



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, February 10, 2022, at 9:07 a.m., and adjourned at 11:01 a.m.

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

Items 1 through 4 are reported on the attached agenda.

Item 5 was removed from the Planning Board agenda.

There being no further business, the meeting was adjourned at 11:01 a.m. The next regular meeting of the Planning Board will be held on Thursday, February 17, 2022, in the Wheaton Headquarters Building in Wheaton, Maryland, and via video conference.

James J. Parsons
Sr. Technical Writer/Editor

Montgomery County Planning Board Meeting
Thursday, February 10, 2022
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

1. United Therapeutics Sketch Plan 320210090 – MCPB No. 22-011
2. United Therapeutics Preliminary Plan 12013019A – MCPB No. 22-012
3. United Therapeutics Site Plan 82014011B – MCPB No. 22-013
4. Seneca Property Preliminary Plan 120210250 – MCPB No. 22-015
5. Seneca Property Site Plan 820210200 – MCPB No. 22-017

BOARD ACTION

Motion: CICHY/RUBIN

Vote:

Yea: 5-0

Nay:

Other:

Action: Adopted the Resolutions cited above, as submitted.

***B. Record Plats**

Subdivision Plat No. 220220300, Cabin Branch

CRT zone (formerly RMX-1/TDR); 2 lots; located on the west side of Dunlin Street, 100 feet north of Caspian Tern Drive; 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 Plats cited above, as submitted.

***C. Other Consent Items**

1. Wheaton Gateway, Sketch Plan No. 320210060 Extension Request No. 3---Request to extend the regulatory review period for Sketch Plan Amendment No. 320210060 for two months, from February 24, 2022, to April 28, 2022; located on Southwest corner of the Veirs Mill Road and University Boulevard; on approximately 5.16 acres of land zoned CR 5.0, C-4.5, R-4.5, H-130; CR 3.0, C-2.5, R-2.5, H-100; and CRN 1.5, C-.25, R-1.5; within 2010 Wheaton CBD and Vicinity Sector Plan.

Staff Recommendation: Approval

2. Ramos Property – Administrative Subdivision Plan No. 620210170 – Regulatory Review Extension Request No. 3---Request to extend the regulatory review period from February 14, 2022, to May 12, 2022; Application to create one (1) lot for a single-family detached dwelling unit; located at 19808 Zion Road; 0.96 acres; R-200 Zone; 2005 Olney Master Plan.

Staff Recommendation: Approval of the Extension

3. Milestone Innovation Center: Preliminary Plan Amendment No. 11987271D & Site Plan Amendment No. 82001009G, Regulatory Review Extension Requests No. 1---Requests to extend the regulatory review period from February 10, 2022, until April 8, 2022; Amendments to introduce three buildings for additional Office and Research & Development into the current office park; 44.33 Acres; CR2.0 Zone, C-1.75, R-0.5, H125T; located on the north side of I-270, between Ridge Road and Dorsey Mill Road; 2009 Germantown Employment Area Sector Plan.

Staff Recommendation: Approval of the Extension Requests

4. Boglestone Discovery: Administrative Subdivision Plan No. 620210140 – Regulatory Extension Request No. 1---Request to extend the regulatory review period from February 17, 2022, to May 19, 2022; Application to create one 2.33-acre lot for one single-family detached dwelling unit in the RE-2 Zone; Located at 12905 Brushwood Terrace approximately one quarter mile north of Travilah Road; 2002 Potomac Subregion Master Plan.

Staff Recommendation: Approval of the Extension Request

BOARD ACTION

Motion: 1 through 4. VERMA/CICHY

Vote:

Yea: 1 through 4. 5-0

Nay:

Other:

Action: 1. Approved staff recommendation for approval of the Sketch Plan Extension request cited above.

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***C. Other Consent Items**

CONTINUED

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

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

***D. Approval of Minutes**

Planning Board Meeting Minutes of January 6, January 13, and January 20, 2022

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the Planning Board Meeting Minutes of January 6, January 13, and January 20, 2022, 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 briefed the Board on the following ongoing and upcoming Parks Department events and activities: the recent retirement of Deputy Director John Nissel, with a retirement party scheduled for February 11 at the Dogfish Head Alehouse in Gaithersburg; the status of the Parks FY23-28 Capital Improvements Program (CIP) budget, with the County Council holding three Public Hearings over the past two days; the upcoming Acoustics and Ales events scheduled for February 11 at Germantown Town Center Urban Park, February 24 at Elm Street Urban Park, February 25 at Arora Hills Local Park, and March 4 at Acorn Urban Park; the upcoming virtual GreenScapes Symposium scheduled for February 18; the status of camp registrations, with registration for winter and spring camps opening on February 14 and registration for summer camps opening February 22; upcoming staff and public Black History Month events scheduled throughout the month of February; and the upcoming online Parks Speakers Series event, “The Idea of Reimagining Public Spaces,” scheduled for February 15.

There followed a brief Board discussion.

3. 10 Post Office Road, Conditional Use CU202206---Request to convert existing commercial space to an Animal Boarding and Care Facility. Located on Post Office Road, 200 feet west of the intersection of Forest Glen Road and Capitol View Avenue; on approximately 25,822 square feet of land zoned NR-0.75 H-45; within the 1982 Capitol View and Vicinity Sector Plan area.

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

BOARD ACTION

Motion: CICHY/VERMA

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 convert existing commercial office use to Animal Boarding and Care Facility and Veterinary Office/Hospital uses. The 25,822-square foot property is located on Post Office Road and is zoned Neighborhood Retail (NR) within the Capitol View and Vicinity Sector Plan area. The site is currently developed with a 12,100-square foot landmark historic structure, identified as the Castle, and a surface parking lot with 48 spaces along the rear of the building.

The applicant proposes to convert 4,000 square feet of existing second-floor commercial space to an Animal Boarding and Care Facility that will be limited to boarding and providing care to only cats, negating the need for outdoor animal relief and play areas, and extensive soundproofing measures. No more than four employees will be onsite at any given time. Staff added that no exterior changes to the property are proposed.

Mr. Jody Kline, attorney representing the applicant, offered comments and concurred with the staff recommendation.

There followed a brief Board discussion.

~~*5. 6000 Executive Boulevard Sketch Plan Amendment 32018014A~~ Request to extend the Sketch Plan's eligible period by three years, from August 1, 2021, to August 1, 2024; located at the 6000 Executive Boulevard; on approximately 8.52 acres of land zoned CR-2.5, C-1.5, R-2.0, H-200; within the White Flint 2 Sector Plan. **REMOVED**

Staff Recommendation: Approval and Adoption of the Resolution

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

4. Planning Board Rules of Procedure---Request approval of revised Planning Board Rules of Procedure.

Staff Recommendation: Approval of Revised Rules of Procedure

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

Legal Counsel to the Planning Board offered a multi-media presentation and discussed proposed updates to the Planning Board Rules of Procedure. The more substantive updates include: new categories for Consent Agenda Items, identified as Procedural Matters, which include the Approval of Meeting Minutes, Adoption of Resolutions, and Regulatory Extension Requests, and Summary Hearing Matters, which include the Approval of Record Plats, Sketch, Preliminary, and Site Plan Amendments, and Forest Conservation Plan Amendments; the inclusion of quasi-judicial matters in the scope of the Rules; language granting the Chair the discretion to use the Rules as a guide to conduct proceedings, meetings, or hearings; a revised definition for an application; new rules for public participation in public hearings; modifications to the Guidelines for Full Hearings; a new definition for a Public Hearing; new definition for the Regular Agenda; clarification for ex parte communications; new language regarding testimony under oath; clarification regarding a postponement versus a continuance; additional language regarding Planning Board decisions, Planning Board votes, the closing of the record, Planning Board Resolutions, and correcting errors in Resolutions; and new language regarding majority and tied votes.

The following speakers offered testimony: Ms. Caroline Taylor representing the Montgomery Countryside Alliance; Mr. Kenneth Kellner of Pinecrest Circle; and Ms. Laura Stewart of Westview Drive.

There followed extensive discussion, during which the Planning Board instructed Counsel to revise the phrase “at the Chair’s discretion...” to “the Chair will conduct the hearing...”; to conduct annual or as-needed meetings with the Board regarding any potential modifications to the Rules; clearly establish the basic idea that there are Items on which the public may offer testimony and Items that they cannot, and note them as such on sign-up page; limit which Items the public cannot speak on; include language stating that a Planning Board member’s participation on an Item’s vote requires the member’s attendance during the Item’s discussion; prepare modifications to the draft Rules to allow the public to review and make comments; and to return with the requested changes for Planning Board approval.