participants to strengthen their English reading, writing, communication, and technology skills; the upcoming celebration of Juneteenth, which commemorates the end of slavery in the United States and is celebrated annually on June 19th, with events scheduled for this weekend at the Josiah Henson Museum and Park and the Thomas Harper Cabin at Brookside Nature Center; the upcoming installation of two communication boards at the playgrounds in Wheaton Local Park and South Germantown Recreational Park; the status of the Project SEARCH, a one-year school-to-work transition program designed for young adults with intellectual and developmental disabilities who are either in their last year of high school or are recent graduates, with the Parks Department hosting six interns during the program's 2020-2021 cycle; and the upcoming ribbon cutting ceremony for the Meadowbrook Stables covered equestrian riding ring, scheduled for June 19.

There followed extensive Board discussion.

14. Renovacion Media Group Corp., Approval of Lease Term

Staff Recommendation: Approve the Renovacion Media Group Corp. Lease Agreement Term for Use of M-NCPPC Owned Radio Tower at 9701 Sligo Creek Parkway, Silver Spring, MD

BOARD ACTION

Motion: FANI-GONZÁLEZ/PATTERSON

Vote:

Yea: 5-0

Nay:

Other:

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

Parks Department staff briefly discussed a new lease term agreement for a Commission-owned radio tower, located on Sligo Creek Parkway in Silver Spring, Maryland, the current location of the existing Sligo Creek Golf Course. According to staff, the current leaseholder, AC Acquisitions, LLC (AC), has sold its assets and radio station, and has been approved to transfer its Federal Communications Commission (FCC) License to Renovacion Media Group Corp. (RMG), who has operated the station since 2019 and is seeking a new lease agreement with the Commission upon AC’s termination of their lease. Staff noted that because AC acquired the current lease on January 5, 2001, it has now been in effect for over 20 years and therefore requires the approvals of the Planning Board and Montgomery County Council to continue. Following approval of a new five-year radio tower lease, including three five-year renewal terms, subject to the conditions established in the lease, RMG will continue operation of the existing station.

There followed a brief Board discussion.

3. Notice of Proposed Forest Conservation Plans---Review proposed update to the staff practice memo that provides regulatory guidance to staff and applicants on noticing Forest Conservation Plans. This change would require noticing if there is a proposed change to a tree variance or a new tree variance, in addition to requiring noticing for Forest Conservation Plans and Forest Conservation Plan Amendments.

Staff Recommendation: Approve Proposed Change to the Staff Practice Memo

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 5-0

Nay:

Other:

Action: Following a brief discussion, approved staff recommendation for approval of the update to the staff practice memo cited above.

Planning Department staff briefly discussed a proposed update to the staff practice memo providing guidance regarding noticing requirements for Forest Conservation Plans (FCPs). In February 2010, staff presented proposed amendments to the County Forest Conservation Law, one of which introduced a requirement that all applications for Forest Conservation Plans that are not associated with a regulatory plan be noticed through posted signs and mailings to neighboring property owners. In addition to the proposed amendment, a draft staff memo outlining the policy for those noticing requirements was also presented to the Planning Board, both of which the Board approved. The amendment was enacted in February of this year. Staff is now proposing an update to the staff memo that will require noticing for Forest Conservation Plan Amendments (FCPAs) if the amendment proposes a change to an approved tree variance request, or a new tree variance.

There followed a brief Board discussion.

4. 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 2020 is the eleventh 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: CICHY/PATTERSON

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation of 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 2020 Annual Land Use Report. Under the Maryland Smart and Sustainable Growth Act of 2009, 41 municipalities and 14 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), the dataMontgomery portal, 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 (PFAs).

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 with questions to staff.

***5. Bloom MV, Site Plan Amendment No. 82017013C**---Request to adjust the percentage of MPDUs within Areas 1 and 2; located at the intersection of Montgomery Village Avenue and Stewartown Road, Montgomery Village; on approximately 147 acres of land zoned TLD and CRN-0.5, C-0.0, R-0.5, H-65 Zone; within the 2016 Montgomery Village Master Plan area.

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 Site Plan Amendment cited above, subject to conditions, and adopted the attached Resolution.

Planning Department staff offered a multi-media presentation and discussed a proposed Site Plan Amendment request to revise the number of approved Moderately Priced Dwelling Units (MPDUs) in a proposed residential development. The 147-acre property, the site of the former Montgomery Village Golf Course, is bisected by Montgomery Village Avenue, extends north toward Arrowhead Road and west to Watkins Mill Road and is split-zoned Townhouse Low Density (TLD) and Commercial/Residential/Neighborhood (CRN) within the Montgomery Village Master Plan area and the Montgomery Village Overlay Zone. A Potomac Electric Power Company (PEPCO)/Exelon transmission line stretches across the property on both sides of Montgomery Village Avenue. Staff noted that 26.7 acres of the southwest portion of the site, identified as Area I, is zoned CRN, with the remaining 120.3 acres, identified as Areas II through VI, located within the TLD zone. Staff added that the Amendment under review today is limited to the 61.31-acre portion of the property identified as Areas I and II.

Staff then briefly discussed previous approvals, including approved 2017 Preliminary and Site Plans for 26 single-family detached houses, two duplexes, and 466 townhouses; and approved 2019 and 2020 Site Plan Amendments which increase the number and modify the locations of the project’s MPDUs.

Staff noted that the applicant proposes to modify the number of MPDUs in Area I and Area II, located just to the west of Area I across the PEPCO transmission line easement. As currently approved, 25 percent MPDUs are provided across the entire site, which exempts the project from impact tax payments. The applicant now proposes to provide 12.5 percent MPDUs in Area I and 25 percent MPDUs in Areas II through VI while retaining the same overall dwelling unit count of 494 units. As proposed, the Amendment represents a net loss of 16 total MPDUs, while continuing to exceed the minimum number of MPDUs required by law. To

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***5. Bloom MV, Site Plan Amendment No. 82017013C**

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account for the MPDU changes in Area I, the applicant proposes to replace five market-rate units with MPDUs in Area II, for a total of 28, or 33 percent, MPDUs. Staff has received correspondence from neighboring property owners expressing concerns regarding the public noticing for the project, increased traffic, safety, and environmental issues. Staff has addressed these issues, as detailed in the June 2 technical staff report.

There followed a brief Board discussion with questions to staff.

6. Great Seneca Science Corridor Minor Master Plan Amendment Worksession No. 1*Staff Recommendation: Discussion and Provide Guidance to Staff***BOARD ACTION****Motion:****Vote:****Yea:****Nay:****Other:****Action: Received briefing followed by discussion.**

Planning Department staff offered a multi-media presentation and discussed the proposed Great Seneca Science Corridor Minor Master Plan Amendment. According to staff, the Working Draft of the plan amendment was submitted to the Planning Board on April 22, and a Planning Board Public Hearing held on June 3, with Public Hearing record extended to June 13 to allow additional written testimony to be submitted. Staff noted that although the Amendment boundary covers the same 4,360 non-contiguous acres along the Interstate 270 (I-270) Corridor as the current Master Plan, which includes the Life Sciences Center (LSC), the western Quince Orchard and Rosemont neighborhoods, and the National Institute of Standards and Technology (NIST), it will focus solely on the approximately 1,000-acre LSC, located along the southern portion of the Plan area, as it is the only area of the Master Plan subject to its staging requirements. The critical issues affecting this area include the uncertain future of the Corridor Cities Transitway (CCT) due to lack of further funding, and unbuilt non-residential Pipeline Development that cannot proceed. The purpose of the Plan Amendment is to address these issues by evaluating the current Master Plan, examining the progress made toward achieving the Plan vision, and recommending adjustments to the Plan's staging requirements to address the urgent need to accommodate growth in the life sciences industry, which contributes to the County's economic health as well as advancements in science. To achieve these goals, staff offered two recommendations: 1) the creation of an interim stage between current development Stage 1 and future Stage 2 that shifts 400,000 square feet of non-residential development capacity from Stage 2 to the proposed interim stage, and releasing that development capacity immediately through the interim stage; and 2) the initiation of a more comprehensive future amendment to the 2010 Plan to address the staging requirements, and the departures from and barriers to the current Master Plan.

Staff noted that the public testimony received from residents while the Public Hearing record was open include comments that the CCT is an impediment to development and should be eliminated as a staging requirement, that projects should be required to "use or lose" approvals, and that new approvals should not go to areas that have significant pipeline. Staff addressed these comments, noting that while the CCT is integral to the Plan vision, the removal of the

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6. Great Seneca Science Corridor Minor Master Plan Amendment Worksession No. 1CONTINUED

CCT as a staging requirement deserves to be comprehensively examined. Staff noted that the Corridor Forward – The I-270 Transit Plan is currently evaluating transit options to serve I-270 communities, including the CCT. To address the use or loss of approvals, as well as new approvals in areas with extensive pipeline development, staff noted that the Planning Board could put limits on the geography of new non-residential development capacity that can be allocated. The recommended 400,000 square feet of non-residential development capacity would be limited to the LSC North, Central, and South districts. New development capacity would be prohibited in the LSC West and Belward districts. Because it has already been submitted, the Elms residential project in the LSC West district would not be affected by this geographic exclusion. The next steps for the Plan Amendment include the addition of any suggested revisions to the Public Hearing Draft, and a second worksession scheduled for July 1.

There followed extensive Board discussion with questions to staff, during which the Planning Board offered guidance and supported the staff recommendations. The Planning Board also recommended that following approval by the County Council, staff return with transportation and transit updates.

7. 6940 Seven Locks Road (Franklin Property), Administrative Subdivision No. 620210070---Request to convert the existing unrecorded parcel to a record lot to allow the owner to raze the existing single-family detached dwelling and construct a new single-family detached dwelling on the lot, and a waiver from the requirement to provide frontage improvements. Located at 6940 Seven Locks Road approximately 300 feet west of Cypress Grove Lane, 1990 Bethesda-Chevy Chase Master Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

- Motion:** VERMA/FANI-GONZÁLEZ
- Vote:** 3-0-2
- Yea:** ANDERSON, FANI-GONZÁLEZ, & VERMA
- Nay:** CICHY & PATTERSON
- Other:** NO ABSTENTIONS

Action: Approved staff recommendation for approval of the Administrative Subdivision Plan cited above, subject to conditions, and denial of the Waiver Request, which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.

Planning Department staff offered a multi-media presentation and discussed a proposed Administrative Subdivision Plan to construct a new single-family detached dwelling on a currently unrecorded parcel. The 0.69-acre property is located on the west side of Seven Locks Road, approximately 300 feet south of its intersection with Cypress Grove Lane and is zoned Residential within the Bethesda-Chevy Chase Master Plan area and the Cabin John Creek Watershed. The site is currently developed with a single-family house, a detached garage, and a driveway with one access point from Seven Locks Road.

Staff noted that the applicant proposes to create a recorded lot from the existing 0.69-acre unrecorded parcel in order to obtain needed permits from the Montgomery County Department of Permitting Services (DPS) to demolish the existing single-family detached dwelling and build a new single-family detached residence with frontage on and direct access from Seven Locks Road via an existing paved driveway. As conditioned, a new five-foot wide sidewalk with a six-foot lawn panel and two-foot maintenance buffer will be constructed along the Seven Locks Road frontage.

Staff also noted that the applicant is also requesting a waiver from the requirement to provide a sidewalk along the frontage of the property, stating that the future sidewalk will not connect to other existing sidewalks to the north and south of the property and will potentially create an unsafe walking condition if it were installed. Additionally, five other comparable residential projects along Seven Locks Road were not required to build sidewalks, with the

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7. 6940 Seven Locks Road (Franklin Property)CONTINUED

applicant suggesting that the County may have chosen not to install a sidewalk when the asphalt trail was installed on the opposite side of Seven Locks Road in the 1980s. After reviewing the waiver request and considering the arguments made by the applicant, as well as additional discussions with Montgomery County Department of Transportation (MCDOT), staff does not believe the minimum criteria for a waiver from the County Code has been met and therefore does not support the waiver request.

Ms. Susan Shipp, representing the Cabin John Citizens Association, and Mr. Michael Kidder of Seven Locks Road offered testimony.

Mr. Ross Miller and Ms. Emily Franklin, the applicants, offered a multi-media presentation and comments.

Ms. Rebecca Torma of MCDOT offered comments and answered questions from the Planning Board.

Ms. Maryjane King, member of the applicant's team, also offered a multi-media presentation and comments.

There followed extensive Board discussion with questions to staff, during which Chair Anderson, Vice Chair Fani-González, and Commissioner Verma supported the staff recommendation regarding the sidewalk waiver.

***9. Milestone Senior Germantown: Preliminary Plan No. 120210110**---Request to create one lot for a five-story independent affordable senior living facility with up to 111 dwelling units; located on the east side of Frederick Road (MD-355), north of the intersection of High Point Drive and Frederick Road; 2.64 acres; R-90 zone; 2009 Germantown Employment Area Sector Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: CICHY/FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

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

Planning Department staff offered a multi-media presentation and discussed a Preliminary Plan request to create one lot for a five-story independent affordable living facility with up to 111 dwelling units on a 2.64-acre property located on the east side of Frederick Road (MD-355), north of the intersection of High Point Drive and Frederick Road in the Germantown Employment Area Sector Plan. Staff noted that access to the property is from Frederick Road. Presently, there is a paved driveway on Frederick Road that provides access to the adjacent property to the south. The site has varied topography with areas of relatively steep slopes covered with mature trees on the entire property. The elevation starts at 420 feet along the south lot lines along Frederick Road, rises to about 440 feet in a flatter area in the center, and then decreases down to about 426 feet at the northern lot line. The parcel is irregularly shaped with 408 feet of frontage along Frederick Road. There are no wetlands, intermittent or perennial streams on or within 100 feet of the property. No known rare, threatened, or endangered species exist on the site. There are no designated historic sites on or near the property.

Staff also added that Conditional Use 20-02 was approved on July 1, 2020 for the construction and operation of an independent senior living facility in a new 104,551 square foot, five-story, 111-unit apartment building. The senior living facility is comprised of a maximum of 111 units, with 97 one-bedroom and 14 two-bedroom units, and a maximum building height of 60 feet. The maximum number of employees is limited to six staff members on duty at any given time during the weekday and three on the weekends. Occupancy for the residential dwelling units is restricted to senior adults, members of the household of a senior adult, and a resident caregiver. The Conditional Use provides for 60 on-site parking spaces, with three handicapped

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***9. Milestone Senior Germantown: Preliminary Plan No. 120210110**CONTINUED

accessible spaces and one van space, 27 long-term and one short-term bike parking spaces, and designated loading and drop-off areas. The frontage along Frederick Road (MD-355) includes a 10-foot-wide shared-use side-path which connects to the main entrance of the senior living facility by a lead-in walkway.

Staff then discussed the Preliminary Forest Conservation Plan (PFCP) approved by the Planning Board on April 23, 2020, during the review of the Conditional Use application. The PFCP showed the net tract area on the PFCP worksheet to be 2.81 acres, which consists of the overall parcel size of 2.64 acres plus off-site disturbance of 0.17 acres for right-of-way improvements, pedestrian access, and utility connections. The property is in the Residential R-90 Zone and is classified as High Density Residential (HDR) as specified in Section 22A-3 of Chapter 22A of the County Code and the Trees Technical Manual. The net tract area contains 2.29 acres of forest and the applicant proposes to remove this forest. This results in a total reforestation/afforestation requirement of 1.56 acres, which the applicant is proposing to satisfy by purchasing the appropriate credit in an off-site forest bank. As part of the PFCP approval, the applicant had submitted a letter dated March 12, 2020 seeking a variance from Section 22A-12(b)(3) of the Forest Conservation Law (FCL). The applicant is also proposing to impact one tree, and remove nine trees, that are considered high priority for retention under Section 22A-12(b)(3) of the FCL. The Planning Board granted the variance request on April 23, 2020. Staff added that the proposed request satisfies the applicable requirements of the FCL, Montgomery County Code, Chapter 22A, and complies with the Montgomery County Planning Department's Environmental Guidelines.

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

At the Board's request, Mr. Jim Edmondson of Frederick Road Senior 4% Owner, LLC, member of the applicant's team, offered comments and clarification.

There followed a brief Board discussion with questions to staff and Mr. Kline.

10. Mandatory Referral MR2021006: Clarksburg Elementary School #9

***A. Preliminary/Final Forest Conservation Plan**---Build new elementary school at 22215 Dunlin Street, Clarksburg, Maryland 20841. The site is at the intersection of Clarksburg Road (State Route 121) and Dunlin Street in Clarksburg, 9.87 acres, CRT Zone, 1994 Clarksburg Area Master Plan

Staff Recommendation: Approval with Conditions

***B. Preliminary/Final Water Quality Plan No.MR2021006**---Build new elementary school at 22215 Dunlin Street, Clarksburg, Maryland 20841. The site is at the intersection of Clarksburg Road (State Route 121) and Dunlin Street in Clarksburg, 9.87 acres, CRT Zone, 1994 Clarksburg Area Master Plan

Staff Recommendation: Approval with Conditions

C. Mandatory Referral No. MR2021006---Build new elementary school at 22215 Dunlin Street, Clarksburg, Maryland 20841. The site is at the intersection of Clarksburg Road (State Route 121) and Dunlin Street in Clarksburg, 9.87 acres, CRT Zone, 1994 Clarksburg Area Master Plan

Staff Recommendation: Denial

BOARD ACTION

Motion: A. FANI-GONZÁLEZ/VERMA
 B. FANI-GONZÁLEZ/PATTERSON
 C. FANI-GONZÁLEZ/PATTERSON

Vote:
 Yea: A. & B. 5-0
 Nay: C. 5-0
 Other:

Action: A. Approved staff recommendation for approval of the Preliminary/Final Forest Conservation Plan, subject to conditions, as discussed during the meeting.
 B. Approved staff recommendation for approval of the Preliminary/Final Water Quality Plan, subject to conditions, as discussed during the meeting.
 C. By consensus, denied the Mandatory Referral request, as discussed during the meeting, and as stated in the attached transmittal letter with comments to Montgomery County Public Schools.

As discussed in detail in the June 17 technical staff report, Planning Department’s staff offered a multi-media presentation and discussed a Preliminary/Final Forest Conversation Plan and Water Quality Plan and a Mandatory Referral request. Staff noted that Montgomery County Public Schools (MCPS) is proposing to build a new elementary school at 22215 Dunlin Street

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10. Mandatory Referral MR2021006: Clarksburg Elementary School #9 -- *A. Preliminary/Final Forest Conservation Plan; *B. Preliminary/Final Water Quality Plan No.MR2021006; & C. Mandatory Referral No. MR2021006

CONTINUED

in Clarksburg. The 9.87-acre site is located at the intersection of Clarksburg Road (Route 121) and Dunlin Street in the Clarksburg Area Master Plan. MCPS is proposing to build the new Clarksburg Cluster Elementary School #9. The project is scheduled to be completed in August 2023. The school will provide program spaces for Pre-Kindergarten, Kindergarten, and Grades 1 through 5 when completed. The proposed building plan is a repeat design of the prototype elementary school that was utilized for Great Seneca, Little Bennett, William B. Gibbs, Wilson Wims, and Snowden Farm Elementary Schools. The proposed site plan places the new building near the center of the site, the parking, bus loop and student drop-off loop are located on the western side of the site along Dunlin Street, and the ballfields and play areas are located on the eastern portion of the site along Byrne Park Drive. All vehicular access is proposed from Dunlin Street. On-site vehicular traffic circulation is designed to provide access to the school for pedestrians while providing approximately 90 parking spaces. Parking is also available along the surrounding streets. The student drop-off and the separate bus loop are designed to provide maximum queuing spaces on site to minimize the traffic backup on to the streets. A new stormwater management system will be provided for quality control measures on site. Stormwater quantity control will be provided by the existing stormwater management pond located to the southeast of the site.

Staff then added that new school buildings should be sited in a manner that addresses adjacent streets, promotes safe walking and biking to school, and provides a civic presence to their communities. An inviting plaza should lead from the main street frontage to the school entry. This is especially important in a new community like Cabin Branch. Two-thirds of the Cabin Branch residences are located northeast of Byrne Park Drive and the school site. However, the Clarksburg Elementary School is proposed to be built in the middle of the site southwest of Byrne Park Drive, approximately 14 feet below the Clarksburg Road street grade. Stormwater management facilities, two basketball courts, and portions of the baseball/soccer fields will be located between Clarksburg Road and the side of the school. The primary school entrance is accessed from a narrow sidewalk sandwiched between two school parking lots on Dunlin Street. The rear of the school faces Byrne Park Drive and is separated from the street by the school's ballfields. There is limited pedestrian access to the school from this side of the site. Byrne Park Drive is a main street into the heart of the Cabin Branch neighborhood where most of the residences are located. It is also the primary point to Clarkmont Local Park, which is located south of the school site. To achieve a better design relationship between the proposed Clarksburg Elementary School site and the surrounding community, the new school should be built near the intersection of Clarksburg Road and Byrne Park Drive to engage the public realm and create a civic presence and gateway into the community. The main entrance to the school should be on Byrne Park Drive. A large plaza with shade trees would provide a welcoming pedestrian experience to the school. School parking and drop-off areas should not be the prominent feature in front of the school but should be placed on the southside of the school between the school and

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10. Mandatory Referral MR2021006: Clarksburg Elementary School #9 -- *A. Preliminary/Final Forest Conservation Plan; *B. Preliminary/Final Water Quality Plan No.MR2021006; & C. Mandatory Referral No. MR2021006

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Clarkmont Local Park. This will allow for shared-parking opportunities during non-school hours between the school and the park. Instead of scattering the play courts and ballfields around the perimeter of the school, a larger and cohesive activity area would be created with the school placed along the prominent corner of the site.

Staff also discussed the Final Forest Conservation Plan (FFCP), which was approved by the Planning Board on May 2, 2013 as part of the Site Plan application for Cabin Branch. A request to amend the FFCP was submitted as part of this Mandatory Referral, as Attachment C to the staff report. The proposed amendment addresses the new Limits of Disturbance (LOD) and proposed construction in accordance with Section 22A.00.01.09 of the Forest Conservation Regulations. There are no additional requirements that are generated by this amendment. The amended FFCP varies from the approved FFCP in that the new plan proposes the construction of an elementary school and the previous approval was for mass grading only. The application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. The application meets the Water Quality Plan requirements of Chapter 19 of the Montgomery County Code and the requirements of the Clarksburg Special Protection Area. Representatives from MCPS held public meetings at Snowden Farm Elementary School to discuss the impact of the project with the surrounding community.

Staff then noted that based on information provided by MCPS representatives and the analysis discussed in the staff report, staff concluded that the proposed Mandatory Referral for the Clarksburg Elementary School will not be compatible within its proposed site context and is not in substantial conformance with the Master Plan. However, the application meets the applicable regulatory standards and guidelines for the environment. Staff recommended denial of the Mandatory Referral, as discussed during the meeting.

At the Board's request, Mr. Seth Adams of MCPS offered comments and clarifications.

There followed extensive Board discussion with questions to staff and Mr. Adams, during which Chair Anderson and Board members recommended that MCPS review the proposed school design, based on the discussion and comments made at the meeting, and return to the Planning Board at a later date for further review.

11. ~~2021 Local Area Transportation Review (LATR) Guidelines~~—Planning staff will brief the Planning Board on proposed revisions to these Guidelines resulting from changes made by the County Council with the recent adoption of 2020-2024 Growth & Infrastructure Policy (GIP).

Staff Recommendation: Planning Board Approval **POSTPONED**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **This Item was postponed.**

12. FY22 Annual School Test and School Utilization Report---Planning Board review of the FY22 School Utilization Report and certification of the FY22 Annual School Test results, effective July 1, 2021.

Staff Recommendation: Planning Board Approval

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the FY22 Annual School Test and School Utilization Report, as discussed during the meeting.

Planning Department staff offered a multi-media presentation and noted that the 2020-2024 Growth and Infrastructure Policy requires the Planning Board to certify the results of the Annual School Test, which is to be accompanied by a School Utilization Report. The Planning Board approved Annual School Test Guidelines, version 1.0, on December 17, 2020. There are no changes made to this document, which explains the methodology and standards used in administering the Annual School Test. The FY22 Annual School Test has therefore been conducted according to the previously approved methodology. Under the new Growth and Infrastructure Policy, the Annual School Test evaluates individual school facilities for their projected utilization levels four years in the future. When found to exceed certain adequacy levels, school service areas are placed in Utilization Premium Payment (UPP) tiers according to their projected levels of utilization. The total UPP rate of a specific area is calculated by summing the payment factor of the UPP tier for each applicable school service area. The map included in the June 10 staff report illustrates how the total UPP rate ranges across the county. A residential development application may be subject to a higher rate than calculated if the estimated number of students generated exceeds the adequacy ceiling identified in the Annual School Test results for any of its school service areas.

Staff added that the 2020 Growth and Infrastructure Policy also requires the Planning Department to prepare a School Utilization Report at the time of the Annual School Test. The Utilization Report consists of a Countywide Report and Individual Schools Report which provides additional information about the county's public schools facilities from both perspectives. In the FY22 School Utilization Report, a snapshot of 2020 housing data by school service area has been added. This part of the report is still an ongoing effort and may be improved in future years as additional housing trends data and related information are gathered and analyzed.

There followed a brief Board discussion with questions to staff.

13. Proposed Zoning Text Amendment: Density Transfer and Historic Resources---The proposed amendment would create a new residential exemption under Section 7.7.1.D, creating special provisions for sites containing a structure or resource of historic significance within a residential zone that has been protected from development through a density transfer.

Staff Recommendation: Transmit Proposed Zoning Text Amendment to the County Council

BOARD ACTION

Motion: VERMA/CICHY

Vote:

Yea: 5-0

Nay:

Action: **Approved staff recommendation to transmit the proposed Zoning Text Amendment request cited above to the County Council, as discussed during the meeting.**

Planning Department staff offered a multi-media presentation and discussed a proposed Zoning Text Amendment (ZTA) to create a new residential exemption under Section 7.7.1.D, creating special provisions for sites containing a structure or resource of historic significance within a residential zone that has been protected from development through a density transfer. Staff recommended approval to transmit the proposed ZTA to the Montgomery County Council requesting introduction. The proposed ZTA would create a new residential exemption, establishing special provisions including allowing limited commercial uses within existing or new structures on sites that contain a resource of historic significance, if the property is in a residential zone and is otherwise protected from development through a density transfer. This proposed text amendment would add provisions to the current Zoning Ordinance that existed in the old Zoning Ordinance which allow for a wider range of adaptive reuses for historic sites and districts. At least one designated Master Plan Historic Site, Locust Grove I/Samuel Wade Magruder House, had already taken advantage of the provisions from the old Ordinance. This historic site has been adaptively reused as a bank since 1979, which was allowed after ZTA 75020 (Ordinance 8-22) allowed limited commercial uses to occur on historic sites that were part of a density transfer.

Staff added that in the previous Zoning Ordinance, which was in effect until October 29, 2014, these expanded provisions for limited commercial uses were found in Division 59-A-6, Uses Permitted in More Than One Class of Zone, under subsection 59-A-6.2 Historic Sites and Historic Districts, subsection 6.21 - Density Transfer. This subsection established a process where tracts of land in a residential zone with a site, structure, or area of historic significance suitable for preservation, allow the Planning Board to approve the transfer of residential density from the historic site to an adjacent residential site. Staff reiterated that the intent of the ZTA language is to allow sites that meet the subject criteria to have the same allowed uses and access to the same regulatory process for approving them as existed under the old code, while adding some focus for the Planning Board and the Historic Preservation Committee during their reviews.

There followed a brief Board discussion with questions to staff.