



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, January 13, 2022, at 9:04 a.m., and adjourned at 11:15 a.m.

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

Commissioner Tina Patterson was necessarily absent.

Item 1 is reported on the attached agenda.

The Board recessed at 9:06 a.m. and convened in Closed Session at 9:07 a.m. to take up Item 6, 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 9:07 a.m. via video conference on motion of Commissioner Cichy, seconded by Commissioner Verma, with Chair Anderson and Commissioners Cichy, Verma, and Rubin voting in favor of the motion, and Commissioner Patterson absent. The meeting was closed under authority of Annotated Code of Maryland §3-305(b)(13), to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.

Also present for the meeting were Principal Counsel Emily Vaias, Senior Counsel Matt Mills, Associate General Counsel Alison Myers, and James Parsons of the Legal Department.

In Closed Session, the Board approved the Closed Session Minutes of September 9, 15, and 23, October 28, November 18, and December 16 and 23, 2021.

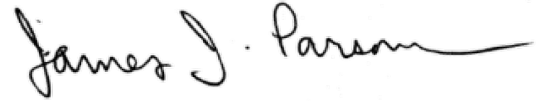
The Closed Session meeting was adjourned at 9:16 a.m.

The Planning Board reconvened the auditorium and via video conference at 9:18 a.m.

Items 3 through 5 are reported on the attached agenda.

Item 2 was removed from the Planning Board agenda.

There being no further business, the meeting was adjourned at 11:15 a.m. The next regular meeting of the Planning Board will be held on Thursday, January 20, 2022, 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 horizontal flourish extending to the right.

James J. Parsons
Sr. Technical Writer/Editor

Thursday, January 13, 2022
2425 Reddie Drive
Wheaton, MD 20902
301-495-4605

1. Consent Agenda

***A. Adoption of Resolutions**

1. Clarksburg Town Center Preliminary Plan 11995042D – MCPB No. 22-002
2. Clarksburg Town Center Site Plan 82007022H – MCPB No. 22-023

BOARD ACTION

Motion: CICHY/RUBIN

Vote:

Yea: 4-0

Nay:

Other: PATTERSON ABSENT

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**

1. 4725 Cheltenham Drive, Sketch Plan Amendment No. 32020006A and Site Plan No. 820220060, Regulatory Extension Request No. 1---First request to extend the review period for the Sketch Plan Amendment and Site Plan from January 16, 2022 to February 17, 2022 to convert up to 5,000 square feet of residential uses to commercial uses to accommodate up to 8 Live/Work units and modify the public benefit categories and the Site Plan proposes up to 76,841 square feet of residential uses for up to 102 dwelling units with 15% MPDUs and 4,351 square feet of commercial uses for 8 Live/Work units, a request for Bethesda Overlay Zone density and associated PIP payment. Located at 4725 Cheltenham Drive approximately 110 feet east of the intersection with Wisconsin Avenue; 2017 Bethesda Downtown Sector Plan.

Staff Recommendation: Approval of the Extension Request

BOARD ACTION

Motion: CICHY/RUBIN

Vote:

Yea: 4-0

Nay:

Other: PATTERSON ABSENT

Action: Approved staff recommendation for approval of the Sketch Plan Amendment and Site Plan Extension requests cited above.

***D. Approval of Minutes**

Planning Board Meeting Minutes of December 16, 2021

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 4-0

Nay:

Other: PATTERSON ABSENT

Action: Approved Planning Board Meeting Minutes of December 16, 2021, as submitted.

6. CLOSED SESSION

According to MD ANN Code, General Provisions Article, §3-305(b)(13), to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.

The topic to be discussed is the approval of Closed Session minutes

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

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

- ~~Parks Director's Report~~

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

***3. Saint John Neumann Catholic Parish Site Plan Amendment A: Site Plan No. 81981046A**---Request for approval to construct an approximately 6,000 square foot addition on the north side of the existing 1-story church building as well as a 2,400 square foot interior renovation of the existing building along with new exterior entrance sidewalks, new stormwater management facilities, new landscaping and lighting, and a new fire hydrant which will require an extension of the existing water service onsite; within the 2016 Montgomery Village Master Plan; located at 9000 Warfield Road in the southwest corner of the intersection of Warfield Road and Goshen Road; consists of a 177,529 sq. ft. (4.07 ac.) parcel of land that is zoned Residential - 200 (R-200) within the Montgomery Village Overlay Zone.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: COCHY/VERMA

Vote:

Yea: 4-0

Nay:

Other: PATTERSON ABSENT

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

Planning Department staff offered a multi-media presentation and discussed a proposed Site Plan Amendment to construct an addition to an existing church building. The 4.07-acre site is located on the southwest quadrant of the intersection of Warfield and Goshen Roads and is zoned Residential and Montgomery Village Overlay Zone (MVOZ) within the Montgomery Village Master Plan area. The site is currently developed with the 16,708-square foot Saint John Neumann Catholic Parish Church. A Colonial Pipeline Company easement bisects the property from east to west, and a 10-foot-wide Public Access Easement (PUE) runs along the Warfield Road and Goshen Road frontages. Previous approvals include a 1981 Site Plan for the construction of a church building with surface parking and a vehicular access point located along Goshen Road and another along Warfield Road; a 1997 Site Plan for a 3,720-square foot educational wing along the southwest and a chapel along the northeast corner of the existing church, the validity period for which expired in 2000 with neither structure being built; and a 2016 Sectional Map Amendment (SMA) rezoning the site from the Town Sector (T-S) zone to Residential.

Following the demolition of a portion of the existing building entrance canopy and some of the existing walls, the applicant proposes to construct a 6,000-square foot building addition along the north side of the existing church building. No additional seating for the main sanctuary

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***3. Saint John Neumann Catholic Parish Site Plan Amendment A**CONTINUED

is proposed. The applicant will provide new sidewalks along the front and eastern side of the building, a small plaza at the entrance, an accessible ramp for patrons traveling from the parking lot to the main building entrance, a new fire hydrant, restriping for the existing parking spaces, bicycle parking, additional landscaping, lighting, and new stormwater management facilities within the parking lot. The applicant will offer a payment-in-lieu toward the construction of 11-foot-wide side-paths and associated street buffers along the site frontages. The applicant is also requesting a parking waiver due to the constraints from the existing easements on the property. Staff added that while a Forest Conservation Exemption has been granted, the applicant will be required to plant 10 trees onsite as mitigation for the removal of four specimen trees, as specified in the Tree Save Plan. Staff then discussed revisions to Condition 13 regarding lighting and landscaping.

Mr. Dylan Macro of Macris, Hendricks, and Glascock civil engineering offered brief comments.

There followed Planning Board discussion with questions to staff.

4. ZTA 21-11 Sandy Spring Ashton Rural Village Overlay Zone – Amendments---ZTA 21-11 revises the Sandy Spring Ashton Rural Village Overlay Zone consistent with the recommendations of the Ashton Village Center Sector Plan which was adopted in July 2021. This ZTA is in coordination with the sectional map amendment (SMA) H-144.

Staff Recommendation: Transmit Comments to County Council

(NOTE: Action required for County Council Public Hearing of January 18, 2022)

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 4-0

Nay:

Other: PATTERSON ABSENT

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) that would make amendments to the Sandy Spring/Ashton Rural Village Overlay Zone (SSARVO) that were recommended as part of the Ashton Rural Village Center Sector Plan, including the removal of a number of sections of the existing overlay that were redundant or otherwise not necessary with the Commercial/Residential/Neighborhood (CRN) Zone. As introduced, ZTA 21-11 will slightly modify the text of the SSARVO to address a formatting change by the County Council that removed subsection numbering and lettering because the resulting text is a single statement rather than a series of statements. This modification inadvertently deleted an entire line from the code that includes the text “where a lot is in a Residential Zone.” That line is important to the intent of the remaining text in the section, which only applies to residentially zoned land. The proposed amendment will also add two land use exceptions that are unique to the Ashton community. Otherwise, the remainder if the ZTA is identical to the ZTA that the Planning Board recommended for introduction.

There followed Planning Board discussion with questions to staff.

5. CU202201 Heritage Gardens

B. Preliminary Forest Conservation Plan CU202201---Request for a Conditional Use to construct and operate a Residential Care Facility (Greater than 16 persons), on 30.60-acres located at 10701 South Glen Road, Potomac, MD, north of its intersection with Norton Road, identified as Parcels P950, P896 and Parcel B, RE-2 Zone, 2002 Potomac Subregion Master Plan.

Staff Recommendation: Approval with Conditions

A. Conditional Use CU202201---Request for a Conditional Use to construct and operate a Residential Care Facility (Greater than 16 persons), on 30.60-acres located at 10701 South Glen Road, Potomac, MD, north of its intersection with Norton Road, identified as Parcels P950, P896 and Parcel B, RE-2 Zone, 2002 Potomac Subregion Master Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: B & A. VERMA/RUBIN

Vote:

Yea: B & A. 4-0

Nay:

Other: PATTERSON ABSENT

Action: B. Approved staff recommendation for approval of the Preliminary Forest Conservation 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.

A. Approved staff recommendation to transmit comments to the Hearing Examiner, as discussed during the meeting and as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed proposed Conditional Use and associated Preliminary Forest Conservation Plan (PFCP) requests to operate a residential care facility. The 30.6-acre property, consisting of Parcels B, 896, and 950, is located on the northeast side of South Glen Road and is zoned Residential Estate (RE-2) within the Potomac Subregion Master Plan area. Parcel B is currently developed with structures associated with the former Fourth Presbyterian School and an associated surface parking lot. Parcels 896 and 950 are undeveloped. Vehicular access is currently provided via a driveway that is located opposite Norton Road and offset from the intersection of South Glen Road and Norton Road by approximately 25 feet. Currently, 12.73 acres of existing forest are located on the northwestern portion of the property, along the north property line, and the northeastern corner.

The applicant proposes to construct and operate 74 independent living units, consisting of 11 two-story three-unit structures, six two-story duplex units, and a 29-unit multi-use building,

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5. CU202201 Heritage GardensCONTINUED

identified as the Lodge, which will also include 87 assisted living and memory care units to accommodate 105 beds. Vehicular access will from South Glen Road via a private access drive. The existing former gymnasium structure will be repurposed for a recreation amenity space/clubhouse that will function as the focal activity center for residents. Staff then briefly discussed minor corrections to the staff report regarding the provision of ancillary services, compliance regarding independent dwelling units and provision of Moderately Priced Dwelling Units (MPDUs), signage, screening, and landscaping.

The PFCP proposes to clear 2.81 acres of forest, and to retain 8.78 acres onsite in a Category I Conservation Easement, which generates no planting requirement. To offset the encroachment into an existing stream valley buffer (SVB) and the clearing of 0.2 acres of high priority forest, the applicant proposes to provide 2.29 acres of supplemental planting within the SVB. The applicant has also submitted a variance request to remove 42 on-site specimen trees, and to impact 11 on-site and 10 off-site specimen trees, which will be mitigated through the planting of 79 overstory native trees onsite. Staff supports the variance request.

Ms. Susanne Lee representing the West Montgomery County Citizens Association and Ms. Marie Brigham, adjacent property owner, offered testimony.

Ms. Patricia Harris, attorney representing the applicant, offered comments regarding design elements, the proposed density, provided services, and environmental issues, and requested that Conditions 11 and 12 regarding construction of six-foot-wide sidewalks be reworded to state that they will be decided at Preliminary Plan review.

Staff noted that they were amenable to Ms. Harris's request.

Mr. Ken Wormald, member of the applicant's team, also offered comments.

There followed extensive Board discussion with questions to staff, during which the Planning Board instructed staff to include language in the transmittal letter to the Hearing Examiner that clarifies that the independent living units are incorporated as part of the progressive care facility, that there are covenants in place regarding the Conditional Use requirements for and benefits of ownership of the independent living units, and states that Conditions more appropriate for Preliminary Plan review will be addressed at that time.