



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, December 23, 2021, at 9:10 a.m., and adjourned at 4:17 p.m.

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

Commissioner Tina Patterson joined the meeting at 10:47 a.m. during discussion of Item 4.

Items 1, 3, and 4 are reported on the attached agenda.

Item 2 was removed from the Planning Board agenda.

The Planning Board recessed for lunch at 12:34 p.m. and reconvened in Closed Session to take up Item 8, 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 12:40 p.m. via video conference on motion of Commissioner Verma, seconded by Commissioner Patterson, 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)(7), to consult with counsel to obtain legal advice.

Also present for the meeting were Director Gwen Wright, Deputy Director Robert Kronenberg, Elza Hisel-McCoy, and Atara Margolies of the Planning Department; and Principal Counsel Emily Vaias, Senior Counsel Matt Mills, Associate General Counsel Alison Myers, and James Parsons of the Legal Department.

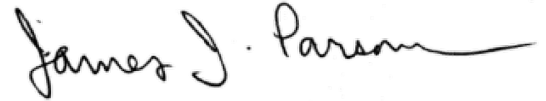
In Closed Session, the Board received briefing regarding an Overlay Zone for Silver Spring.

The Closed Session meeting was adjourned at 1:13 p.m.

The Planning Board reconvened the auditorium and via video conference at 1:40 p.m.

Items 5 through 7 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 4:17 p.m. Due to the upcoming holidays, there is no Planning Board meeting scheduled for Thursday, December 30, 2021. The next regular meeting of the Planning Board will be held on Thursday, January 6, 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, sweeping underline.

James J. Parsons
Sr. Technical Writer/Editor

Thursday, December 23, 2021
2425 Reddie Drive
Wheaton, MD 20902
301-495-4605

1. Consent Agenda

***A. Adoption of Resolutions**

1. 5500 Wisconsin Avenue Sketch Plan 320220010 – MCPB No. 21-126

BOARD ACTION

Motion: CICHY/RUBIN

Vote:

Yea: 4-0

Nay:

Other: PATTERSON ABSENT

Action: Adopted the Resolution cited above, as submitted.

***B. Record Plats**

Subdivision Plat No. 220210320, Kensington Knolls

R-60 zone; 2 lots; located on the western side of Newport Mill Road, 180 feet south of Maple View Drive; Veirs Mill Corridor Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: CICHY/RUBIN

Vote:

Yea: 4-0

Nay:

Other: PATTERSON ABSENT

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

***C. Other Consent Items**

1. Glenmont Metro Center, 820210180, 82015012D, and 12013008B, Regulatory Extension Request #1---Request to extend the regulatory review period for Site Plan No. 820210180, Site Plan Amendment 82015012D, and Preliminary Plan Amendment 12013008B from January 13, 2022 to March 14, 2022.

Staff Recommendation: Approval of the Extension Request

2. Garden of Remembrance Memorial Park, Preliminary Plan No. 12000004B – Regulatory Review Extension Request No. 2---Request to extend the regulatory review period for Preliminary Plan No. 12000004B from December 23, 2021 to January 23, 2022: Application to remove and replace Conservation Easements; 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 of the Extension Request

3. Highlands of Darnestown, Part of Outlot A, Administrative Subdivision Plan No. 620210090 – Regulatory Review Extension Request No. 3---Request to extend the regulatory review period from January 2, 2022 to July 2, 2022: Application to create one (1) lot for a single-family detached structure; located at 13345 Scottish Autumn Lane; 13.64 acres; RE-2; 2002 Potomac Subregion Master Plan

Staff Recommendation: Approval of the Extension Request

4. Belt Property – Administrative Subdivision Plan No. 620210180 – Regulatory Review Extension Request No. 2---Request to extend the regulatory review period from December 28, 2021 to March 28, 2022: Application to create three (3) lots for three Detached Houses; located at 20311 Beallsville Road; 291.5 acres; AR Zone; 1980 Agricultural & Rural Open Space Master Plan.

Staff Recommendation: Approval of the Extension Request

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***C. Other Consent Items**

CONTINUED

5. Kingsview Station – Preliminary Plan No. 120210210 and Site Plan No. 820210130 – Regulatory Review Extension Request No. 2---Request to extend the regulatory review period from November 25, 2021 to June 23, 2022: Application to create sixty-one (61) lots for Townhouses, two (2) lots for Retail/Service Establishments and six (6) HOA parcels and to construct 61 Townhouses with associated street, open space, and amenities; located in the southeastern quadrant of the intersection of Clopper Road/MD 117 and Germantown Road/ Md 118; 9.94 acres; CRNF-1.0, C-0.25, R-0.75, H-55 Zone; 1989 Approved and Adopted Germantown Master Plan.

Staff Recommendation: Approval of the Extension Request

BOARD ACTION

Motion: 1 through 5. CICHY/RUBIN

Vote:

Yea: 1 through 5. 4-0

Nay:

Other: PATTERSON ABSENT

Action: 1. Approved staff recommendation for approval of the Site Plan, and Site and Preliminary Plan Amendment Extension requests cited above.

2. Approved staff recommendation for approval of the Preliminary Plan Amendment Extension request cited above.

3 & 4. Approved staff recommendation for approval of the Administrative Subdivision Plan Extension requests cited above.

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

***D. Approval of Minutes**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **There were no minutes submitted for approval.**

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. Budget Transfer Request FY22 Operating Budget – Montgomery Parks

Staff Recommendation: Approve Transfer Request

BOARD ACTION

Motion: CICHY/RUBIN

Vote:

Yea: 4-0

Nay:

Other: PATTERSON ABSENT

Action: Approved staff recommendation to approve the Budget Transfer Request cited above.

Parks Department staff briefly discussed a proposed FY22 Operating Budget transfer request, as detailed in the December 16 memorandum to the Planning Board. According to staff, all budget adjustments over \$100,000 require Planning Board approval. Staff is requesting that the Planning Board’s approve a transfer of \$155,250 from Personnel Services to Non-personnel to fund the following Parks Department Information Technology server needs: a new Nimble HF-40 server to replace an existing server used for archiving data - \$118,350; and a new MSA2060 server to increase storage capacity of data from Park Police body worn cameras - \$36,900.

Staff then requested Planning Board approval of the proposed FY22 budget request. There followed a brief Board discussion with questions to staff.

4. Silver Spring Downtown and Adjacent Communities Plan Work Session 3**BOARD ACTION****Motion:****Vote:****Yea:****Nay:****Other:****Action: Received briefing followed by discussion.**

Planning Department and Parks Department staff offered a multi-media presentation and discussed the proposed Silver Spring Downtown and Adjacent Communities Plan, specifically land use, zoning, and housing recommendations and proposed edits discussed during previous worksessions. Planning Department staff discussed zoning recommendations for the South Silver Spring, Downtown North, Falklands, and the Urban Districts, as well as the Adjacent Communities, as detailed in the December 16 technical staff report.

Staff then discussed housing recommendations, which include strategic alignment with the recommendations in the Attainable Housing Strategies; requiring all Optional Method of Development projects to provide a minimum of 15 percent moderately priced dwelling units (MPDUs) or other Department of Housing and Community Affairs (DHCA) equivalent affordable housing; preserving existing, market-rate affordable housing where possible; encouraging publicly-owned properties to provide 30 percent MPDUs; increasing infill housing opportunities in office buildings with high vacancy rates and other underused properties by setting Commercial and Residential densities the same in CR zones; providing a range of unit types for a diversity of households; supporting partnerships among public, private and philanthropic institutions, when possible, to assist in the development of affordable housing; and developing permanent supportive housing for the homeless in the Plan Area.

Planning Department and Parks Department staff then discussed proposed revisions regarding the proposed Silver Spring Downtown Building Height Incentive Zone (BHIZ), the Connectivity and Infrastructure Fund (CIF), the Design Advisory Panel, the proposed Green Loop, economic growth, the proposed pedestrian bridge over the Metrorail/CSX tracks, parking garage cladding, parks, trails, public spaces, the proposed park hierarchy, renovations for Acorn Pocket Green, stream restoration in the Falkland District, Jesup Blair Park and the Historic Preservation Commission (HPC) process, additional context for the history of the Plan area, the Silver Spring Shopping Center, new sites to be studied as future Historic Preservation Master Plan Amendments, addressing extreme heat, water quality, and innovative school facilities, as detailed in the December 16 technical staff report. Staff added that the next worksession is scheduled for January 6 and will focus on the requested Edits from Transportation, Housing,

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4. Silver Spring Downtown and Adjacent Communities Plan Work Session 3CONTINUED

Zoning, and Implementation sections, other minor edits, and transmittal of the Planning Board Draft of the Plan to the County Council.

There followed extensive Board discussion with questions to staff, during which the Planning Board instructed staff to include language regarding historical reasons and context for zoning and other recommendations in the Plan; allow for a Local Map Amendment (LMA) for the former Silver Spring Library site and include language recommending the exploration of a floating zone for the site to allow for more space for the adjacent park; allow some property owners the ability to apply to rezone from Residential to Commercial/Residential/Neighborhood to allow for greater flexibility; include language stating that the recommendations in the Plan are not dependent on the THRIVE Montgomery 2050 Update to the General Plan, but rather they are consistent with current County principles; include language noting that recommendations aligned with recommendations in the upcoming 2022 Parks, Recreation, and Open Space (PROS) Plan update; include language stating that the park hierarchy system will offer flexibility; revise language regarding the Silver Spring Shopping Center; revise language in the Water Quality recommendations; and include broader language regarding adaptive re-use of existing buildings.

8. CLOSED SESSION

According to MD. Ann. Code, General Provisions Article, Section §3-305(b)(7), to consult with counsel to obtain legal advice.

The topic to be discussed is Overlay Zone for Silver Spring

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

5. Corridor Forward: the I-270 Transit Plan Work Session No. 2: Draft Mark-Up

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

BOARD ACTION

Motion: VERMA/RUBIN

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Planning Board Draft of Corridor Forward: the I-270 Transit Plan, and transmittal of the Plan to the County Executive and County Council.

Beginning with brief opening comments from Chair Anderson regarding the discussion of Item 4 and the prior Closed Session to discuss legal issues surrounding the Silver Spring Downtown Building Height Incentive Zone, during which he noted that the Planning Board's legal questions regarding staff's proposed operation of the overlay zone were answered in a satisfactory way, Planning Department staff then offered a multi-media presentation and discussed Corridor Forward: The I-270 Transit Plan, specifically recommended revisions discussed during the previous worksession. Staff then discussed proposed revisions to Plan recommendations regarding enhanced MARC Rail, managed lanes enhanced commuter buses, dedicated bus lane flexibility, the hierarchy of transit, Corridor Connector prioritization, the proposed Lakeforest/Montgomery Village section implementation, nomenclature options, the proposed Ride On Reimagined Study, transit layover needs, and other minor edits, as detailed in the December 17 technical staff report.

There followed extensive Board discussion with questions to staff, during which the Planning Board instructed staff to ensure that M-NCPPC participates in the development of the State's Brunswick Line Master Plan; include language in the Plan stating that dedicated transit lanes on targeted streets and the prioritization of spaces for walking, bicycling, and other micro mobility modes over auto capacity are to maximize person throughput and improve the relative travel time competitiveness and convenience of transit; revise language to state that all funding and implementation opportunities will be facilitated rather than encouraged; include additional language stating that the Montgomery Village Avenue Minimum Right-of-Way will be 120 feet, unless a portion of the right-of-way can be repurposed; and revised language designating the immediate implementation of the MD355 and Veirs Mill Road BRT as the Plan's first priority, Corridor Connectors as the second priority, and the Red Line Extension as the third priority, rather than using the phrases near- and long-term recommendations.

***6. Seneca Farms, Site Plan No. 820210150**---Application to construct 27 single-family detached dwelling units, located on the west side of Seneca Road (MD Rt. 112), approximately 900 feet north of Springfield Road; 136.67 acres, Rural Cluster (RC) Zone, 2002 Potomac Subregion Master Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: RUBIN/VERMA

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Site Plan cited above, subject to revised conditions discussed during the meeting, 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 Site Plan request to construct a residential development. The 136.67-acre property is located on the west side of Seneca Road (MD112), approximately 900 feet north of its intersection with Springfield Road, and is zoned Rural Cluster (RC) within the Potomac Subregion Master Plan area and the Lower Great Seneca Creek watershed. The site is accessed from MD112 via a single driveway and is currently developed with the remains of a single-family farmhouse, outhouse, barn, and several other agricultural outbuildings that will be demolished. The remainder of the property consists of agricultural fields and 60.3 acres of forest. Staff then discussed previous approvals, including a 2018 Preliminary Plan to create 27 lots.

Under the Optional Method Cluster Development, the applicant proposes to construct 27 single-family detached residences on lots ranging from 1.0 to 3.73 acres in size, an 89.33-acre Rural Open Space parcel, and three outlots. Vehicular access from MD112 will be via a new public road that will run the length of the site, provide access for all dwellings, including two existing residences, and terminate in a cul-de-sac. Five-foot-wide sidewalks will be located on both sides of the new road to provide pedestrian connection not only to the residences, but also to the Rural Open Space (ROS) and the outdoor community gathering area, with four trail heads also accessing the ROS and community gathering area. Staff then discussed a minor revision to condition 2 regarding height, and new conditions 15, regarding access, and 16, regarding a new driveway apron and driveway from the public street.

The applicant proposes to remove 5.85 acres and to retain 54.04 acres, which will generate a reforestation requirement of 11.7 acres of forest planting that the applicant will meet on-site by planting forest in unforested portions of the stream buffer and areas immediately

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***6. Seneca Farms**CONTINUED

adjacent to stream buffers. All the retained and planted forest will be protected in Category I Conservation Easement.

Staff received correspondence from the Darnestown Civic Association (DCA) and neighboring residents expressing concerns regarding long-term management and stewardship of open space, the potential for loss of farmland, wildlife management, the impact on wildlife, views of the new homes from adjacent properties, the safety and capacity of the new wells and septic systems, and safety of the new road. Staff has addressed each of these issues, as detailed in the December 12 technical staff report. In regard to DCA's request for access to the ROS, staff noted that there is no requirement to provide public access to the ROS.

Ms. Merikay Smith representing Seneca Creek Watershed Partners and Pamela DuBois representing DCA offered testimony.

Mr. Bob Harris, attorney representing the applicant, offered comments and concurred with the staff recommendation.

There followed extensive Board discussion with questions to staff, Mr. Harris, and Ms. DuBois, during which the Planning Board instructed staff to include an amendment to Condition 5 requiring that the proposed natural surface trail be made accessible for public use.

7. Montgomery County Comprehensive Water Supply and Sewerage Systems Plan Proposed Category Map Amendments - County Executive's AD 2022-1 Administrative Amendment Group - Seven Water/Sewer Service Category Change Requests.

Staff Recommendation: Transmit Comments to County Executive

BOARD ACTION

Motion: VERMA/RUBIN

Vote:

Yea: 5-0

Nay:

Other:

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