



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, June 9, 2022, at 9:12 a.m., and adjourned at 2:28 p.m.

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

Commissioner Gerald R. Cichy was necessarily absent for items 1 through 5 and present for all remaining items.

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

The Planning Board recessed for lunch at 11:37 p.m. and reconvened in the auditorium and via video conference at 12:52 p.m.

Items 8 through 10 discussed in that order, are reported on the attached agenda.

There being no further business, the meeting was adjourned at 2:28 p.m. The next regular meeting of the Planning Board will be held on Thursday, June 16, 2022, in the Wheaton Headquarters Building in Wheaton, Maryland, and via video conference.

Kimberly Young
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Thursday, June 09, 2022
2425 Reddie Drive
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1 Preliminary Matters

***A. Adoption of Resolutions**

1. 8015 Old Georgetown Road Site Plan Amendment No. 82020013B – MCPB No. 22-053

BOARD ACTION

Motion: Verma/Patterson

Vote:

Yea: 3-0-1

Nay:

Other: Cichy Absent, Rubin Abstained

Action: Approved adoption of Resolution cited above.

***B. Approval of Minutes**

1. Minutes of 5-19-22

2. Minutes of 5-26-22

BOARD ACTION

Motion: Rubin/Verma

Vote:

Yea: 4-0

Nay:

Other: Cichy Absent

Action: Approved minutes cited above.

***C. Other Preliminary Matters**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: No other Preliminary Matters submitted.

3. Record Plats (Public Hearing)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: No Record Plats submitted.

4. Regulatory Extension Requests (Public Hearing)

Jerome Freibaum Lot 4 Administrative Subdivision 620210080 Extension Request No. 1

First extension request to extend the review period from June 30, 2022, to September 15, 2022 to create two (2) lots for one single-family detached dwelling on each; R-60 Zone; 0.59 acres; Located on the north side of Elgin Lane, approximately 155 feet east of its intersection with Pyle Road; 1990 Bethesda-Chevy Chase Master Plan.

Staff recommendation: Approval of Extension Request

A. Bossi

BOARD ACTION

Motion: Rubin/Verma

Vote:

Yea: 4-0

Nay:

Other: Cichy Absent

Action: Approved staff recommendation for approval of the Regulatory Extension request cited above.

2. Roundtable Discussion

Parks Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received Briefing

Park's Director, Mike Riley, briefed the Board on a couple of different events and plans taking place in the Parks Department. He discussed the events for Pride month kick-off which included a Panel: No one way to be LGBTQIA and the park activation event, Pride in the Park – an LGBTQ comedy show.

Recently, three were awards won by the Park's Staff including: 7 communicator awards for digital design and print communications, 2 awards of excellence (the highest honor you can receive) for the website Montgomery Parks and the Winter Bingo Program; and 5 awards for distinction.

The upcoming program is the Open Parkways Program which opened 7 miles of park roads on weekends for pedestrians, cyclists, etc., and temporarily closed traffic on a few roads including Beach Drive, Sligo Creek Road, and Falls Road. Parks Staff is working with the Maryland Department of Transportation (MDOT) to solve the problem of traffic disruption on Falls Road to determine if converting traffic to one lane instead of closing the entire stretch of the road is a plausible alternative. Ultimately, the goal is to convert an open parkway into a linear park for pedestrians and bicyclists, but this plan is still in the beginning discussion phase. A press release will go out before the test phase is scheduled to be conducted throughout the summer.

The Board offered brief comments addressing concerns for Cricket leagues, arenas, and how to incorporate a space for players. Commissioner Patterson requested the Park's Department update the Board on the information requested about the Burial Site Inventory during their next briefing.

5. Work Session for 2022 Wheaton Regional Park Master Plan

Staff Recommendation: Discuss public testimony received on the park master plan. – Receive Approval of new plan language where needed

C. Kines

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other: Cichy Absent

Action: Received briefing followed by discussion.

Previously, on May 19, 2022, the Planning Board received public testimony on the Public Hearing Draft of the 2022 Wheaton Regional Park Master Plan. Parks Staff presented a multi-media presentation summarizing the testimony for the Planning Board. Major themes of testimony and potential changes in response to comments received were discussed as follows:

1. Tennis courts/Pickleball courts. The current recommendation is to convert 3 tennis courts to pickleball courts.
 - The Board offered suggestions including more documentation of where to find pickleball courts and tennis courts in the area.
2. Wheaton Park Stables (WPS) & Equestrian Trails. Language in the Plan discusses retaining the equestrian center in the short term while the current lessee (a private non-profit) wishes to operate but exploring future uses and the long-term economic sustainability of the stables. New natural surface trails also need to be provided.
 - The Board offered comments related to long-term maintenance and repair of the stables and modifying language to reflect future possibilities and funding.
3. Mountain biking on natural surface trails. The Plan recommends converting some current trails that are limited use to multi-use consistent with current policy but keeping some trails as limited use to support nature center programming.
 - The Board offered comments regarding keeping equestrian paths to maintain the trail riding experience and exploring how to incorporate a bike trail without having it go into the equestrian trail. The Board asked the team to return with an analysis on this situation and cost.
 - Board members had different opinions regarding multi-use paths.
4. Bird habitat/birding experience. Plan recommends some trails remain for hiking only and retain existing recommendations for areas of concern to birders.
 - Board members agreed with the recommendations.
5. Natural resources. Plan recommends protecting the park's forests, wildlife habitat, natural resources, streams, and stormwater runoff. Adding the following language to the Plan:
 - In the Natural Resources Stewardship section, "Increase efforts to better manage and control non-native plants in the park."

- In the Implementation section, “Ensure all new lighting in the park meets standards/guidelines of the International Dark Sky Association to minimize potential impacts to the park’s wildlife.”
 - The Board wants to make sure lighting is consistent with these natural resources plans.
6. Bicycle, pedestrian, and transit access. The Plan includes numerous recommendations to improve bicycle and pedestrian access and safety to and within the park, as well as improvements to park entrances and wayfinding.
- The Plan recognizes there are opportunities to improve transit service to the park but does not include a recommendation specific to improving transit service to the park, in part because a park master plan primarily focuses on recommendations within the park boundaries but Staff wants to include language that coordinates with MCDOT to improve transit service to the park.
 - The Board offered brief comments.
7. Noise and traffic impacts. Staff added language to the Plan’s Implementation section that acknowledges potential noise and/or traffic impacts to homes along and/or nearby to the Orebaugh Avenue entrance caused by improvements and new facilities in the Rubini Athletic Complex.

On June 23, park planners intend to present the final draft plan to the Planning Board for approval, incorporating changes requested by the Planning Board.

6. Forest Conservation Plan Amendment No. SC2022007 for Potomac Farm Estates Lot 1, Block C (Public Hearing)

In Response to a Violation: a request for approval of a forest conservation plan amendment to remove 1.38 acres of Category I Conservation Easement from Lot 1, Block C in the Potomac Farm Estates Subdivision and provide mitigation offsite and onsite. Located at 10501 Chapel Road in the northeast quadrant of the Chapel Road and River Road intersection in Potomac. 2002 Potomac Subregion Master Plan; 3.77 acres of land in the RE-2 Zone.

Staff Recommendation: Approval with conditions.

S. Peck

BOARD ACTION

Motion: Rubin/ Verma

Vote:

Yea: 4-0-1

Nay:

Other: Cichy Abstained

Action: Approved staff recommendation for approval of the Forest Conversation Plan Amendment cited above, subject to conditions, which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.

Staff presented a multi-media presentation recommending approval of the Forest Conservation Plan Amendment No. SC2022007 to amend the Forest Conservation Plan with conditions cited in the Staff Report dated May 27, 2022, to release two areas of Category I Conservation Easement, establish a 1.16-acre Category I Conservation Easement at the front of the property, establish a 0.50- acre Category II Conservation Easement in the rear of the Property, provide forest planting and tree planting onsite and mitigate removal of 1.38 acres of Category I Conservation Easement offsite at a 3:1 rate. No specimen trees to be cut down. The Tulip Poplar tree will remain the dominant tree on the property.

Applicant Kujeet Singh spoke briefly addressing the violation of the original conservation plan. Staff offered comments addressing prohibitive measures for future violations.

The Board suggested adding language to the conservation easement signage that could be more detailed and explicit as an ongoing policy for Forest Conservation Plans, and the addition of language in future deeds to expressly reference the Forest Conservation Easement for homebuyers.

***7. 8801 Hempstead Avenue Conditional Use CU202208 (Public Hearing)**

Request to increase the capacity of an existing eight-child Family Day Care use to a Group Day Care use with up to twelve children, and to request a Parking Waiver to allow one parking space to be accommodated on an adjacent street as opposed to abutting the Site; R-60 Zone; 0.16 acres; Located on the east side of Hempstead Avenue, approximately 130 feet south of its intersection of Greentree Road; 1990 Bethesda-Chevy Chase Master Plan.

Staff recommendation: Transmit comments to the Hearing Examiner recommending approval with conditions

A. Bossi/K. Mencarini

BOARD ACTION

Motion: Rubin/Patterson

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to transmit recommendations to the Hearing Examiner regarding the Conditional Use request cited above, as stated in the attached letter.

Staff presented a multi-media presentation recommending approval of the Applicant's request to increase the capacity of an existing eight child Family Day Care to a Group Day Care use with up to twelve children and one additional staff member. No exterior modifications are proposed with this Conditional Use. Subject to conditions in the staff report on page 2.

The Applicant is requesting a Parking Waiver to allow one parking space for the nonresident employee to be accommodated on an adjacent street instead of abutting the Site and was present to answer any questions.

The Item will be presented before the Hearing Examiner for a Public Hearing on July 11, 2022.

***8. ELP Bethesda at Rock Spring Phase 1B: Site Plan No. 820220120 (Public Hearing)**

Request to construct Phase 1B of a continuing care retirement community, consisting of a 5,700 square-foot building with a 3,800 square-foot marketing center and 1,900 square feet of retail/restaurant uses; located at 10400 Fernwood Rd, Bethesda; approximately 33.64 acres of land zoned CRF 1.5, C-0.75, R-1.5, H-150; within the Rock Spring Sector Plan area.

Staff Recommendation: Approval with Conditions

E. Tettelbaum

BOARD ACTION

Motion: Rubin/Cichy

Vote:

Yea: 5-0

Nay:

Other:

Action: **Approved staff recommendation for approval of the Site Plan including Final Forest Conservation Plan cited above, subject to conditions, which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.**

Staff presented a multi-media presentation of the Site Plan Application requesting approval to construct Phase 1B of a multi-phased Continuing Care Retirement Community (CCRC). Phase 1B includes a 5,700-square foot building with the CCRC’s marketing center and a retail/restaurant space in addition to a 5.37-acre privately-owned linear park (Thomas Branch Stream Linear Park). Phase 1B public benefits include: Quality Building and Site Design achieved through exceptional design and public open space, and Protection and Enhancement of the Natural Environment achieved through Building Lot Terminations. Staff recommends approval with benefits detailed in the May 26, 2022 Staff report.

Previously the site was the Marriot Headquarters building and a 3-level parking garage, with extensive surface parking, and four access points. The surrounding property is evolving into a mixed-use, residential-commercial area.

The overall project contains 1300 independent units (15 % moderately priced dwelling units), 210 assisted living, memory care units, and 50 skilled nursing units. Phase 1a, which was already approved, included 2 residential buildings with 512 independent living units, a road path, a separated bike path, internal private roads, and an internal park.

Phase 1b includes the marketing center and café area for the retirement community and the retail portion of the property. This portion also includes the Thomas Branch Park which will be privately owned but publicly accessible, of 5.3 acres.

This plan is subject to the Final Forest Conservation plan which includes the removal of 23 trees, planting 72 mitigation trees, and satisfying the 5.27 acres mitigation requirement of which 3.11 acres will be on-site afforestation and 2.6 acres off-site.

Staff addressed corrections to the Staff report on page 34 which is supposed to be 1.7 acres.

Board offered brief comments.

9. Briefing the Board on the Mitigation Package for the Managed Lanes Study

D. Stephens

BOARD ACTION

Motion: Cichy/ Verma

Vote:

Yea: 5-0

Nay:

Other:

Action: Received Briefing and Approval of proposed Mitigation Package

Park staff presented a multi-media presentation discussing parkland impacts resulting from the Managed Lanes Study preferred alternative and staff’s Parkland Mitigation Package proposal to the Maryland Department of Transportation State Highway Administration.

Maryland Department of Transportation (MDOT) Safety Highway Association (SHA’s) preliminary design conducted as part of the National Environmental Policy Act (NEPA) process anticipates a need to acquire approximately 7.5 acres of parkland to reasonably construct and maintain the highway improvements.

The new preferred alternative consists of a total of about 15 miles of highway expansion on 495 and 270. The overall project impacts include 116 acres of new impervious pavement, 455 acres of the forest canopy, 31.6 acres of the 100-year floodplain, and 3.9 acres of wetland impacts. There are five M-NCPPC parks that will be directly impacted: Cabin John Regional Park, Cabin John Stream Valley Unit 6, Old Farm Neighborhood Conservation Area, Tilden Woods Stream Valley Park, and Cabin John Stream Valley Unit 2.

As part of the mitigation package, there will be park enhancements which include the construction of a single highway bridge structure over Tuckerman Lane and the floodplain of Old Farm Creek, long-term vegetation management and reforestation along the impacted forest edge, trailhead and parking lot improvements on Tuckerman Lane and Seven Locks Rd, construction of 3 fiberglass pedestrian trail bridges, stabilization of 3 stormwater outfalls in Cabin John Watershed, stream stabilization, and wildlife passage under I-495 overpass.

Parks staff recommends approval of the Managed Lanes Study Parkland Mitigation Package to be presented at the M-NPPC Full Commission Hearing on June 15, 2022.

The Board asked questions and offered brief comments. Commissioner Rubin stated she is not committed to the conveyance of the land without other concerns being addressed and wishes to be part of the team working on the Memorandum of Understanding (MOU)

10. ZTA 22-02 Density and Height Limits, Parking, Biohealth Priority Campus (Public Hearing)

ZTA 22-02 Updates chapter 59 including various standards for uses associated with a Biohealth Priority Campus, including options to increase building height, reallocate mapped density, clarifying parking waivers and adding Biohealth Priority Campus to the parking rates table.

Staff Recommendation: Transmit comments to the District Council for public hearing on June 14, 2022

B. Berbert

BOARD ACTION

Motion: Verma/ Rubin

Vote:

Yea: 5-0

Nay:

Other:

Action: **Approved staff recommendation to transmit comments to the County Council, as stated in the attached transmittal letter.**

The Planning Staff presented a multi-media report of the ZTA 22-02 status. The Planning Staff did not support this Zoning Text Amendment (ZTA) as originally introduced on March 15, 2022. However, the Staff does recommend the Board supports a modified version of ZTA 22-02, which was released May 26, 2022.

The purpose behind the ZTA is to allow additional height and increased flexibility in the design of urban Biohealth facilities in recognition of their unique mechanical challenges. The introduced ZTA also adds parking requirements for Biohealth Priority Campuses where they were absent from the parking tables in the ordinance.

Since the introduction of the ZTA, the Planning Staff has been working collaboratively with Council staff to find solutions to identified concerns. A revised ZTA will be presented to the Planning, Housing, and Economic Development (PHED) committee. The Planning Staff recommends the Board support this modified ZTA draft. The revised ZTA reduces the geographic scope of the ZTA and potential building height increases and removes the section on parking waivers.

Planning Staff recommends the Planning Board transmit comments to the District Council not supporting ZTA 22-02 as it was introduced but offering strong support instead for the draft modified ZTA language, with just a minor comment about Life Sciences being omitted from the draft revisions. The draft ZTA can be found as part of the June 02, 2022, Staff report.

Douglas Firstenberg of Stonebridge and Bob Dalrymple, attorney representing Stonebridge, offered brief testimony supporting a modified version of the ZTA, which Staff had not seen.

Board offered brief comments.