



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 20, 2022, at 9:03 a.m., and adjourned at 10:09 a.m.

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

Items 1, 2, 4, 5, and 8 are reported on the attached agenda.

Items 3, 6, 7, and 9 were removed from the Planning Board agenda.

There being no further business, the meeting was adjourned at 10:09 a.m. The next regular meeting of the Planning Board will be held on Thursday, January 27, 2022, in the Wheaton Headquarters Building in Wheaton, Maryland, and via video conference.

James J. Parsons
Sr. Technical Writer/Editor

Thursday, January 20, 2022
2425 Reddie Drive
Wheaton, MD 20902
301-495-4605

1. Consent Agenda

***A. Adoption of Resolutions**

1. Heritage Gardens Forest Conservation Plan No. CU202201 – MCPB No. 22-005

BOARD ACTION

Motion: RUBIN/VERMA

Vote:

Yea: 4-0

Nay:

Other: PATTERSON ABSTAINED

Action: Adopted the Resolution cited above, as submitted.

***B. Record Plats**

Subdivision Plat No. 220210210, Bloom Montgomery Village

TLD zone; Stewartown Road Dedication; located on the western side of Montgomery Village Avenue opposite from the intersection of Stewartown Road; Montgomery Village Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: RUBIN/CICHY

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. Garden of Remembrance Memorial Park, Preliminary Plan Amendment No.**

12000004B---Application to remove portions of an existing Category I Conservation Easement and replace it onsite; located at 14321 Comus Road, Clarksburg; 152 acres; AR zone; 1994 Clarksburg Master Plan & Hyattstown Special Study Area and 2014 Ten Mile Creek Area Limited Amendment.

Staff Recommendation: Approval with Conditions

2. Greentree Estates, Lot 9: Preliminary Plan Amendment No. 11996048B---Application to remove an existing 5,523 square foot Category I conservation easement from Lot 9 in the Greentree Estates subdivision and mitigate for the removal at an offsite location; 0.48 acres; R-200 Zone; located at 9701 Carmel Ct., in the NW quadrant of the intersection of Carmel Ct. and Greentree Rd. in Bethesda; 2002 Potomac Subregion Master Plan.

Staff Recommendation: Approval with Conditions

3. Bradley Farms, Administrative Subdivision Plan No. 620220020, Regulatory Extension

Request No. 1---Request to extend the regulatory review period for Administrative Plan No. 620220020 from January 20, 2022 to May 19, 2022. Application to create two (2) lots for two (2) Detached Houses; 9025 Bronson Drive; 6.29 acres; RE-2 zone; 2002 Potomac Subregion Master Plan.

Staff Recommendation: Approval of the extension request

4. Bloom MV I-IV, Preliminary Plan Amendment No. 12017015A & Site Plan Amendment No. 82017013D Extension Request No. 2--- Request to extend the regulatory review period from January 20, 2022 to April 21, 2022; located at Intersection of Montgomery Village Avenue and Stewartown Road, Montgomery Village; on approximately 61.31 acres of land zoned TLD and CRN, within the Montgomery Village Overlay Zone; within 2016 Montgomery Village Master Plan.

Staff Recommendation: Approval

5. Preliminary Plan No. 120210230, 1910 University Blvd Senior Housing – Regulatory

Extension Request No. 2---Request to extend the regulatory review period from January 20, 2022 to April 28, 2022; subdivision for an existing Religious Assembly use and a proposed 90-unit Independent Living Facility for Seniors; on approximately 3.56 acres zoned R-60; within the 2012 Wheaton CBD and Vicinity Sector Plan area.

Staff Recommendation: Approval of the Extension Request

6. Seneca Property, Preliminary Plan No. 120210250 and Site Plan No. 820210200 –

Regulatory Extension Request No. 2--- Request to extend the regulatory review period for Preliminary Plan No. 120210250 and Site Plan No. 820210200 from January 20, 2022 to February 17, 2022. Application to subdivide Parcel (14124 Seneca Rd) into three lots for three single-family detached units.

Staff Recommendation: Approval

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***C. Other Consent Items**

CONTINUED

7. Takoma Junction, Preliminary Plan No. 120190150 & Site Plan No. 820190090, Regulatory Extension Request No. 6---Sixth request to extend the regulatory review period for Preliminary Plan No. 120190150 and Site Plan No. 820190090 from January 20, 2022 to January 27, 2022 to allow time for mailing notices; NR-0.75 H-50 & Takoma Park/East Silver Spring Commercial Revitalization Overlay zones, 1.25 acres, located on the south side of Carroll Avenue at its intersection with Ethan Allen Avenue in the City of Takoma Park, 2000 Takoma Park Master Plan.

Staff recommendation: Approval of the Extension Request

BOARD ACTION

Motion: 1 & 2. CICHY/RUBIN
3 through 7. RUBIN/CICHY

Vote:
Yea: 1 through 7. 5-0

Nay:

Other:

Action: 1 & 2. Approved staff recommendation for approval of the Preliminary Plan Amendments cited above, subject to conditions, which will be reflected in associated draft Resolutions to be adopted by the Planning Board at a later date.

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

4. Approved staff recommendation for approval of the Preliminary and Site Plan Amendment Extension requests cited above.

5 through 7. Approved staff recommendation for approval of the Preliminary Plan Extension requests cited above.

6 & 7. Approved staff recommendation for approval of the Site Plan Extension requests cited above.

***D. Approval of Minutes**

Planning Board Meeting Minutes of December 23, 2021

BOARD ACTION

Motion: RUBIN/CICHY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved Planning Board Meeting Minutes of December 23, 2021, as submitted.

2. Roundtable Discussion

- Planning Department Director's Report

BOARD ACTION**Motion:****Vote:****Yea:****Nay:****Other:****Action: Received briefing.**

Planning Department Director's Report – Planning Department Director Gwen Wright briefed the Board on the following ongoing and upcoming Planning Department events and activities: the status of Corridor Forward – The I-270 Transit Plan, with a County Council Public Hearing scheduled for February 15; the status of the Silver Spring Downtown and Adjacent Communities Plan, with a County Council Public Hearing scheduled for February 17; the status of the Amendment to the Master Plan for Historic Preservation to designate Potomac Overlook as a Master Plan Historic District, with a County Council Public Hearing scheduled for March 1; the status of Zoning Text Amendment (ZTA) 21-09 regarding Bio-health Priority Campuses, with a County Council Planning, Housing, and Economic Development (PHED) Committee meeting scheduled for January 31; the status of the upcoming Makeover Montgomery 5 conference scheduled for September, with this year's theme to be economic, environmental, social, housing, and health resilience; the status of the Planning Department Equity Agenda for Planning, which has included mandatory staff training, inclusion of an equity performance measure in employee evaluations, the creation of an Equity Peer Review group to review work products, a commitment to communication and engagement, and ongoing work by the Research and Special Projects Division on the Community Equity Index; the recent request from Councilmember Hans Riemer to rename Montrose Parkway in honor of Josiah Henson; the status of the Historic Preservation Office's Asian American Pacific Islander Heritage Study of Montgomery County, which is being funded through a grant from the Maryland Historical Trust as part of a Statewide initiative to create a context study of Asian American Pacific Islander heritage in the City of Baltimore and the Washington, DC, area suburbs; the status of the Mapping Segregation Project, which will explore use of racially restrictive covenants and discriminatory housing practices and how they influenced the development of the County; the Historic Preservation Office's continued work with the historic Scotland AME Zion Church community to identify emergency grant funds for repairs for flood damage; and the Historic Preservation Office's work with the Reconciliation and Remembrance Commission regarding

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2. Roundtable Discussion

CONTINUED

information on historic County African-American burial sites to be included in the Burial Site Inventory.

There followed a brief Board discussion.

~~*3. Shady Grove Sector Plan Minor Master Plan Amendment—Corrective Map Amendment~~ **REMOVED**

Staff Recommendation: Approve the Request to File the Corrective Map Amendment for the Shady Grove Sector Plan Minor Master Plan Amendment

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

4. Jennifer Rodriguez-Aguilar Day Care Conditional Use No. CU202205---Request for Conditional Use approval to expand the currently operating licensed family day care facility (Ariana’s Little Star) for 7 children to a group day care facility with a maximum of 12 children within a single-family detached dwelling unit with off-street parking and an outdoor recreation area; located at 13011 Freeland Road in Rockville; to serve the general neighborhood within the 1994 Aspen Hill Master Plan; 0.14 acres of land in the R-60 Zone.

Staff Recommendation: Approval with Conditions and Transmittal to the Hearing Examiner

BOARD ACTION

Motion: RUBIN/PATTERSON

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 expand an existing day care facility. The 0.14-acre property is located on the east side of Freeland Road and is zoned Residential within the Aspen Hill Master Plan area. The site is currently improved with a single-family residence and two-car driveway. The applicant, who lives at the residence, has been operating a family day care for up to eight children on the lower level of the residence since 2016, which includes two main rooms, a kitchen, additional room for programming, and an outdoor play area that is enclosed by a wooden fence. In addition to the applicant, the one other staff member employed by the existing day care also lives at the property. Unrestricted on-street parking is allowed on both sides of Freeland Road and two parking spaces are provided on the property’s driveway.

The applicant proposes to expand the existing family day care to a group day care for a maximum enrollment of 12 children. One additional non-resident employee who will use transit will be hired to assist with the additional children. The two residents will use on-street parking to allow the driveway to be available for day care drop-offs and pick-ups, which will be staggered every 15 minutes from 7:30 to 9:30 a.m. and from 4:30 to 5:30 p.m., respectively. Staff then discussed a minor correction in the staff report regarding nearby Conditional Use and Special Exception approvals.

Ms. Jennifer Rodriguez, the applicant, offered comments through an interpreter.

There followed a brief Board discussion.

***5. United Therapeutics 1000 Spring Street**---CR 3, C 2.0 R 2.75 H-90T, 2.06 acres, located on Colesville Road at Spring Street; 2000 Silver Spring CBD Sector Plan.

A. Sketch Plan No. 320210090---Request to supersede previously approved Project Plan and allow a maximum density of 121,724 square feet for existing nonresidential uses.

Staff Recommendation: Approval with Conditions

B. Preliminary Plan Amendment No. 12013019A---Request to convert previously approved 10,000 square feet of retail and 1,000 square feet of office into an 11,000 square foot daycare center within an existing office building.

Staff Recommendation: Approval with Conditions

C. Site Plan Amendment No. 82014011B---Request to convert previously approved 10,000 square feet of retail and 1,000 square feet of office into an 11,000 square foot daycare center within an existing office building, ~~and to reduce previously approved public use space into a private outdoor playground,~~ comply with the CR zone optional method development standards, and modify associated landscaping and hardscape ~~and lighting~~.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: A through C. CICHY/VERMA

Vote:

Yea: A through C. 5-0

Nay:

Other:

Action: A. 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.

B. Approved staff recommendation for approval of the Preliminary Plan Amendment 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.

C. Approved staff recommendation for approval of the Site Plan Amendment 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 proposed Sketch Plan and Preliminary and Site Plan Amendment requests to convert existing retail uses to day care uses, to supersede the previously approved Project and Site Plans, and to review the property under new Sketch and Site Plans. The 2.06-acre property is located on the southwest

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***5. United Therapeutics 1000 Spring Street**CONTINUED

quadrant of the intersection of Spring Street and Coleville Road (US29) and is zoned Commercial/Residential (CR) within the Silver Spring Central Business District (CBD) Sector Plan area and the Sligo Creek watershed. The site is currently developed with a 121,724-square foot office/laboratory building with ground floor retail that is owned and was developed by United Therapeutics, which has been occupied since 2018. Previous approvals include 2013 Project and Preliminary Plans for the development of Phase 3 of the United Therapeutics Silver Spring Campus, and a 2014 Site Plan for the construction of a mixed-use project that included a total of up to 121,724 gross square feet, including up to 111,724 square feet of office use/laboratory space, up to 10,000 square feet of retail space, and 152 parking spaces, both of which were reviewed and approved under the Zoning Ordinance in effect on October 29, 2014.

Under review of the Zoning Ordinance in effect as of October 30, 2014, so as to supersede the previously approved Project Plan, the applicant proposes to replace previously approved 10,000 square feet of ground floor retail and public use space and 1,000 square feet of office/laboratory uses fronting on US29 with an 11,000-square foot day care center and outdoor play area, which is permitted in the CR zone, and to modify associated landscaping and hardscape. The proposal will not result in any change in building footprint or increase in density from what has been previously approved.

Mr. Bill Kominers, attorney representing the applicant, offered comments and concurred with the staff recommendation.

Mr. Avi Halpert, member of the applicant's team, also offered comments.

There followed a brief Board discussion.

~~*6. Takoma Junction~~ — **REMOVED**

~~**A. Mandatory Referral 2021019** — Request for the disposition of land owned by the City of Takoma Park, NR-0.75 H-50 & Takoma Park/East Silver Spring Commercial Revitalization Overlay zones, 1.25 acres, located on the south side of Carroll Avenue at its intersection with Ethan Allen Avenue in the City of Takoma Park, 2000 Takoma Park Master Plan.~~

~~Staff Recommendation: Denial~~

~~**B. Preliminary Plan 120190150** — Request for one lot for up to 40,762 square feet of commercial uses, NR-0.75 H-50 & Takoma Park/East Silver Spring Commercial Revitalization Overlay zones, 1.25 acres, located on the south side of Carroll Avenue at its intersection with Ethan Allen Avenue in the City of Takoma Park, 2000 Takoma Park Master Plan.~~

~~Staff Recommendation: Denial~~

~~**C. Site Plan 820190090** — Request to construct a 40,762 square feet commercial building for restaurant, retail, and office, request for 15 off-street parking spaces, and request to allow a loading space within a layby along the site frontage on Carroll Avenue, NR-0.75 H-50 & Takoma Park/East Silver Spring Commercial Revitalization Overlay zones, 1.25 acres, located on the south side of Carroll Avenue at its intersection with Ethan Allen Avenue in the City of Takoma Park, 2000 Takoma Park Master Plan~~

~~Staff Recommendation: Denial~~

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

~~*7. — ELP Bethesda at Rock Spring Phase 1A, Site Plan No. 820210190 — Request to construct Phase 1A with up to 928,844 sf of continuing care retirement community (CCRC) uses; located at 10400 Fernwood Rd, Bethesda; approximately 33.64 acres of land zoned CRF 1.5, C-0.75, R-1.5, H-150; within the Rock Spring Sector Plan area. — **REMOVED**~~

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

***8. 11801 Seven Locks Road, Willerburn Acres, Section 2, Preliminary Plan No. 120210160---**Request to create four (4) lots for four Detached Houses; 11801 Seven Locks Road; 1.01 acres; R-90 zone; 2002 Potomac Subregion Master Plan.

Staff Recommendation: Approval with Conditions and Adoption of the Resolution

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 5-0

Nay:

Other:

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

Planning Department staff offered a multi-media presentation and discussed a proposed Preliminary Plan request to subdivide a property for the construction of single-family detached dwellings. The 1.02-acre property is located on the northeast quadrant of the intersection of Seven Locks Road and Fontaine Street and is zoned Residential within the Potomac Subregion Master Plan area. The site is currently developed with an existing detached residence accessed from Fontaine Street via a single driveway.

Following the demolition of the existing residence, the applicant proposes to create four lots for single-family residences. Vehicle access will be via a shared private driveway for the two lots fronting on Seven Locks Road, with the two lots fronting on Fontaine Street to be accessed via individual driveways. Frontage improvements consist of a new culvert under Fontaine Street to allow for increased stormwater flow, a six-foot-wide bicycle shoulder along Seven Locks Road, and a new six-foot-wide sidewalk along Fontaine Street frontage. There is no existing forest onsite, which results in an afforestation requirement of 0.18 acres that the applicant will meet through the purchase of credits in an off-site forest bank or by submitting a fee-in-lieu payment if no forest banks are available. The applicant has also submitted a variance request to remove 10 trees, which will be mitigated through the planting of 23 native overstory trees onsite. Staff has received correspondence from neighboring residents regarding stormwater management, the proposed tree removal, the proposed retaining wall along the western boundary, the proposed density increase, and increased traffic. Staff addressed each of these issues, as detailed in the January 7 technical staff report.

Mr. William Kominers, attorney representing the applicant, offered comments and concurred with the staff recommendation.

There followed a brief Board discussion.

9. ~~Fee in Lieu briefing to the Board – Language Forthcoming~~ **REMOVED**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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