



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 3, 2022, at 9:10 a.m. and adjourned at 12:55 p.m.

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

Item 1, Items 3 through 6, and Item 8 are reported on the attached agenda.

Item 2 was removed from the Planning Board agenda.

The Board recessed at 12:09 p.m. and convened in Closed Session at 12:20 p.m. to take up Item 7, 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 12:20 p.m. via video conference on motion Commissioner Cichy, seconded by Commissioner Rubin, 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.

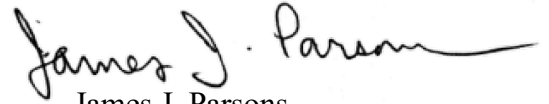
Also present for the meeting were Director Gwen Wright, Deputy Director Tanya Stern, Deputy Director Robert Kronenberg, Elza Hisel-McCoy, Patrick Butler, Christina Sorrento, Carrie Sanders, and Jason Sartori of the Planning Department; Brain Anleu of the Chair's Office; and Principal Counsel Emily Vaias, Senior Counsel Matt Mills, Associate General Counsel Allison Myers, and James Parsons of the Legal Department.

In Closed Session, the Board discussed updates to the Rules of Procedure.

The Closed Session meeting was adjourned at 12:55 p.m.

MCPB, 2-3-22, APPROVED

There being no further business, the meeting was adjourned at 12:55 p.m. The next regular meeting of the Planning Board will be held on Thursday, February 10, 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, February 3, 2022
2425 Reddie Drive
Wheaton, MD 20902
301-495-4605

1. Consent Agenda

***A. Adoption of Resolutions**

1. Neelsville Middle School Final FCP MR2022007 – MCPB No. 22-117
2. 23126 Frederick Road (Lovedale Montessori) WQP CU202105 – MCPB No. 21-032

BOARD ACTION

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

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

Other: **2. RUBIN ABSTAINED**

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

***B. Record Plats**

Subdivision Plat No. 220160740, Brookeshire

RNC zone; 2 lots; located on the west side of Winter Morning Way, 250 feet south of Old Baltimore Road; Olney Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220200310 - 220200320, Brothers Grove

TF-5 zone; 50 lots, 14 parcels, 1 outlot; located on the east side of Frederick Road (MD 355), 600 feet north of Shawnee Lane; Clarksburg Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220220120, Kefauver Tract - Bradley Hills

R-200 zone; 1 lot; located on the south side of Bradley Boulevard (MD 191), 200 feet west of Oak Forest Lane; Bethesda-Chevy Chase 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. Wildwood Manor Shopping Center - Part of Parcel C, Preliminary Plan 11989271D and Site Plan 82008024C, Regulatory Extension Request No. 2---Request to extend the regulatory review period for Preliminary Plan 11989271D and Site Plan 82008024C from February 3, 2022 to March 3, 2022 on 3.49 acres of land in the CRT-1.25, C-0.5, R-0.75, H-50 Zone; located at 10401 Old Georgetown Road, Bethesda; within the 2017 Rock Spring Master Plan area.
Staff Recommendation: Approval of the Extension Request

2. Miles Coppola: Preliminary Plan No. 120220010 Regulatory Review Extension Request No. 2---Request to extend the regulatory review period until April 28, 2022; Application for up to 159 lots and various parcels for a residential development consisting of 144 townhouse units and 192 multi-units for a total of 336 units, including 15 percent MPDUs; 97.15 acres; R-90, R-200, CRT-2.0 C2.0 R-2.0 H-120, and Clarksburg East Environmental Overlay Zone; located along Clarksburg Road and north of Interstate 270; 1994 Clarksburg Master Plan & Hyattstown Special Study Area & 2014 Clarksburg Ten Mile Creek Area Limited Amendment.
Staff Recommendation: Approval of the Extension Request

BOARD ACTION

Motion: 1 & 2. CICHY/RUBIN

Vote:

Yea: 1 & 2. 5-0

Nay:

Other:

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

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

***D. Approval of Minutes**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Planning Board Meeting Minutes submitted for approval.

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

~~— Planning Department Director's Report~~

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

3. Warner Circle Special Park---Authorization to dispose of buildings for adaptive reuse.

Staff Recommendation: Approval and Adoption of Resolution

BOARD ACTION

Motion: CICHY/RUBIN

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the proposed disposition of two park buildings in Warner Circle Special Park in connection with the proposed Warner Circle Mansion Condominiums project.

Parks Department staff offered a multi-media presentation and discussed the proposed disposition of two existing buildings located at Warner Circle Special Park in Kensington. The Queen Anne Manor House and Carriage House, which were formerly used as a nursing home facility, are located on the grounds of the 4.44-acre park and have been maintained by the Parks Department since the park was acquired in 2005 through Legacy Open Space (LOS) funding. Improvements to the buildings include removal of non-contributing nursing home additions; restoration of building exteriors, including windows, roof, and walls, and repainted original color scheme; rebuilt south stone terrace; rebuilt porch east of rear wing; and reconnection of loop driveway. Adaptive reuse efforts for the building have included extensive coordination with the community to find feasible and appropriate reuse; a Request for Proposal (RFP) for a private partner, with no viable applicants responding; and public re-use as Parks Department offices and labs, which was never implemented.

The Parks Department has now finalized the contract for the sale of the buildings through a tri-party Development Agreement and Contract of Sale with WLC, the County, and the Commission under the following terms: the existing park will be turned into a condominium regime consisting of the park itself, which will remain public, the Manor House, and the Carriage House; WLC will purchase the two building condominium units in exchange for cash and in-kind benefits totaling \$677,500; WLC proposes to create up to 19 residential units out of Warner Circle Manor and the Carriage House totaling approximately 13,888 square feet of developed space; public access will be provided to the restored Stone Terrace on the Manor House up to three times per year, a Recreation Room in the Carriage House up to eight times per year, and other public access as required by a Maryland Historical Trust easement; and an indoor historic exhibit on Kensington/Warner Manor will be made accessible to the public at certain times during the year, with regular open houses to also be held. Staff then requested that the Planning Board approve the disposition of the Manor and Carriage House buildings in Warner Circle

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3. Warner Circle Special Park

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Special Park to WLC for a negotiated price of \$677,500, and to approve the establishment of a condominium regime at Warner Circle Special Park to provide for the operation of the park by the Commission and the development of up to 19 residential units by WLC.

There followed a brief Board discussion with questions to staff, during which the Planning Board noted that they are approving the disposition of the buildings and the construction of the new condominiums, which staff noted would be reflected in the Resolution.

4. MacArthur Boulevard Bikeway, Phase 3---Mandatory Referral MR2022012, MacArthur Boulevard Bikeway, Phase 3 Construction of sidepath improvements for bicycles and pedestrians along the west side of MacArthur Boulevard between Oberlin Avenue and the DC line. Master Plan – Bethesda/Chevy Chase Master Plan (1990).

Staff Recommendation: Approval with Comments

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to transmit comments to Montgomery County Department of Transportation, 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 Department of Transportation (MCDOT) for pedestrian and bicycle safety improvements along MacArthur Boulevard. The approximately 2.2 linear-mile project boundary extends from Oberlin Avenue to the District of Columbia line in Bethesda within the Bethesda/Chevy Chase Master Plan, Bicycle Master Plan, and Master Plan of Highways and Transitways areas. According to staff, the segment of MacArthur Boulevard within the project boundary is a two-lane, two-way roadway currently classified as an Arterial with narrow to no shoulders on the south side, and no shoulders along the north side. Staff noted that the Boulevard will be reclassified as a Neighborhood Connector. It currently connects multiple residential neighborhoods in Bethesda and has a posted speed limit of 30 miles per hour. There is an existing sidepath along the project boundary that continues beyond both ends of the project limits with a few short sections where the existing sidepath effectively becomes a shoulder. Due to two existing aqueduct facilities, the project area is extremely constrained.

Proposed improvements include new three-foot-wide shoulders on both sides of the Boulevard, new five-foot-wide buffers along most of the project area, and an eight-foot-wide sidepath along the south side of the Boulevard to tie into the existing pedestrian and bicycle network at the project limits. Staff then discussed environmental guidelines, historic preservation, and master plan conformance issues, as detailed in the January 27 technical staff report.

Staff recommendations include widening shoulders to four feet and street buffers to six feet; reducing the posted speed to 25 miles per hour; providing a pedestrian refuge on the south side of MacArthur Boulevard between Oberlin Avenue and the ramp to the Clara Barton

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4. MacArthur Boulevard Bikeway, Phase 3

CONTINUED

Parkway; maintaining the sidepath's elevation across driveways; providing high-visibility crosswalks with median refuge where possible at the Mohican Road, Mohican Swim Club, Walhonding Road, Sangamore Road, Madaket Road, and Maryland Avenue intersections; providing wayfinding signage for trail users; provision of additional information regarding the current approach in limiting environmental impacts specifically related to slopes, forest, and endangered species; and continued coordination with Planning Department staff during the development of 65 percent, Semi-Final, and Final design plans.

Mr. Dan Sheridan of MCDOT offered brief comments and answered questions from the Planning Board.

There followed extensive discussion, during which the Planning Board instructed staff to explore a safe and effective MacArthur Boulevard crossing from the Cabin John Trail to the C&O Canal Trail, as well as automated speed enforcement measures.

***5. Seneca Property**

A. Seneca Property, Preliminary Plan No. 120210250---Application to subdivide Parcel (14124 Seneca Rd) into three lots for three single-family detached units; Located on the east side of Seneca Road (MD 112) 600 feet south of the intersection with Darnestown Road (MD 28); RE-2 Zone and Rural Village Center Overlay Zone, 7.17 acres, 2002 Potomac Subregion Master Plan.

Staff Recommendation: Approval with Conditions

B. Seneca Property, Site Plan No. 820210200---Application to construct three single-family detached units; Located on the east side of Seneca Road (MD 112) 600 feet south of the intersection with Darnestown Road (MD 28); RE-2 Zone and Rural Village Center Overlay Zone, 7.17 acres, 2002 Potomac Subregion Master Plan.

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 cited above, subject to conditions, which will be reflected in an associated Resolution to be adopted by the Planning Board at a later date.

B. Approved staff recommendation for approval of the Site 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 proposed Preliminary and Site Plan requests to subdivide a property for the construction of single-family detached dwellings. The site is currently undeveloped and maintained as open lawn area.

The applicant proposes to create three lots for the construction of three single-family detached residences. Each lot will be accessed from MD112, with two lots utilizing a new shared driveway, and the third served by a new single driveway. The applicant will dedicate 0.29 acres of right-of-way (ROW) along the MD112 frontage for the construction of a 10-foot-wide shared use path and the planting of street trees.

Staff then discussed the associated Preliminary/Final Forest Conservation Plan (FFCP), which results in an afforestation requirement of 1.47 acres, which will be met through onsite plantings that will be protected in a Category I Conservation Easement. The applicant has also

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***5. Seneca Property**

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submitted a variance request to remove seven high-priority trees and impact three others, which will be mitigated through the planting of 26 overstory native trees, with 11 to be planted along the shared-use path and the remainder to be planted throughout the proposed lots.

Mr. Marty Mitchell, member of the applicant's team, offered brief comments and answered questions from the Planning Board.

There followed a brief Board discussion with questions to staff.

6. Fairland and Briggs Chaney Master Plan – Planning Board Briefing on Community Engagement---This briefing is an update on community engagement activities which include data summaries on Everyday Canvassing efforts, a Pedestrian Audit and the summer and fall outreach and Listening Sessions that were conducted since the approval of the Scope of Work.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by discussion.

Planning Department staff offered a multi-media presentation and briefed the Planning Board on the community engagement efforts for the Fairland and Briggs Chaney Master Plan. According to staff, the planning team has been working on both community engagement and the existing conditions analysis of the plan area since April 2021. The major goals of the Plan are creating a more complete community, fostering corridor growth, promoting economic development, increasing housing opportunities, specifically near Bus Rapid Transit (BRT), and exploring ways to improve parks, recreation, design, arts, and celebrate culture. In an effort to reach residents “where they are,” staff has hosted six community events, conducted surveys and questionnaires, hosted four fall listening sessions, performed everyday canvassing activities and conducted 544 in-person interviews, conducted a pedestrian audit, hosted an onsite pop-up event, and hosted more than 86 stakeholder meetings. Thus far, the gathered data has revealed that the top three issues of concern are regarding parks and recreation, housing, and transportation. Other concerns include the need for additional youth activities, better community activities, more retail, better quality and healthier dining choices, reduced school class sizes, and increased public safety, among others, as detailed in the January 27 technical staff report.

There followed extensive discussion, during which the Planning Board instructed staff to return with more qualitative housing data and to explore ways to apply the lessons learned during the outreach efforts for this plan to other master plan work.

8. Legislative Update: HB 404 – Vehicle Laws – Speed Limits – Establishment

Staff Recommendation: Favorable with Amendment

BOARD ACTION

Motion: RUBIN/CICHY

Vote:

Yea: 5-0

Nay:

Other:

Action: Received briefing and approved staff recommendation to support proposed State Bill HB 404, as amended.

Legal Department staff offered a briefing on Maryland State House Bill 404, which expands a previous County bill to a State-wide bill that authorizes local authorities to decrease the maximum posted speed limit after performing an engineering and traffic investigation and prohibits local authorities from implementing new speed monitoring systems where the speed limit was decreased. Counsel then requested that the Planning Board support an amendment to the Bill that specifically mentions the Maryland-National Capital Park and Planning Commission (M-NCPPC) as an authority, thus enabling the Commission to regulate the posted speed limits.

There followed a brief Board discussion with questions to staff.

7. 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 Rules of Procedure

BOARD ACTION

Motion: CICHY/RUBIN

Vote:

Yea: 5-0

Nay:

Other:

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