



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, March 17, 2022, at 9:07 a.m., and adjourned at 2:37 p.m.

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

Commissioner Tina Patterson was necessarily absent.

Items 1, 3, 4, and 2; Items 5 through 7; Item 11; and Items 8 through 10, discussed in that order, are reported on the attached agenda.

The Planning Board recessed at 1:13 p.m. and convened in Closed Session at 1:22 p.m. to take up Item 12, 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 1:22 p.m. via video conference on the motion of Commissioner Rubin, seconded by Vice Chair Verma, with Chair Anderson, Vice Chair Verma, and Commissioners Cichy and Rubin voting in favor of the motion, and Commissioner Patterson absent. The meeting was closed under authority of Annotated Code of Maryland §3-305(b)(7), to consult with counsel to obtain legal advice on a legal matter; and (8), to consult with staff, consultants, or other individuals about pending or potential litigation.

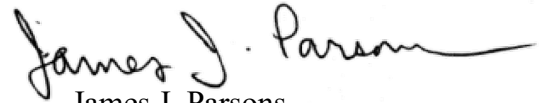
Also present for the meeting were Director Mike Riley and Deputy Director Miti Figueredo of the Parks Department; Chief Darryl McSwain of the Montgomery County Park Police; Acting General Counsel Debra Borden, Principal Counsel Emily Vaias, and James Parsons of the Legal Department.

In Closed Session, the Board discussed pending litigation involving Montgomery County Park Police.

The Closed Session meeting was adjourned at 2:37 p.m.

MCPB, 3-17-22, APPROVED

There being no further business, the meeting was adjourned at 2:37 p.m. The next regular meeting of the Planning Board will be held on Thursday, March 24, 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, March 17, 2022
2425 Reddie Drive
Wheaton, MD 20902
301-495-4605

1. Preliminary Matters

A. Adoption of Resolutions

1. Takoma Junction Preliminary Plan 120190150 – MCPB No. 21-102
2. Takoma Junction Site Plan 820190090 – MCPB No. 21-103

BOARD ACTION

Motion: RUBIN/VERMA

Vote:

Yea: 4-0

Nay:

Other: PATTERSON ABSENT

Action: Adopted the Resolutions cited above, as submitted.

B. Approval of Minutes

Planning Board Meeting Minutes of January 27, February 3, 17 and 24, 2022

BOARD ACTION

Motion: RUBIN/VERMA

Vote:

Yea: 4-0

Nay:

Other: PATTERSON ABSENT

Action: Approved Planning Board Meeting Minutes of January 27, February 3, 17 and 24, 2022, as submitted.

C. Other Preliminary Matters

1. Adoption of Resolution for Appointment of Erin White as a public member of the M-NCPPC Audit Committee MCPB No. 22-030

BOARD ACTION

Motion: VERMA/CICHY

Vote:

Yea: 3-0-1

Nay:

Other: RUBIN ABSTAINED
PATTERSON ABSENT

Action: Adopted the Resolution cited above, as submitted.

3. Record Plats (Public Hearing)

Subdivision Plat No. 220220050 & 220220220, Lucky Duck Farm

AR zone; 9 lots; located on the north side of Whites Ferry Road (MD 107), approximately 3,200 feet east of Wasche Road; Agriculture and Rural Open Space Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220220240, Chevy Chase Lake

CRT zone; 1 lot; located in the southeast quadrant of the intersection of Manor Road and Connecticut Avenue (MD 185); Chevy Chase Lake Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: VERMA/RUBIN

Vote:

Yea: 4-0

Nay:

Other: PATTERSON ABSENT

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

4. Regulatory Extension Requests (Public Hearing)

A. Lot 23 Willerburn Acres: Administrative Subdivision Plan No. 620220010, Regulatory Review Extension Request No. 1---Request to extend the regulatory review period for an additional two months until May 12, 2022; Application to create two lots; 36,063 square feet; R-90 Zone; located on the west side of Gainsborough Road, approximately 250-feet southeast of Whistler Court; 2002 Potomac Subregion Master Plan.

Staff Recommendation: Approval of the Extension Request

B. 12710 Twinbrook Parkway, Regulatory Extension Request No. 2---Request to extend the regulatory review period for Sketch Plan 320220020 and Site Plan 820220010 from March 3, 2022, to April 7, 2022, on 0.708 acres of land in the CR-1.5, C-1.0, R-1.25, H-145’ Zone; located at 12710 Twinbrook Parkway, Rockville; within the 2009 Twinbrook Sector Plan area.

Staff Recommendation: Approval of the Extension Request

C. Rock Spring Centre: Preliminary Plan Amendment No.11998092C, Regulatory Extension Request No. 6; Site Plan Amendment Nos. 82003036C, 82004017C, 82009003A, Regulatory Extension Request No. 4---Request to extend the regulatory review period until September 10, 2022; for up to 1,049,900 square feet of non-residential and up to 1,250 dwelling units; located at the northwest corner of the intersection of Old Georgetown Road and Rock Spring Drive, Bethesda; on approximately 53.4 acres of land zoned CR-1.5, C-0.75, R-1.0, H-275 and CR-1.5, C-0.75, R-0.75, H-275 zone (but reviewed under the standards of the MXPDPD Zone in the Zoning Ordinance in effect prior to October 30, 2014); within the 2018 Rock Spring Master Plan area.

Staff Recommendation: Approval of the Extension Request

BOARD ACTION

Motion: A through C. VERMA/RUBIN

Vote:

Yea: A through C. 4-0

Nay:

Other: PATTERSON ABSENT

Action: A. Approved staff recommendation for approval of the Administrative Subdivision Plan Extension request cited above.

B. Approved staff recommendation for approval of the Sketch and Site Plan Extension requests cited above.

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

2. Roundtable Discussion

A. Parks Director's Report

B1. Operating Funds Seven Month Financial Report Including Projections to June 30, 2022

B2. Enterprise Funds Seven Month Financial Report Including Projections to June 30, 2022

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: A, B1, & B2. 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 release of the County Executive’s recommended FY23 Operating Budget, which is a two percent reduction, or \$1.7 million, reduction from the Parks Department’s request that would have funded program enhancements, such as trail improvements and the Trail Equity Engagement Program, improvements to deteriorated park infrastructure, ballfield improvements, technology enhancements, expansion of historic and cultural programming such as the Untold Stories Program, and public safety improvements, all of which staff will attempt to get funded through the Council budget process; and the status of the FY23 Capital Budget, with the County Executive recommending a \$20 million deduction to the Parks Department request, with the County Council Planning, Housing, and Economic Development (PHED) Committee proposing to add approximately \$10 million back to the budget, \$3 million of which will fund Planned Lifecycle Asset Replacement (PLAR) projects and \$6 million General Obligation (GO) Bond funded projects, including Wheaton Regional Park improvements, the South Germantown Recreational Park cricket field, Blair High School field renovations, and Brookside Gardens improvements.

There followed a brief discussion, during which the Planning Board recommended that Mr. Riley have staff conduct an equity analysis to demonstrate the effect the proposed cuts will have on communities of need.

B1. & B2. Operating Funds and Enterprise Funds Seven Month Financial Report Including Projections to June 30, 2022 – Commission’s Secretary-Treasurer Gavin Cohen briefly discussed the Seven-Month Financial Report for the FY22 Operating Funds and the Enterprise Funds, including projections to June 30, 2022, as detailed in the March 17 memoranda to the Montgomery County Planning Board.

There followed a brief Board discussion.

***5. Park Montgomery (Public Hearing)---**CRTF-1.6, C-0.0 R-1.6 H-140’, 3.45 acres; located at 8860 Piney Branch Avenue approximately 900 feet east of University Boulevard; 2013 Long Branch Sector Plan.

A. Sketch Plan No. 320220030---Request for up to 237,737 square feet of residential density for multifamily affordable housing development.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

B. Site Plan No. 820220020---Request to construct a new multifamily affordable housing building up to 94,481 square feet for up to 76 units with structured parking, with an existing 143,526 square foot multifamily building with up to 141 units to remain onsite.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: A & B. RUBIN/VERMA

Vote:

Yea: A & B. 4-0

Nay:

Other: PATTERSON ABSENT

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

B. Approved staff recommendation for approval of the Site Plan cited above, subject to revised conditions discussed during the meeting, and adopted the attached Resolution.

Planning Department staff offered a multi-media presentation and discussed proposed Sketch and Preliminary Plan requests to construct a multi-family housing development. The site is currently developed with a 14-story multi-family building with 141 units, a two-story parking structure, both of which will remain, and surface parking, which are accessed from MD320.

Following the demolition of the existing parking structure, the applicant proposes to construct a new, 90-foot-tall, 94,481 square-foot multi-family building for up to 76 units and structured parking within the same footprint, and to expand the existing surface parking area. Funding for the new building will be through a nine percent Low Income Housing Tax Credit (LIHTC), allowing for 76 units of affordable housing. A total of 2,360 square feet of onsite public open space will be provided, with the applicant paying a fee-in-lieu for the remaining 4,808 square feet required for the site. The applicant is requesting Alternative Compliance in order to pay \$100,968 rather than the required \$187,992.80 fee-in-lieu, due to site constraints and the provision of affordable housing, which staff supports and recommends including in a new Condition of Approval. Staff then discussed minor corrections to the Site Plan conditions regarding bicycle and pedestrian circulation.

The associated Final Forest Conservation Plan proposes 0.08 acres of forest clearing, resulting an afforestation requirement of 0.13 acres of planting, which will be met through a fee-in-lieu payment. The applicant has also submitted a variance request to removal two specimen trees and impact, but not remove, nine others, which will be mitigated with the planting of 17 caliper inches of native canopy trees. In addition, the applicant proposes additional onsite native tree plantings, for a total of 119 caliper inches of plantings.

Staff has received letters of opposition from residents of the adjacent Pineway Towers Condominium, regarding loss of views, reduced property value, and construction impacts. Staff addressed each of these issues, as detailed in the March 3 technical staff report.

Messrs. Sean Suhar, attorney representing the Board of Directors of the Pineway Towers Condominium, and Robert Nicholson representing the Pineway Towers Condominium Association offered testimony.

Ms. Heather Dlhopsky, attorney representing the applicant, offered comments regarding the speakers' testimony, and concurred with the staff recommendation.

Mr. Louis Kiang, member of the applicant's team, also offered comments regarding the affordability aspect of the proposed project.

There followed a brief Board discussion with questions to staff.

***6. Strathmore Square (Public Hearing)---**CR-3.0 C-0.5 R-2.75 H-300 and R-60; 14.6 acres; located at the southeast corner of the intersection of Rockville Pike and Tuckerman Lane adjacent to the Grosvenor-Strathmore Metro Station; 2017 Grosvenor-Strathmore Metro Area Minor Master Plan.

A. Preliminary Plan Amendment No. 12019018B---Request to modify lot lines and associated conditions of approval, street sections and design, park boundary and loading/entry points for Lot 3.

Staff Recommendation: Approval with Conditions ~~and Adoption of the Resolution~~

B. Site Plan No. 820220070---Request for approval of Phase 1 with up to 304,445 square feet of development, including up to 9,000 square feet of commercial development and up to 295,445 square feet of residential development (up to ~~225~~ 220 dwelling units). In accordance with Zoning Ordinance Section 7.3.3.I, the Site Plan will amend the conditions and binding elements of Sketch Plan 320190010 to increase the building height from 100 ft to 105 ft for Buildings 3A and 3B (while maintaining the required step-back along Tuckerman Lane), clarify maximum height allowed for all buildings, modify the public benefit schedule, and update site design and future coordination conditions.

Staff Recommendation: Approval with Conditions ~~and Adoption of the Resolution~~

BOARD ACTION

Motion: A & B. RUBIN/CICHY

Vote:

Yea: A & B. 4-0

Nay:

Other: PATTERSON ABSENT

Action: A. Approved staff recommendation for approval of the Preliminary Plan Amendment cited above, subject to revised conditions discussed during the meeting, 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 revised conditions discussed during the meeting, 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 Plan Amendment and Site Plan requests to modify approved Preliminary Plan elements for the construction of Phase 1 of a mixed-use development. The site is currently developed with a Washington Metropolitan Area Transit Authority (WMATA) six-story garage, a surface parking lot, bus facilities, a Kiss & Ride area, a covered Arts Walk, and a stormwater management pond. The northeast portion of the property contains 2.47 acres of existing forest.

The applicant also proposes to construct up to 322,569 square feet of total development, with up to 220 dwelling units, including 15 percent Moderately Priced Dwelling Units (MPDUs), and 9,000 square feet of ground floor commercial uses in two buildings identified as proposed Buildings 3A and 3B, which will be connected by a structured parking garage. Identified as Phase 1, this portion of the project also includes construction of an internal shared road and establishment of a 1.2-acre Central Park. Staff noted minor revisions to the Sketch Plan condition 3a regarding incentive density; Preliminary Plan condition 17a regarding the provision of a major public facility as a public benefit; and Site Plan condition 1 regarding density and condition 17q regarding the proposed Bike & Ride station.

Staff has received correspondence from neighboring residents expressing concerns regarding the proposed building height, increased density and traffic, and the proposed WMATA Bike & Ride station, which staff has addressed in the March 7 technical staff report.

Ms. Jane Lyons, representing the Coalition for Smarter Growth, and Ms. Shruti Bhatnagar, representing Sierra Club Montgomery County offered testimony.

Mr. Steve Robins, attorney representing the applicant, offered comments and concurred with the staff recommendation.

Messrs. Andy Altman, Marc Leff, and Ms. Mary Lydecker, members of the applicant's team, offered a multi-media presentation and discussed the project design elements.

There followed extensive discussion with questions to staff, during which the Planning Board instructed staff to coordinate with Parks Department staff to facilitate a safe connection to the Rock Creek Trail.

7. **Staging Allocation Request No. 27800 for Pike & Rose, Phase 2 (Building 9): Site Plan No. 82013012G (Public Hearing)**---Staging Allocation Request for 297,500 square feet of non-residential development for the CR-4.0 C-3.5 R-3.5 H-300 portion of the property; located at the intersection of Rockville Pike (MD 355) and Meeting Street in the White Flint (North Bethesda) Sector Plan area.

Staff Recommendation: Approval

BOARD ACTION

Motion: RUBIN/VERMA

Vote:

Yea: 4-0

Nay:

Other: PATTERSON ABSENT

Action: Approved staff recommendation for approval of the Staging Allocation Request 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 Staging Allocation Request for a previously approved Site Plan. Staff noted that the applicant has filed a Staging Allocation Request for 297,500 square feet of non-residential development associated with Building 9, which is included in the approved Site Plan No. 82013012G, Pike and Rose-Phase II. Staff added that the request is consistent with the previous approvals for the Site and the White Flint Sector Plan Implementation Guidelines.

There followed a brief Board discussion.

11. Montgomery County Comprehensive Water Supply and Sewerage Systems Plan Proposed Category Map Amendments – County Executive’s AD 2022-2 Administrative Amendment Group – Six Water/Sewer Service Category Change requests. (Public Hearing)

Staff Recommendation: Transmit Comments to County Executive

BOARD ACTION

Motion: RUBIN/VERMA

Vote:

Yea: 4-0

Nay:

Other: PATTERSON ABSENT

Action: Following a brief discussion and comments from Mr. Alan Soukup of Montgomery County Department of Environmental Protection, approved staff recommendation to transmit comments and recommendations to the County Executive, as stated in the attached transmittal letter.

***8. Milestone Innovation Center (Public Hearing)**

A. Preliminary Plan Amendment No. 11987271D---Amendment to allow 308,500 square feet of Research and Development and 161,500 square feet of Office uses in three (3) new buildings; 44.33 Acres; CR-2.0, C-1.75, R-0.5, H-125T Zone; located on the north side of I-270, between Ridge Road and Dorsey Mill Road; 2009 Germantown Employment Area Sector Plan.

Staff Recommendation: Approval with Conditions

B. Site Plan Amendment No. 82001009G--- Amendment to allow 308,500 square feet of Research and Development and 161,500 square feet of Office uses in three (3) new buildings; 44.33 Acres; CR-2.0, C-1.75, R-0.5, H-125T Zone; located on the north side of I-270, between Ridge Road and Dorsey Mill Road; 2009 Germantown Employment Area Sector Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: A & B. VERMA/CICHY

Vote:

Yea: A & B. 4-0

Nay:

Other: PATTERSON ABSENT

Action: A. Approved staff recommendation for approval of the Preliminary Plan Amendment 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 Amendment cited above, subject to revised conditions discussed during the meeting, 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 Amendment requests to increase the approved density and revise approved lot lines, right-of-way (ROW), build-to-area, entrance spacing, and transparency requirements for the construction of an office park development. The site is currently developed with four existing buildings, identified as Buildings 1 through 4, totaling 655,000 square feet of office and light industrial uses, a four-level parking structure located adjacent to Building 4, other associated surface parking, and a central plaza.

The applicant is proposing to amend the approved Plans to include the construction of three new buildings, identified as Buildings 5 through 7, for 308,500 square feet of Research and Development and 161,500 square feet of Office uses, two parking garages, and proposed Private Street A, with modifications of the parcel and lot boundaries to accommodate the proposed new buildings and private street. Pedestrian and bicycle facilities will include a five-foot-wide pedestrian path along the frontage of the northern transit right-of-way (ROW) and an 11-foot-wide shared use path from Milestone Center Court to Ridge Road. Staff then briefly discussed

minor modifications to Site Plan conditions 5c, 5e, and 5h regarding forest conservation and condition 22t regarding the final location of the proposed pedestrian path.

The associated Final Forest Conservation Plan (FFCP) proposes 0.3 acres of forest removal, resulting in an afforestation requirement of 6.95 acres, which will be satisfied through an off-site forest bank or by paying a fee-in-lieu if no forest bank is available. The applicant has also submitted a variance request to remove one high-priority tree, which will be mitigated through the planting of three native overstory trees onsite.

Staff has received correspondence from neighboring residents regarding the proposed truck access from Milestone Center Drive, the expansion of left turn lane from Ridge Road onto Observation Drive, the proposed uses, buffers and landscaping, truck traffic, hours of operation, pedestrian safety, noise and light pollution, and security. Staff addressed each these issues, as detailed in the March 7 technical staff report.

Ms. Amy Park, adjacent property owner, offered testimony and a multi-media presentation.

Mr. Patrick O'Neil, attorney representing the applicant, offered comments and concurred with the staff recommendation.

Mr. Brian Morris, member of the applicant's team, offered comments regarding truck traffic.

There followed a brief Board discussion with questions to staff.

***9. Ronald McNair Elementary School: Mandatory Referral No. MR2022014 (Public Hearing)**---Construction of a new addition to Ronald McNair Elementary school to address MCPS programmatic and safety standards/requirements, community input, environmental impacts, fire access requirements, Montgomery County stormwater requirements and site constraints; Located at 13881 Hopkins Road, Germantown, MD 20901, northwest quadrant of Hopkins Road and Steeple Road intersection; 10 acres; R-60 Zone; 1989 Germantown Master Plan.

Staff Recommendations: Approval of Mandatory Referral with Recommendations

BOARD ACTION

Motion: RUBIN/VERMA

Vote:

Yea: 4-0

Nay:

Other: PATTERSON ABSENT

Action: Approved staff recommendation to transmit comments to Montgomery County Public Schools, as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed a proposed Mandatory Referral request by Montgomery County Public Schools (MCPS) to construct an addition at an existing school. The site is currently developed with the existing Ronald McNair Elementary School, surface parking, drive aisles, portable classrooms, and ballfields.

The applicant proposes to construct a 13,006-square foot, two-story addition along the east side the existing school, which will provide additional capacity, support space, standard classrooms, a new office/health suite, and new stormwater management facilities. The proposed increased capacity will also allow for the removal of the existing portable classrooms. The applicant also proposes to remove the existing parking and widen the pedestrian refuge area in front of the building. No changes are proposed to the current traffic patterns, entrances, or exits.

Staff recommendations include improved bike and pedestrian access, a connection to Leaman Local Park, an alternative to the retaining wall fronting proposed entrance, reducing the width of site access points, and work with Montgomery County Department of Transportation (MCDOT) to improve the adjacent intersection lay-out.

Mr. Seth Adams of MCPS offered brief comments.

There followed a brief Planning Board discussion.

10. Proposed Application Fees---Request for approval of new Biohealth Priority Campus Plan fees and a modest increase of some current fees in accordance with the consumer price index.

Staff Recommendation: Approval

BOARD ACTION

Motion: RUBIN/VERMA

Vote:

Yea: 4-0

Nay:

Other: PATTERSON ABSENT

Action: Approved staff recommendation for approval of fee increases as proposed for the Montgomery County Planning Department and set the effective date as April 1, 2022.

Planning Department staff offered a multi-media presentation and discussed the Department's proposed updated fee schedule. According to staff, the proposed update is needed to enable Plan submissions on the effective date of the recently approved Zoning Text Amendment that created the new Biohealth Priority Campus Plan, which replaces the need for Sketch and Site Plan submissions for applicable projects.

Staff discussed the proposed 10 to 13 percent increase to the base fees for most plan types, which is based on the Consumer Price Index increase of 13.43 percent and discussed in detail in the March 10 technical staff report. No change is recommended for the Per Dwelling Unit or Per Square Feet fees. Staff added that they also propose to reduce the Pre-Application Plan Staff Review and the Site Plan Institutional/Religious Use fees, and to eliminate the Financial Security Reduction or Release Request fee.

There followed a brief discussion, during which the Planning Board approved staff's recommendation to set the effective date as April 1, 2022.

12. CLOSED SESSION

According to MD ANN Code, General Provisions Article, §3-305(b)(7)(8), to consult with counsel to obtain legal advice; and consult with staff, consultants, or other individuals about pending or potential litigation.

The topic to be discussed is litigation involving Montgomery County Park Police

BOARD ACTION

Motion: RUBIN/VERMA

Vote:

Yea: 4-0

Nay:

Other: PATTERSON ABSENT

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