



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**APPROVED
MINUTES**

The Montgomery County Planning Board met in regular session in the Wheaton Headquarters Building in Wheaton, Maryland, and via Microsoft Teams video conference on Thursday, November 18, 2021, at 9:06 a.m., and adjourned at 6:10 p.m.

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

Items 1, 2, 12, 3, and 5, discussed in that order, are reported on the attached agenda.

Item 4 was removed from the Planning Board agenda.

The Planning Board recessed for lunch at 1:15 p.m. and convened in Closed Session to take up Item 13, 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 Meeting:

The Board convened in Closed Session at 1:35 p.m. via video conference on motion of Commissioner Cichy, seconded by Commissioner Rubin, with Chair Anderson and Commissioners Cichy, Patterson, Verma, and Rubin voting in favor of the motion. The meeting was closed under authority of Annotated Code of Maryland §3-305(b)(3), to consider the acquisition of real property for a public purpose and matters directly related to the acquisition.

Also present at the Closed Session meeting were Director Mike Riley, Deputy Director Miti Figueredo, Brenda Sandberg, Henry Coppola, Andrew Frank, Darren Flusche, Carl Morgan, Matt Harper, Cassandra Michaud, and Doug Ludwig of the Parks Department, and Senior Counsel Megan Chung, Associate General Counsel Alison Myers, and James J. Parsons of the Legal Department.

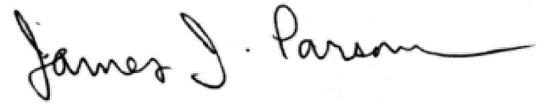
In Closed Session, the Board received briefing regarding the proposed acquisition of land as an addition to the Broad Run Conservation Park.

The Closed Session meeting was adjourned at 2:00 p.m.

The Planning Board reconvened in the auditorium and via video conference at 2:11 p.m.

Items 6 through 11 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 6:10 p.m. The next regular meeting of the Planning Board will be held on Thursday, December 2, 2021, in the Wheaton Headquarters Building in Wheaton, Maryland, and via video conference.

A handwritten signature in black ink that reads "James J. Parsons". The signature is written in a cursive style with a long, sweeping horizontal line extending to the right.

James J. Parsons
Sr. Technical Writer/Editor

Montgomery County Planning Board Meeting
Thursday, November 18, 2021
2425 Reddie Drive
Wheaton, MD 20902
301-495-4605

1. Consent Agenda

***A. Adoption of Resolutions**

1. Capital Crescent Trail FCP MR2022002 – MCPB No. 21-119
2. Edgemoor Administrative Subdivision Plan No. 62020008A – MCPB No. 21-114
3. Milestone Center Walmart Site Plan 81994029F – MCPB No. 21-122

BOARD ACTION

Motion: **1. CICHY/VERMA**
 2 & 3. CICHY/RUBIN

Vote:
 Yea: **1. 4-0**
 2 & 3. 5-0

Nay:

Other: **1. RUBIN ABSTAINED**

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

***B. Record Plats**

Subdivision Plat No. 220210450, 220210480 – 220210550 Cabin Branch

CRT (formerly MXPDP) zone; 212 lots, 25 parcels; located on the east side of Cabin Branch Avenue at the intersection of Dovekie Avenue; Clarksburg Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: CICHY/RUBIN

Vote:

Yea: 5-0

Nay:

Other:

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

***C. Other Consent Items**

1. Proposed Amendment: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan Proposed Category Map Amendment – County Executive’s AD 2021-4 Administrative Amendment Group – One Water/Sewer Service Category Change request.

Staff Recommendation: Transmit Comments to County Executive

2. Hillendale Section 2, 620190070, Regulatory Extension Request #1---Request to extend the regulatory review period for Administrative Subdivision Plan No. 620190070 from January 2019 to February 24, 2022. Located on Naglee Road, 400 feet west of the intersection of Oaklawn Drive and New Hampshire Avenue; on approximately 19,911 square feet of land zoned R-90; within the 2014 White Oak Science Gateway Master Plan area.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: 1 & 2. CICHY/RUBIN

Vote:

Yea: 1 & 2. 5-0

Nay:

Other:

Action: 1. Approved staff recommendation to transmit comments to the County Executive, as stated in the attached transmittal letter.

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

***D. Approval of Minutes**

Planning Board Meeting Minutes of October 28, 2021

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 4-0

Nay:

Other: RUBIN ABSTAINED

Action: Approved Planning Board Meeting Minutes of October 28, 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 offered a multi-media presentation and briefed the Board on the following ongoing and upcoming Parks Department events and activities: the November 6 dedication of a bronze sculpture depicting sports journalist Shirley Povich interviewing Washington Senators pitcher Walter “Big Train” Johnson, entitled *Shirley and Walter*, at the Shirley Povich Field in Cabin John Regional Park; the November 6 community celebration for the Maydale Nature Classroom, the Department's first Net Zero park building, which features solar panels, rain water harvesting, and other sustainable features; the November 13 Urban Wood Sale event, featuring wood harvested from dead and dying trees in parks facilities; the recent ribbon-cutting ceremony for six purposed pickleball courts at the Bauer Drive Local Park; and the recent Nightmare on Elm Street event at the Elm Street Local Park.

There followed a brief Board discussion.

12. Briefing and Action on Forest Conservation Fee In Lieu Policy---Discussion of policy to allow applicants to pay a fee in lieu to fulfill forest conservation banking requirements when forest mitigation banks are unavailable.

Staff Recommendation: Approval of Policy

BOARD ACTION

Motion: RUBIN/VERMA

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Forest Conservation Fee in Lieu Policy cited above.

Planning Department staff offered a multi-media presentation and discussed a proposed policy update regarding fee in lieu for forest conservation mitigation requirements. According to staff, due to State legislation that changed the Forest Conservation Law last year, the Planning Department can no longer use existing forest for mitigation banks. As of now, there are no mitigation banks available in the County. To address this issue and the delay it places on the completion of older projects for which applicants' only option is to use mitigation banks, staff is requesting that the Planning Board adopt a policy that would enable these older applications to utilize the fee in lieu fund for Forest Conservation mitigation requirements if there are no banks available in the County. Staff added that allowing applications to move forward and meet the forest conservation mitigation requirements by paying a fee in lieu when no mitigation banks are available allows older projects to progress and meet the requirements of the Forest Conservation Law.

There followed a brief Board discussion with questions to staff.

***3. 5500 Wisconsin Avenue Sketch Plan 320220010**---CR 3, C 2.0 R 2.75 H-90T, 2.72 acres. Request to allow up to 406,563 square feet of density for a mixed use redevelopment (including 125,472 square feet of existing hotel to remain), including up to 278,591 square feet of residential uses (which includes up to 50,238 square feet of MPDU bonus density for providing 15% MPDUs) and up to 137,972 square feet of nonresidential uses; located on Wisconsin Avenue at South Park Avenue and Hills Plaza; 1998 Friendship Heights Sector Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: VERMA/RUBIN

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Sketch Plan cited above, subject to conditions, 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 Sketch Plan request for the construction of a mixed-use development. The 2.72-acre property, identified as Lot 21 Block I, is located in the northwest quadrant of the intersection of Wisconsin Avenue (MD355) and South Park Avenue, bounded by The Hills Plaza to the southwest, and zoned Commercial/Residential (CR) within the Friendship Heights Sector Plan area and the Little Falls Branch watershed. The site is currently developed with an existing single building consisting of the 12-story Marriott Courtyard hotel with below-grade parking and adjoining single-story retail uses with parking above. Vehicular access to the hotel is from two existing curb cuts along MD355 that allow for drop off and pick up as well as access to the parking garage. A second entrance to the parking garage is located off The Hills Plaza.

Staff noted that the applicant proposes to redevelop the southern portion of the existing lot that currently contains the single-story retail with a new 18-story building for 406,563 square feet of mixed-use development, with up to approximately 12,500 square feet of ground floor retail and 278,591 square feet of multi-family residential above for up to 380 dwelling units. The proposed project also includes up to 50,238 square feet of bonus density for providing 15 percent Moderately Priced Dwelling Units (MPDUs). The existing 125,472 square feet of hotel uses, along with the existing structured parking and associated access points along MD355 and The Hills Plaza, will remain. A private shared street connection between the existing hotel and future development will connect MD355 to The Hills Plaza and allow for loading and residential parking access from the future street. The existing vehicular access will remain, with access to

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***3. 5500 Wisconsin Avenue**CONTINUED

the new development to be provided internally from the proposed private shared street. Pedestrian and bicycle access will be provided from the established sidewalk network along MD355, South Park Avenue, and The Hills Plaza, with a proposed bicycle storage room to be accessible from the shared street. Open space will be provided by a pocket park along the South Park Avenue frontage and pedestrian-oriented space along the future shared street connection between MD355 and The Hills Plaza. Staff then briefly discussed a minor correction for a data table in the staff report.

Staff noted that to address concerns regarding the design and the operation of the shared street among reviewers from Planning Department, Montgomery County Department of Transportation (MCDOT), Maryland Department of Transportation State Highway Administration (MDOT SHA) staff, and representatives from the Village of Friendship Heights, they instructed the applicant to explore multiple design and operational configurations to be refined for the final design at the time of Site Plan review. In response, the applicant has submitted four design alternatives that limit the use of the existing parking garage access from the shared street to residents only. In addition, staff has included a condition of approval that requires the final design for the shared street to provide a continuous pedestrian pathway along the north side with vertical separation from vehicles; access to and from the bike storage room; access to abutting ground-floor retail uses; pavement treatments delineating designated spaces for motorized users and for non-motorized users that prioritizes pedestrians; and parking garage access from the private shared street that will be for residents only.

The following speakers offered testimony: Mr. Morris Antonelli of North Pike Avenue; Mr. Norman Knopf, attorney representing the Village of Friendship Heights; Mr. Michael Mezey, Chair of the Village of Friendship Heights Village Council; Mr. Robert Wilkoff, architect from Archaeon, Inc.; Mr. David Forman, representing the Citizens Coordinating Committee on Friendship Heights; Ms. Julie Davis, representing the Somerset House Condominiums; Mr. Peter Dougherty of North Park Avenue; Mr. Roger Cochetti of Friendship Boulevard; Mr. Noel McCaman of North Park Avenue; Ms. Pat Donovan of North Park Avenue; Mr. Russell Lacey, representing the Greater Bethesda Chamber of Commerce; Ms. Clara Lovett of North Park Avenue; Ms. Jane Lyons, representing the Coalition for Smarter Growth; Mr. Joe Bucherer of North Park Avenue; Mr. Zachary Weinstein of Ripley Street; and Ms. Nila Vehar of North Park Avenue.

Ms. Stacy Silber, attorney representing the applicant, offered a multi-media presentation, comments, and concurred with the staff recommendation.

Ms. Trini Rodriguez, member of the applicant's team, offered comments and discussed the design elements for the proposed project.

Mr. Pat La Vay, member of the applicant's team, also offered brief comments and answered questions from the Planning Board.

There followed extensive Board discussion with questions to staff and some of the speakers.

4. ~~4910-4920 Strathmore Avenue~~ — **REMOVED**

A. Local Map Amendment No. H-143 — Request to rezone approximately 15.36 acres from R-60 to CRNF 0.75, C 0.25, R 0.75, H 50 (Commercial Residential Neighborhood Floating) to allow for the future development of up to 125 single family attached dwelling units (including a minimum of 15% MPDUs), a residential care facility with up to 145 beds, and new open space; located in Kensington along the south side of Strathmore Avenue east of Rockville Pike; 1992 North Bethesda/ Garrett Park Master Plan.

Staff Recommendation: Transmit Comments to the Montgomery County Hearing Examiner

B. Preliminary Forest Conservation Plan No. H-143 — Forest Conservation Plan and Tree Variance Request to remove and impact specimen trees associated with the future development of up to 125 single family attached dwelling units (including a minimum of 15% MPDUs), a residential care facility with up to 145 beds, and new open space; located in Kensington along the south side of Strathmore Avenue east of Rockville Pike; 1992 North Bethesda/ Garrett Park Master Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

5. Briefing on the Advancing the Pike District's Streetscape Design Guidelines.

Staff Recommendation: Review and Discuss New Streetscape Design Guidelines for the Pike District

BOARD ACTION

Motion: RUBIN/CICHY

Vote:

Yea: 5-0

Nay:

Other:

Action: Following a briefing and discussion, approved staff recommendation for approval of the Pike District Streetscape Design Guidelines, as discussed during the meeting.

Planning Department staff offered a multi-media presentation and discussed the Pike District Streetscape Guidelines, part of the Advancing the Pike District initiative. According to staff, the Guidelines apply to the geographic area contained within the White Flint Special Taxing District, which includes the entire White Flint Sector Plan area and several properties from the White Flint 2 Sector Plan area, located west of Old Georgetown Road and Towne Road. The objectives of the Streetscape Guidelines include creating a safe, comfortable, and vibrant public realm to maximize activity and walkability along the street; relocating utility infrastructure underground via Capital Improvements Program (CIP) projects and private development over the next two decades; providing identifiable and functional public spaces along streets for Pike District residents; and integrating elements of environmental sustainability and stewardship into existing and future streetscapes.

Staff noted that during interviews with property owners, a walking tour with stakeholders, virtual meetings with community groups, regular updates to advisory committees, and a community survey regarding the Pike District Connector, a one-mile link between the Bethesda Trolley Trail and the Montrose Parkway Trail, stakeholders have stated that walking, biking, and rolling in the Pike District is not comfortable or safe. Other feedback recommended that the proposed Guidelines encourage a variety of streetscapes; that pavement materials not impede accessibility or maintenance requirements; more trees be planted within the right-of-way; that staff coordinate with Montgomery County Department of Transportation (MCDOT) regarding tree variety, spacing, and maintenance; and that future maintenance requirements are taken into consideration in all aspects and elements of streetscape design guidelines.

Mr. Elliot Rhodeside, landscape architecture consultant from Rhodeside & Harwell, Inc., then discussed the overall concept for the Guidelines, identified as Simply Sustainable, which identifies the key elements for pedestrian-friendly streetscapes, including street trees, paving,

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5. Briefing on the Advancing the Pike District’s Streetscape Design Guidelines

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furnishings, placemaking intersections, District gateways, lighting, and utilities, and provides recommendations for each element in detail. Mr. Rhodeside and staff then discussed the Guideline recommendations for each of these key elements, as detailed in the November 10 technical staff report.

Staff then discussed community input regarding the undergrounding of utilities, specifically text stating that all new development projects in the Pike District are required to underground utilities to and around their properties. Staff has revised the text to state that all new Optional Method development projects are expected to place utilities within and along property frontages underground.

There followed discussion with questions to staff, during which the Planning Board instructed staff to include language stating that all Optional Method development is generally expected to have underground utilities.

13. CLOSED SESSION

According to MD ANN Code, General Provisions Article, §3-305(b)(3), to consider the acquisition of real property for a public purpose and matters directly related to the acquisition.

The topic to be discussed is the proposed acquisition of land as an addition to Broad Run Conservation Park

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

6. Approval of FY23 Operating Budget, including Enterprise, Special Revenue Fund, Internal Service Fund, Planning, Central Administrative Services, Commissioners’ Office, and Parks

Staff Recommendation: Approval

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the proposed FY23 budgets for the Parks Department, the Planning Department, Central Administrative Services, Special Revenue Fund, Internal Service Fund, and the Commissioners’ Office.

Corporate Budget Manager John Kroll offered opening remarks, noting that since the last budget discussions in October, staff has received revised Other Post-Employment Benefits (OPEB) and pension figures for FY23, with the pension costs significantly lower than those discussed on the October memorandums to the Planning Board, and OPEB amount slightly higher. Mr. Kroll added that savings are projected for the health insurance expenditures reflected in the October memos.

Commissioners’ Office – As detailed in the November 15 memorandum to the Planning Board, Chief of Staff to the Planning Board Brian Anleu briefly discussed the proposed FY23 budget for the Commissioners’ office, noting a 3.5 percent reduction in pension and healthcare costs.

Planning Department – Management Services Division Chief Karen Warnick discussed the Planning Department’s proposed FY23 budget, as detailed in the November 9 memorandum to the Planning Board, noting that the reduction for pension health benefit costs will result in a \$559,000, or 2.5 percent decrease for the proposed FY23 budget request. The proposed FY23 budget request now stands at \$23,394,667 and represents an increase of 5.5 percent or \$1,210,036 over the approved FY22 budget.

Parks Department – Parks Department Budget Manager Nancy Steen discussed the proposed FY23 budgets for the Park Fund, the Enterprise Fund, the Property Management Fund, Park Fund Revenue, and the Special Revenue Fund, as detailed in the November 11 memorandum to the Planning Board. Ms. Steen noted that due to reduced pension costs, as well

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6. Approval of FY23 Operating BudgetCONTINUED

as other adjustments, a decrease of \$2.1 million is projected for the FY23 Parks Fund budget request, resulting in a total request of \$5,812,600, an increase of 5.2 percent above the FY22 adopted budget. Ms. Steen noted that including the costs for compensation markers and OPEB results in an overall total proposed Park Fund budget increase of 7.9 percent, or \$9.2 million. The FY23 Park Fund Operating Revenue is projected to be \$7,631,518, \$25,557 higher than the FY22 adopted budget, which is due to the increase in Inter-Governmental Revenue attributed to the Water Quality Protection Fund.

Ms. Steen then discussed the proposed FY23 Enterprise Fund budget, which reflects \$12,543,686 in revenues and \$10,613,081 in expenditures for a net profit of \$1,930,605.

Ms. Steen then discussed the proposed FY23 Property Management Fund, noting that the budget request for both the revenues and expenditures totals \$1,737,800, a 4.8 increase over the FY22 approved budget.

Ms. Steen then discussed the proposed FY23 Special Revenue Fund budget, which reflects total revenues of \$2,863,656 and expenditures of \$3,177,489, for an ending balance of \$494,282.

Commission-Wide IT Initiatives (CWIT) Internal Service Fund (ISF) – Chief Information Officer Mazen Chilet discussed the proposed FY23 budget request for the CWIT ISF, as detailed in the November 15 memorandum to the Planning Board, noting that the cost for the proposed agency-wide Continuity of Operations Plan (COOP) has been reduced from \$250,000 to \$200,000, \$89,000 of which will be covered by Montgomery County.

Internal Service Funds (ISF): Executive Office Building (EOB)/Risk Management/Group Health Insurance – Deputy Corporate Budget Director Katie Knaupe discussed the proposed FY23 EOB budget, noting that to meet increased operating costs and address major repairs, a 4.0 percent increase in occupancy charges is proposed for FY23. The FY23 budget request of \$1,570,259 reflects an increase of 4.6 percent, or \$69,054, over the FY22 approved budget.

Ms. Knaupe then discussed the Risk Management fund, noting that the FY23 budget request of \$2,951,400 is 6.4 percent, or \$201,900, decrease from the adopted FY22 budget. According to Ms. Knaupe, the decrease is attributable to a decrease in workers' compensation and liability claims. The FY23 budget includes a request for a new COOP Officer/Risk Management Specialist position.

Ms. Knaupe then discussed the proposed FY23 Commission-Wide Group Insurance Internal Service Fund budget request, which at \$70,100,000 reflects a 1.7 percent decrease from the adopted FY22 budget.

Montgomery County Capital Equipment Internal Service Fund (CEISF) – John Kroll discussed the proposed CEISF budget, noting that \$2.1 million in new purchases for the Parks Department and \$250,000 in new purchases for the Corporate IT Division of the Office of

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6. Approval of FY23 Operating Budget

CONTINUED

the CIO, \$125 thousand of which will be covered by Montgomery County, are proposed for FY23.

Mr. Kroll then discussed the FY23 Wheaton Headquarters (HQ) Building ISF budget, which is proposed at \$2,937,103.

There followed a brief Board discussion.

7. Bicycle Master Plan Biennial Monitoring Report, 2019-2020

Staff Recommendation: Review the Bicycle Master Plan Biennial Monitoring Report, 2019-2020 and Transmit to the County Council

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

Action: By consensus, 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 discussed the 2019-2020 Bicycle Master Plan Biennial Monitoring Report. Staff offered background information, noting that the Bicycle Master Plan has four goals, which include increasing bicycling rates in Montgomery County; creating a highly connected, convenient, and low-stress bicycling network; providing equal access to low-stress bicycling for all members of the community; and improving the safety of bicycling in the County. Staff noted that each goal has measurable objectives that gauge its progress, such as the percentage of residents who commute by bicycle, percentage of potential bicycle trips able to be made on a low-stress bicycling network, connectivity to Equity Focus Areas, and the number of bicycle fatalities and severe injuries, respectively.

According to staff, the Bicycle Master Plan recommends 1,150 miles of bikeways, of which 279 miles existed as of December 31, 2020, with 412 miles planned for the near future and an additional 459 miles planned long term. Also at that time, bikeways under construction included 5.1 miles of off-street trails, mainly for the Capital Crescent Trail, 4.5 miles of sidepaths, 0.7 miles of separated bike lanes, and 0.7 miles of bikeable shoulders. Forthcoming bikeways include 4 miles of additional separated bike lanes and 6.6 miles of additional sidepaths.

Staff recommendations include prioritizing construction of bikeway projects that improve connectivity to downtowns, upgrading the county's temporary neighborhood greenways to permanent neighborhood greenways, and improving access to low-stress bicycling in Equity Focus Areas; upgrading deficient bike racks at all public libraries and recreation centers over the next two years and expand and upgrading bicycle parking availability at all public schools over a 10-year period; developing comprehensive design standards for bicycle facilities; and continuing to expand the equity metrics evaluated as part of the Bicycle Master Plan Biennial Monitoring Report, among others.

Staff then demonstrated the inter-active online Bicycle Master Plan Bikeway Map, which offers descriptions of bikeway facility types, bikeway and bicycle parking recommendations, and

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7. Bicycle Master Plan Biennial Monitoring Report, 2019-2020

CONTINUED

bikeway implementation prioritization; and the 2021 Travel Monitoring Report Data Dashboard, which includes an inter-active Bicycle Monitoring Dashboard that allows users to follow the implementation of the Master Plan.

There followed extensive Board discussion with questions to staff, during which the Planning Board recommended that staff explore the feasibility of a County law requiring that bikeways be part of the construction of public facilities.

8. ZTA 21-08 Landscape Contractor – Use Standards---ZTA 21-08 would expand upon the definition of a Landscape Contractor, and would allow it as a limited use in certain zones

Staff Recommendation: Transmit Comments to County Council

(NOTE: Action required for County Council Public Hearing of November 30, 2021)

BOARD ACTION

Motion: VERMA/RUBIN

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 discussed a proposed Zoning Text Amendment (ZTA) regarding Limited Use Standards for Landscape Contractors in certain Rural Residential and Residential Zones. As introduced, ZTA 21-08 would establish new Limited Use Standards for Landscape Contractors that would allow them as a limited uses in all the same zones where the use is currently allowed as a Conditional Use, including the Agricultural Reserve (AR), Residential (R), Rural Cluster (RC), Rural Neighborhood Cluster (RNC), Residential Estate (RE-2), Residential Estate Cluster (RE-2C), Rural Estate (RE-1), and the R-200 zones. Staff noted that the definition of Landscape Contractor would be modified slightly to allow for the growing of plant materials for the contracting business, in addition to the other existing uses.

According to staff, there is some concern regarding the negative impacts that Landscape Contractors often have on neighboring residential uses, which are directly related to their operations and can only be properly mitigated through detailed analysis and regulatory conditions imposed by the Conditional Use process. Other concerns include the lack of Planning Department oversight of the process if a Preliminary Plan is not necessary and the need for much more stringent standards than are proposed. Staff is also concerned that the ZTA does not allow for conditions to be enacted that may mitigate negative impacts.

Staff noted that they have received over 140 pieces of correspondence from numerous residents expressing concerns regarding the potential for competition for property with small farmers, the removal of public input from the process, the potential for the industrialization of rural residential areas, landscaping not being a one-size-fits all use, and a lack of the strict control that other jurisdictions exhibit. For these reasons, staff recommends opposing ZTA 21-08.

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8. ZTA 21-08 Landscape Contractor – Use Standards

CONTINUED

Ms. Caroline Taylor, representing the Montgomery Countryside Alliance, and Mr. Quentin Remein, representing the Cloverly Civic Association, offered testimony.

There followed a brief Board discussion with questions to staff.

9. ZTA 21-09 Office and Professional – Biohealth Priority Campus---ZTA 21-09 establishes a new definition for a Biohealth Priority Campus including applicable uses, and establishes a faster regulatory process for review of new Biohealth facilities or substantially expanding existing facilities, located in the Commercial/Residential, and Employment Zones within or adjacent to a Red policy area, within an opportunity zone, or within ½ mile of a planned or existing Bus Rapid Transit route.

Staff Recommendation: Transmit Comments to County Council
(NOTE: Action required for County Council Public Hearing of November 30, 2021)

BOARD ACTION

Motion: RUBIN/CICHY

Vote:

Yea: 5-0

Nay:

Other:

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

Planning Department staff offered a multi-media presentation and discussed a proposed Zoning Text Amendment (ZTA). As introduced, ZTA 21-09 would establish a new use and a new type of development plan called Biohealth Priority Campus (BPC), with the intent of streamlining the development review process for certain biohealth and life science research and development companies looking to establish or expand in Montgomery County. According to staff, the proposed ZTA will make the new BPC use a limited use in the Commercial/Residential (CR) and Employment Office (EOF) zones. The BPC use would apply to any single commercial or industrial use that is part of a life sciences, research development, or medical/scientific manufacturing use that is planning 150,000 square feet or more of new space or an addition of at least 50,000 square feet to an existing facility, which is located within or adjacent to a Red Policy Area, Opportunity Zone, or 0.5 miles of an existing or planned Bus Rapid Transit (BRT) route.

Staff then discussed their many recommended modifications to the language in the proposed ZTA.

The following speakers offered testimony: Mr. Jonathan Genn, representing Global LifeSci Development Corporation and Percontee, Inc.; Ms. Pat Larrabee, representing Facility Logix; Mr. Dan Wilhelm, representing the Greater Colesville Citizens Association; and Mr. Thomas Kaufman, representing the United Therapeutics Corporation.

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9. ZTA 21-09 Office and Professional – Biohealth Priority CampusCONTINUED

There followed extensive discussion with questions to staff, during which the Planning Board instructed staff to include additional language recommending a requirement for applicants to submit their certified plans within 35 days of the mailing of Planning Board Resolutions; emphasizing that additional staff and other resources will be needed across all development review agencies; including the proposed pre-submission meeting as part of the Development Review Committee (DRC) meeting; naming the Commission as the lead agency in these cases; allowing applicants to request extension requests from the Planning Board; and language in the proposed ZTA that incorporates existing approvals into the BCP process. The Planning Board also recommended that staff develop fiscal notes regarding staffing and other necessary resources to help determine potential funding sources.

10. SRA 21-02: Administrative Subdivisions – Biohealth Priority Campus---SRA 21-02 would establish a new type of Administrative Subdivision for property that is reviewed and approved as a Biohealth Priority Campus under Chapter 59.

Staff Recommendation: Transmit Comments to County Council

(NOTE: Action required for County Council Public Hearing of November 30, 2021)

BOARD ACTION

Motion: RUBIN/CICHY

Vote:

Yea: 5-0

Nay:

Other:

Action: Following a brief discussion, approved staff recommendation to transmit comments to the County Council, as stated in the attached transmittal letter.

11. Montgomery County Planning Board Public Hearing, Worksession, and Action on the Designation of the Potomac Overlook Historic District (M: 35-157), An Amendment to the Master Plan for Historic Preservation.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received testimony.

A VERBATIM TRANSCRIPT OF THIS ITEM IS AVAILABLE IN THE WHEATON HEADQUARTERS BUILDING OF THE PARK AND PLANNING COMMISSION.