



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 6, 2022, at 9:07 a.m., and adjourned at 1:26 p.m.

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

Items 1 through 7 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 1:26 p.m. The next regular meeting of the Planning Board will be held on Thursday, January 13, 2022, in the Wheaton Headquarters Building in Wheaton, Maryland, and via video conference.

James J. Parsons
Sr. Technical Writer/Editor

Thursday, January 6, 2022
2425 Reddie Drive
Wheaton, MD 20902
301-495-4605

1. Consent Agenda

***A. Adoption of Resolutions**

1. 4 Bethesda Metro Sketch Plan 32018011A – MCPB No. 21-135
2. Seneca Farms Site Plan 820210150 – MCPB No. 21-131

BOARD ACTION

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

Vote:
 Yea: **1. 4-0**
 2. 5-0
 Nay:

Other: **1. RUBIN ABSTAINED**

Action: **1 & 2. Adopted the Resolutions cited above, as submitted.**

***B. Record Plats**

Subdivision Plat No. 220121530, Manor Oaks

RNC zone; 1 lot; located on the east side of Old Baltimore Road, 650 feet north of Lindenwood Drive; Olney Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220200800, Chevy Chase Gardens

R-60 zone; 1 lot; located on the south side of Hunt Avenue, 200 feet west of Stratford Road; Bethesda-Chevy Chase Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220210040, Woodside Park

CR zone; 1 lot; located in the southeast quadrant of the intersection of Spring Street and Georgia Avenue (MD 97); Silver Spring CBD Sector Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: CICHY/RUBIN

Vote:

Yea: 5-0

Nay:

Other:

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

***C. Other Consent Items**

1. Hammer Hill, Preliminary Plan No. 120210180 and Site Plan No. 820210090 – Regulatory Review Extension Request No. 2---Request to extend the regulatory review period from January 20, 2022 to July 21, 2022: Application to create one (1) lot for a Daycare Center (Over 30 persons) and a Clinic (Up to 4 Medical Practitioners) and to construct a 13,600 square foot Daycare Center (Over 30 persons) with associated appurtenances; located at 23310 Frederick Road; 2.83 acres; CRT-0.5 C-0.5 R-0.5 H-45 and Clarksburg East Environmental Overlay Zone; 1994 Clarksburg Master Plan and Hyattstown Special Study Area; 2014 Clarksburg Ten Mile Creek Area Limited Amendment.

Staff Recommendation: Approval of the Extension

BOARD ACTION

Motion: CICHY/RUBIN

Vote:

Yea: 5-0

Nay:

Other:

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

***D. Approval of Minutes**

Planning Board Meeting Minutes of December 9, 2021

BOARD ACTION

Motion: CICHY/RUBIN

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved Planning Board Meeting Minutes of December 9, 2021, as submitted.

2. Roundtable Discussion

—Planning Parks Department Director's Report

BOARD ACTION

Motion: RUBIN/CICHY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved Chair Anderson’s recommendation for the Parks Department to develop a Scope of Work for the construction of a memorial honoring those who defended the U.S. Capitol building during the January 6, 2021 insurrection.

Chair Anderson briefed the other Planning Board members regarding a proposed memorial to honor those who stood against the insurgents’ efforts to undermine democracy during the January 6, 2021 attack on the United States Capitol building, such as U.S. Representative Jamie Raskin, Capitol Police Officer Eugene Goodman, and Officer Michael Fanone of the Metropolitan Police Department. Chair Anderson recommended that Parks Department staff set up a process and define parameters to construct a memorial by January 6, 2023, including the solicitation of proposals, the selection of a park location, the selection of the type and design, and exploration of funding for the memorial, and prepare and present a briefing on their progress.

There followed a brief Board discussion, during which the Planning Board requested that staff explore funding from Montgomery Parks Foundation (MPF) fundraising efforts and funding sources outside the County.

***3. Clarksburg Town Center**

A. Preliminary Plan No. 11995042D---Amendment to convert the originally approved 24 manor home condominium units, including 8 MPDUs, within 2 buildings, on Block M, Parcel A and Block S, Parcel C to 12 rear-loaded townhouse dwelling units, including 7 MPDUs; Located at the northeast and southeast quadrants of the intersection of Cabin Branch Avenue and Burdette Forest Road; RMX-2 zone; 0.56 acres; 1994 Clarksburg Master Plan & Hyattstown Special Study Area.

Staff Recommendation: Approval with Conditions

B. Site Plan No. 82007022H--- Amendment to convert the originally approved 24 manor home condominium units, including 8 MPDUs, within 2 buildings, on Block M, Parcel A and Block S, Parcel C to 12 rear-loaded townhouse dwelling units, including 7 MPDUs; Located at the northeast and southeast quadrants of the intersection of Cabin Branch Avenue and Burdette Forest Road; RMX-2 zone; 0.56 acres; 1994 Clarksburg Master Plan & Hyattstown Special Study Area.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: A & B. CICHY/RUBIN

Vote:

Yea: A & B. 5-0

Nay:

Other:

Action: A. 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.

B. 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 Preliminary and Site Plan Amendment requests to convert approved manor home condominiums to townhouse units.

The applicant proposes to convert the originally approved 24 manor home condominium units, including eight MDPUs within two buildings, to 12 rear-loaded townhouse dwelling units, including seven MPDUs, for a total 12.5 percent MPDUs. All parking will be located at the rear of the units. Staff added that the application is subject to a Tier 2 Utilization Premium Payment (UPP) for development approved within the Clarksburg High School service

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***3. Clarksburg Town Center**

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area. Staff then discussed a minor correction to a setbacks data table in the staff report.
Ms. Kate Kubit, member of the applicant's team, offered brief comments.
There followed a brief Planning Board discussion.

4. ZTA 21-10 Accessory Structures – Use Standards---ZTA 21-10 clarifies the provisions that limit the maximum footprint for accessory buildings on lots in the Agricultural, Rural Residential, and Residential Detached zones to make it clear the cumulative footprint of all accessory structures may not exceed 50% of the principal building, or 600 square feet, whichever is greater.

Staff Recommendation: Transmit Comments to County Council

(NOTE: Action required for County Council Public Hearing of January 8, 2022)

BOARD ACTION

Motion: CICHY/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) that will clarify the provisions in the code that limit the size of accessory structures on lots in the Agricultural, Rural Residential, and Residential Detached zones. Staff noted that in July 2021, the Court of Special Appeals found that existing provisions would allow a property owner to have multiple accessory buildings such as detached garages, sheds, pool houses, and other not permanently occupied structures, and that each building could have a footprint up to 50 percent the footprint of the principal building or 600 square feet, which goes against the historic interpretation of this provision. To address this, ZTA 21-10 will amend the code by placing a cumulative footprint cap across all accessory buildings at 50 percent of the footprint of the principal building or 600 square feet, whichever is greater.

There followed a brief Board discussion with questions to staff.

5. Mandatory Referral (MR2022009) for the construction of additions to William Tyler Page Elementary School, 13400 Tamarack Road, Silver Spring, MD.

Staff Recommendation: Transmit Comments to Montgomery County Public Schools

BOARD ACTION

Motion: RUBIN/CICHY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to transmit comments to Montgomery County Public Schools, 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 Mandatory Referral request from Montgomery County Schools (MCPS) to construct additions to an existing school building. The 9.56-acre property is located on the west side of Tamarack Road and is zoned Residential within the White Oak Master Plan area. The site is currently developed with the approximately 63,841-square foot William Tyler Page Elementary School building, 13 portable classrooms, a bus loop, playfields, and a 74-space parking area. Vehicular access the school is from Tamarack Road.

Following the removal of the two existing basketball courts, pre-kindergarten asphalt play area, and pre-kindergarten playground in the rear of the school, as well as the portable classrooms, MCPS proposes to increase the gross floor area of the existing school building to 97,195 square feet, expanding the school's capacity from 615 to 740 students, by constructing a 31,054-square foot two-story addition on the rear portion of the building and a 2,300-square foot single-story addition on the front portion. The two-story addition will accommodate three playrooms for kindergarten and pre-kindergarten levels, 11 regular classrooms, supporting areas, and a new entrance lobby, with the single-story addition to include an expansion of the existing multi-purpose room, new kitchen facilities, and storage space. MCPS also proposes to construct new basketball courts, pre-kindergarten playground, kindergarten play areas, landscaping, and stormwater management facilities. Staff added that while no modifications to existing vehicular access or circulation are proposed, they do recommend coordination with MCDOT to widen the sidewalks to six feet along the school's frontage with Tamarack Road. Staff has received correspondence from the Tamarack Triangle Civic Association expressing concerns regarding traffic congestion on Tamarack Road during student arrival and departure.

Mr. Seth Adams of MCPS offered comments and noted that MCPS will continue to work

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5. Mandatory Referral (MR2022009) for the construction of additions to William Tyler Page Elementary School

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with Montgomery County Department of Transportation (MCDOT) regarding the student arrival and departure process.

Mr. Pete Myo Khin, representing the Tamarack Triangle Civic Association, offered testimony.

There followed a brief Board discussion with questions to staff, during which Commissioner Rubin recommended that MCPS staff include representatives from the community and civic associations in discussions on student arrival and departure operations.

***6. 4901 Battery Lane Sketch Plan No. 320220040**---CR 1.5 C 0.5 R 1.5 H 120' and Bethesda Overlay Zones, 2.12 acres; Request for up to 420,528 square feet of density for a multifamily development with 15% MPDUs, including up to 281,865 square feet of BOZ density and associated PIP payment; located on the north side of Battery Lane approximately 450 feet west of Woodmont Avenue; 2017 Bethesda Downtown Sector Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: CICHY/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 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 to construct a multi-family development. The 2.12-acre site, consisting of Lots 26, 49, and 50, is located on the north side of Battery Lane, approximately 450 feet west of its intersection with Woodmont Avenue, and is zoned Commercial/Residential (CR) and Bethesda Overlay Zone (BOZ) within the Bethesda Downtown Sector Plan area and the Rock Creek watershed. The property is currently improved with two garden style apartment buildings and associated surface parking and is accessed via two curb cuts along Battery Lane.

Following the demolition of the existing garden apartment buildings, the applicant proposes to redevelop the property with 420,528 square feet of residential development, including 281,865 square feet of BOZ density, within a 12-story residential building for 399 multi-family units, including 15 percent Moderately Priced Dwelling Units (MPDUs), and structured parking. Access will continue to be from Battery Lane, though the applicant proposes to consolidate the two existing curb cuts into one full-movement driveway located along the east side of the site, which will provide access to an on-site pick-up/drop-off area, on-site loading and trash collection areas, and the on-site parking structure. Two 10-foot-wide public pedestrian through-block connections will be provided along the east and north sides of the site.

Ms. Nancy Regelin, attorney representing the applicant, offered comments and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff.

7. Silver Spring Downtown and Adjacent Communities Plan Work Session 4

Staff Recommendation: Discussion, Review, and Approval of the Planning Board Draft for Transmittal to the County Executive and County Council

BOARD ACTION

Motion: CICHY/RUBIN

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Planning Board Draft of the Silver Spring Downtown and Adjacent Communities Plan, as discussed during the meeting, and transmittal of the Plan to the County Executive and County Council.

Planning Department and Parks Department staff offered a multi-media presentation and discussed the proposed Silver Spring Downtown and Adjacent Communities Plan, specifically revisions discussed during the December 23, 2021, worksession. Planning Department staff discussed revisions to transportation recommendations regarding goals, bicycle recommendations, the proposed pedestrian network, transit, roadways, parking and loading, and transportation demand management, as detailed in the December 30, 2021, technical staff report.

Parks Department staff then discussed revisions to parks and public spaces recommendations regarding proposed park locations and recommendations, as detailed in the December 30, 2021, technical staff report.

Planning Department staff then discussed revised housing recommendations; land use and zoning recommendations regarding the Construction and Infrastructure Fund (CIF), the Building Height Incentive Zone (BHIZ), active ground floor use, and the Plan's Vision text; and schools recommendations, as detailed in the December 30, 2021, technical staff report.

Planning Department staff then offered a briefing on the heat island effect in the Plan area, noting that extreme heat can impact human and wildlife health, outdoor commerce and activity, pedestrian and bicycle uses, infrastructure, energy demands, and stream temperatures, and is the number one cause of weather-related fatalities in the State. To address surface and heat island temperatures, staff recommends increasing green cover throughout plan area to 35 percent on all properties with larger trees.

There followed extensive Board discussion with questions to staff, during which the Planning Board made the following recommendations: 1) designate non-driver modes of transportation as the highest priority; 2) include rolling in the list of transportation modes; 3) explore ways to increase bicycle safety by addressing traffic in right lane on southbound Georgia Avenue (MD97) between East-West Highway to the District of Columbia line; 4) ensure that

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7. Silver Spring Downtown and Adjacent Communities Plan Work Session 4CONTINUED

businesses near Americans with Disabilities Act (ADA) improvements are included and involved in the process; 5) include language clarifying that wooded areas are considered park amenities; 6) include recommendations for safe and secure bicycle parking in parks; 7) include specific language stating that park size and amenities will be determined by the park facility plan process; 8) remove the recommended CIF contribution amount from the Plan and state that the contribution amount is to be determined by the zoning ordinance; 9) while clearly stating the combination of elements that must be met remove the specific language regarding the number of Moderately Priced Dwelling Units (MPDUs), type of ground floor uses, and the Montgomery County Housing Initiative Fund (HIF) contribution amount for the BHIZ, noting that they will be determined in the Zoning Text Amendment (ZTA); 10) revise the Vision text and submit to Chair Anderson for approval; 11) broaden the language regarding offsite fields to include other facilities that can potentially meet school and community use; 12) and the inclusion of the recommendations by a small business owner in the Plan area regarding the development of a diverse business liaison, the Minority Business designation, a loan pool to support small businesses owners, branding, and placemaking for ethnic business areas.