



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 3, 2022, at 9:01 a.m., and adjourned at 11:46 a.m.

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

Items 1, 6, and Items 3 through 4, discussed in that order, are reported on the attached agenda.

Item 2 was removed from the Planning Board agenda.

Commissioner Rubin left the meeting at 9:57 a.m. during discussion of Item 3 and returned at 10:39 during the discussion of Item 4.

There being no further business, the meeting was adjourned at 11:46 a.m. There is no Planning Board meeting scheduled for March 10, 2022. The next regular meeting of the Planning Board will be held on Thursday, March 17, 2022, in the Wheaton Headquarters Building in Wheaton, Maryland, and via video conference.

James J. Parsons
Sr. Technical Writer/Editor

Thursday, March 3, 2022
2425 Reddie Drive
Wheaton, MD 20902
301-495-4605

1. Consent Agenda

***A. Adoption of Resolutions**

1. 4725 Cheltenham Drive Sketch Plan 32020006A – MCPB No. 22-022
2. 4725 Cheltenham Drive Site Plan 820220060 – MCPB No. 22-023

BOARD ACTION

Motion: VERMA/RUBIN

Vote:

Yea: 4-0-1

Nay:

Other: PATTERSON ABSTAINED

Action: Adopted the Resolutions cited above, as submitted.

***B. Record Plats**

Subdivision Plat No. 220200140, Cloverly

NR zone; 1 parcel; located in the southeast quadrant of the intersection of New Hampshire Avenue (MD 650) and Cloverly Street; Cloverly Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: VERMA/RUBIN

Vote:

Yea: 5-0

Nay:

Other:

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 No. 2---Request to extend the regulatory review period for Site Plan No. 820210180, Site Plan Amendment 82015012D, and Preliminary Plan Amendment 12013008B from March 14, 2022, to September 10, 2022.

Staff Recommendation: Approval of the Extension Request

2. Remembrance Park, Preliminary Plan No. 120210150 – Regulatory Review Extension Request No. 4---Request to extend the regulatory review period from March 10, 2022, until October 6, 2022: An Application to create one lot for a Cemetery as a Conditional Use (pending application CU-21-06 Reflection Park). Located at 16621 New Hampshire Avenue (MD 650), on the east side of MD 650, approximately 2,800 feet north of Spencerville Road (MD 198) and approximately 2,600 feet south of Ednor Road in Silver Spring; RC Zone, 40.39 acres, 1997 Cloverly Master Plan.

Staff Recommendation: Approval of the Extension Request

3. Crossroads of Kensington, Site Plan No. 820220030 – Regulatory Extension Request No. 2---Request to extend the regulatory review period for Crossroads of Kensington, Site Plan No. 820220030 from March 3, 2022, to May 4, 2022. Site Plan application to redevelop the property with up to 11,400 sf of commercial uses; located at the southeast corner of the intersection of Connecticut Avenue and Plyers Mill Road in Kensington; on approximately 1.07 acres zoned CRT-2.5, C-2.0, R-2.0, H-75; within the 2012 Kensington Sector Plan area.

Staff Recommendation: Approval

4. Adoption of Corrected resolution for Clarksburg Town Center Site Plan 82007022H

BOARD ACTION

Motion: 1 through 4. VERMA/RUBIN

Vote:

Yea: 1 through 4. 5-0

Nay:

Other:

Action: 1 & 3. Approved staff recommendation for approval of the Site Plan, Site Plan Amendment, and Preliminary Plan Amendment Extension requests cited above.

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

4. Adopted the corrected Resolution cited above, as submitted.

***D. Approval of Minutes**

Planning Board Meeting Minutes of February 10, 2022

BOARD ACTION

Motion: VERMA/RUBIN

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved Planning Board Meeting Minutes of February 10, 2022, as submitted.

2. ~~Roundtable Discussion~~

- Planning Department Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

6. Montgomery County Parks and Planning Semi-Annual Report Outline**BOARD ACTION****Motion:****Vote:****Yea:****Nay:****Other:**

Action: Received briefing from Parks and Planning Departments staff on the proposed outlines for the upcoming Spring 2022 Semi-Annual Report, followed by a brief Board discussion, and provided guidance to staff.

Parks and Planning Departments Directors Mike Riley and Gwen Wright offered an overview of the Spring 2022 Semi-Annual Report to be presented to the County Council and the County Executive. The Parks Department portion of the report will focus on the results of the Parks Department COVID-19 vaccination policy; the new Workforce Diversity Dashboard; the recent 2022 Parks, Recreation, and Open Space (PROS) Master Plan update; recent park acquisitions; future parks projects; Bond Bill and Capital Improvements Program (CIP) updates; trails work; athletic field improvements; programs and special events; Enterprise Division updates; the new Untold Stories interpretative signage; new ActiveMONTGOMERY registration software; and the implications for the most recent County Executive recommended budget cuts, as detailed in the February 25 technical staff report.

The Planning Department portion will focus on the cumulative impact of Planning Department projects since 2013; plans currently in progress; upcoming plans and studies; ongoing equitable Historic Preservation work; Development Review updates; recent innovative engagement work and placemaking events; and work program updates, as detailed in the February 25 technical staff report.

There followed extensive discussion with questions to Mr. Riley and Ms. Wright, during which the Planning Board recommended that Mr. Riley note the Parks Department ongoing work regarding equity in underserved areas, such as the completion of the Gene Lynch Urban Park and acquisition of land for the South Silver Spring Urban Park, and that in her presentation, Ms. Wright note all the completed Master Plans throughout the County.

***3. Linthicum West: Site Plan No. 820210010**---Request to construct two hundred and fifty-three (253) residential units, including thirty-two (32) MPDU’s (12.5%); 14222 West Old Baltimore Road; 165.25 acres; RE-1 with TDR-2 Overlay; 1994 Clarksburg Master Plan & Hyattstown Special Study Area.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: VERMA/CICHY

Vote:

Yea: 4-0

Nay:

Other: RUBIN ABSENT

Action: 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 a proposed Site Plan request to construct a residential development. The 165.25-acre property is located on the southeast quadrant of the intersection of West Old Baltimore Road and Clarksburg Road (MD121), bounded by the Black Hill Regional Park to the east, and is zoned Rural Estate (RE-1) and Transferable Development Rights (TDR 2.0) Overlay within the Clarksburg Master Plan and Hyattstown Special Study area. Currently, the site is used for agricultural purposes.

The applicant proposes to construct 221 single-family detached residences and 32 single-family attached duplex MPDU units for a total of 253 dwelling units and associated open spaces, recreation facilities, a 10-foot wide shared-use path along MD121, natural surface trails, and a trail head for a connection to Black Hills Regional Park. Access to the site will be via two points along West Old Baltimore Road. New public streets and alleys will be constructed to serve all dwelling units. As required in the 2021 Preliminary Plan Amendment, no less than 86 acres of land will be dedicated to the Parks Department for an addition to the Black Hill Regional Park. Staff added that the applicant will acquire 56 TDRs to allow for higher densities. Staff then briefly discussed corrections to Condition 5b regarding the issuance of building permits, which have been integrated into the associated Resolution.

The associated Final Forest Conservation Plan proposes to clear 0.38 acres of forest and retain 29.51 acres, resulting in an afforestation/reforestation requirement of 0.76 acres, which the applicant proposes to meet through 2.04 acres of planting within an open section of existing stream valley buffer. All planted and retained forest, with the exception of 2.54 acres that will be placed in a Category I Conservation Easement along West Old Baltimore Road, will be dedicated to the Parks Department. The applicant has also submitted a variance request to

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***3. Linthicum West**CONTINUED

remove nine high priority trees and impact but not remove 23 others, which will be mitigated through the onsite planting of 21 overstory native trees.

Mr. Gary F. Unterberg, member of the applicant's team, offered comments regarding pedestrian and bicycle crossing along West Old Baltimore Road to access the confronting development.

Ms. Beth Wolff, representing the Clarksburg Elementary Parent/Teacher Association, offered testimony.

Mr. Stuart R. Barr, attorney representing the applicant, offered comments regarding school capacity adequacy and pedestrian safety, and concurred with the staff recommendation.

Mr. Tom Linthicum, the property owner, offered background information regarding the site.

Mr. Luis F. Gonzalez, member of the applicant's team, also offered brief comments.

There followed extensive discussion, during which the Planning Board instructed staff to include additional language in the Resolution clearly stating that the parcel dedicated as an addition to Black Hill Regional Park will be utilized for conservation-oriented recreation uses. The Board also instructed staff to include a new condition of approval requiring the applicant to coordinate with the Montgomery County Department of Transportation (MCDOT) and Planning and Parks Departments staff to ensure safe and efficient crossing of West Old Baltimore Road at Gull Street to accommodate the crossing of the proposed natural surface trail, the design of which must be approved by staff and MCDOT prior to the recordation of a record plat.

4. Revisions to the 2021 Local Area Transportation Review (LATR) Guidelines---
 Modifications to the Local Area Transportation Review (LATR) Guidelines to ensure that offsite transportation system requirements are proportional to a project’s impact on the overall safety and functionality of the transportation system.

Staff Recommendation: Approval

BOARD ACTION

Motion: RUBIN/VERMA

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the revisions to the 2021 Local Area Transportation Review Guidelines, as discussed during the meeting.

Planning Department staff offered a multi-media presentation and discussed proposed changes to the Local Area Transportation Review (LATR) Guidelines. According to staff, this Item is a continuation from the February 17 Planning Board meeting, during which staff presented a revised draft of a proposed two-step approach to ensure that off-site transportation mitigation is not out of proportion with a project’s impact on the overall safety and functionality of the County’s transportation system. The first step is to identify an upper limit on off-site mitigation costs using the following formula: Extent of Development times the LATR Improvement Cap Rate times the LATR Improvement Cap Adjustment Factor. The second step involves the identification of the off-site improvements, which includes the submission of a LATR study and cost estimates to the Development Review Committee (DRC) for verification, with staff determining and finalizing the conditions of approval.

To address comments received during the February meeting, staff’s revised recommendations include a modified definition for the Extent of Development, which now refers to the number of residential units and/or commercial square footage as approved by the Planning Board; clarification of conditions to clearly state that applicants will be required to construct the conditioned improvements listed in the resolution, even if the cost of mitigation increases above the calculated LATR Proportionality Guide for the application, and to address Moderately Priced Dwelling Unit (MPDUs) exemptions; changing the term from LATR Improvement Cap to LATR Proportionality Guide; permitting applicants to propose alternative mode split assumptions in very limited instances; updates for documenting pedestrian, bicycle, and bus transit deficiencies and their mitigation; updates for traffic speed studies; updated language regarding when traffic counts are not to be conducted; additional direction on Street Lighting adequacy; changes to the Glossary, specifically that applicants must use the most recent version of the Institute for Traffic

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4. Revisions to the 2021 Local Area Transportation Review (LATR) Guidelines

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Engineers (ITE) Trip Generation Manual; and other language revisions, as detailed in the February 24 technical staff report.

The following speakers offered testimony: Ms. Katie Wagner of Gorove Slade transportation planners and engineers; Ms. Francoise Carrier of Bregman, Berbert, Schwartz, and Gilday; Mr. Joseph Parreco, president of Oakwood Properties; Mr. Jack Lester of EYA; and Ms. Hannah Henn of the Montgomery Department of Transportation (MCDOT).

There followed extensive Planning Board discussion with questions to staff.

5. Policy Guidance on Construction and Fee-in-Lieu for Frontage Improvements---

Approve criteria for the use of fee-in-lieu for frontage improvements. Identify de minimis criteria and fees for small residential and commercial projects.

Staff Recommendation: Approval

BOARD ACTION

Motion: RUBIN/VERMA

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the criteria for the use of fee-in-lieu for frontage improvements and de minimis criteria and fees for small residential and commercial projects and set the effective date of the policy for March 3, 2022.

Planning Department staff offered a multi-media presentation and discussed proposed policies for frontage improvements, specifically de minimis criteria for very small residential and commercial development projects, and the applicability of payments in lieu of construction. Staff noted that this Item is a continuation from the February 17 Planning Board meeting, during which the Board instructed staff to include language in the de minimis criteria that permits staff to recommend a de minimis payment in lieu of constructing a complete or partial frontage improvement when that improvement would create a similar burden to that identified in the three criteria, as detailed in the February 24 technical staff report. The Board also instructed staff to collaborate with Montgomery County Department of Transportation (MCDOT) to revise Chapter 49 to explicitly permit the Planning Board to waive frontage improvements when the criteria in the “De Minimis Criteria for Very Small Residential and Commercial Development Projects” and “Applicability of Payments in Lieu of Constructing Frontage Improvements” policy documents are met. In response, staff modified Chapter 49 to clarify that in order to grant a waiver, the Planning Board must find that due to practical difficulty or unusual circumstances of a plan, the application of a specific requirement of the Chapter is not needed to ensure the public health, safety, and general welfare; the intent of the requirement is still met; and that the waiver is the minimum necessary to provide relief from the requirements and consistent with the purposes and objectives of the General Plan. Staff then requested that the Planning Board approve the policies and set the effective date as March 3, 2022.

Mr. William Zeid of Gorove Slade transportation planners and engineers and Ms. Francoise Carrier of Bregman, Berbert, Schwartz, and Gilday offered testimony.

There followed a brief Board discussion with questions to staff.