



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 2, 2022, at 9:06 a.m., and adjourned at 12:33 p.m.

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

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

Items 1, 4, and 12 were removed.

Item 7 was postponed to June 9.

The Planning Board recessed for lunch at 11:21 p.m. and reconvened in the auditorium and via video conference at 11:56 p.m. to take up Item 6.

There being no further business, the meeting was adjourned at 12:33 p.m. The next regular meeting of the Planning Board will be held on Thursday, June 9, 2022, in the Wheaton Headquarters Building in Wheaton, Maryland, and via video conference.

Kimberly Young
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Thursday, June 2, 2022
2425 Reedie Drive
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1. Preliminary Matters

- *A. Adoption of Resolutions
- *B. Approval of Minutes
- *C. Other Preliminary Matters

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Preliminary Items submitted for approval.

3. Record Plats (Public Hearing)

Subdivision Plat No. 220220720, Spring Hill

R-60 zone; 1 lot; located on the south side of Husted Driveway, 150 feet east of Clifford Avenue; Bethesda-Chevy Chase Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: Cichy/Verma

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Record Plat(s) cited above, as submitted.

4. Regulatory Extension Requests (Public Hearing)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Regulatory Extension Requests submitted for approval.

2. Roundtable Discussion

Planning Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received Briefing

Planning Staff offered a multi-media presentation discussing the upcoming placemaking plans. Placemaking refers to a collaborative process that shapes the public realm in order to maximize value. This concept goes beyond just promoting better urban design principles, placemaking facilitates creative thinking, capitalizes on community assets, and contributes to the community's health, happiness, and well-being.

Placemaking initiatives in Montgomery County started in Silver Spring in 2014 and will be expanding across the County. Placemaking efforts in FY22 were the Long Branch Festival, Bethesda mural, Silver Spring transit center, and Fairland and Briggs Chaney.

Atul Sharma, Acting Assistant to the Deputy for Development and Design Review, has been added to the Director's Office. He will be the lead in future planning with placemaking efforts in the County, deciding what priorities should be addressed, the specific projects to pursue, specific models to be adopted, and the direction of the goals of the project such as adding social capital, environmental, or cultural enhancements.

The future plans for placemaking are to create department-wide strategic plans with a shared vision around department roles and priorities. The goal is to attract matching private investment and grants while building relationships with agencies and consultants.

***5. 8015 Old Georgetown Road, Site Plan Amendment No. 82020013B (Public Hearing)**
CR 2.5, C-0.75, R-1.75, H-120 & Bethesda Overlay Zone, 2.52 acres; Request to amend Site Plan 82020013A to remove Condition 23.b thereby allowing the Department of Housing and Community Affairs (DHCA) to determine the location of Moderately Priced Dwelling Units (MPDUs); located on the north quadrant of the intersection of Old Georgetown Road and Glenbrook Road; 2017 Bethesda Downtown Sector Plan.

Staff Recommendation: Approval with Conditions

G. Bogdan

BOARD ACTION

Motion:

Vote: Cichy/Verma

Yea: 4-0-1

Nay:

Other: Rubin Abstained, as she was absent for the presentation due to technical difficulties.

Action: Approved staff recommendation for approval of the Site 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 gave a brief report on the planning area and amendment. In July of 2021, the Planning Board approved a Site Plan Amendment allowing a reduction of residential units from 297 to 224 units, and inclusion of up to 82,270 square feet of commercial density for 73 live/work units and shared commercial space. With the prior Site Plan Amendment approval, in coordination with the Department of Housing and Community Affairs (DHCA), Condition 23.b expressly did not allow live/work units to be counted as MPDUs. This Site Plan Amendment proposes to remove Condition 23.b, thereby allowing the location of MPDUs to be fully determined by DHCA as the lead agency. The conditions are set out in detail in the May 20, 2022 staff report.

7. ~~ZTA 22-02 Density and Height Limits, Parking, Biohealth Priority Campus (Public Hearing)~~ (Postponed to June 9, 2022)

~~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: _____~~

~~Vote:~~

~~_____ Yea: _____~~

~~_____ Nay:~~

~~_____ Other:~~

Action: **POSTPONED TO JUNE 9**

11. Planning Board Annual Briefing on Updates to the Montgomery County Burial Sites Inventory (Public Hearing)

Staff recommends that the Planning Board adopt the Burial Sites Inventory updates.

B. Crane - MOVED FROM MAY 26 AGENDA

BOARD ACTION

Motion: Verma/ Patterson

Vote:

Yea: 5-0

Nay:

Other:

Action: **Adopted changes to the Burial Sites Inventory as presented.**

Archeologist Brian Crane with the Historic Preservation Program presented a multi-media presentation addressing the third annual update to the Montgomery County Burial Sites Inventory to the Planning Board for adoption. These included modifications made to the Montgomery County Burial Sites Inventory since May 2021 along with a summary of activities carried out as part of the burial sites program in the past year.

- 13 new sites were added to the inventory based on new information;
- 4 sites changed locations based on new information or a review of existing information;
- 1 of the updated location sites was also changed from an approximate location to a known location, based on a field visit to the site; and
- 2 administrative changes were made (the name of HP-310 was changed to the Conway Jackson Cemetery to better reflect the history of the site; the name of HP-290 “Slave and Native American Cemetery” was changed to “Possible Enslaved Persons Cemetery” because an indigenous attribution is unsupported by any evidence and is therefore unlikely).

Burial Sites has new information forms and is now able to be consolidated in Hansen to keep records synchronized, and in the same place. The inventory originally consisted of information stored in 3 places: a GIS database, volunteer-generated pdf information forms, and additional information in an MS Access database. Hansen is used to integrate records with the database, create and record new sites, and migrate remaining inventory. Hansen is designed to store all the information, critically including photographs and other images. However, it is a tedious process and the Staff hopes to complete it within the next couple of years.

Board asked questions related to the research and history of the project.

Eileen McGuckian of Montgomery Preservation Inc. and Julianne Mangin offered testimony.

8. ZTA 22-03 – Overlay Zone – Downtown Silver Spring (DSS) (Public Hearing)

ZTA 22-03 establishes a new Downtown Silver Spring (DSS) Overlay Zone, modifies the Fenton Village (FV) Overlay Zone, and removes the Ripley/South Silver Spring (RSS) Overlay Zone, consistent with the recommendations of the Downtown Silver Spring and Adjacent Communities Sector Plan.

Staff Recommendation: Transmit revised ZTA language to the District Council for the Public Hearing scheduled for June 14, 2022

BOARD ACTION

Motion: Verma/ Cichy

Vote:

Yea: 5-0

Nay:

Other:

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

Staff offered a multi-media presentation discussing proposed changes to the Zoning Text Amendment (ZTA). This ZTA would make a small change to the Density and Height Allocation Section 4.5.2 within the Commercial/Residential Zones, and three changes to the Overlay Zone section (4.9) in the Zoning Ordinance. It removes the entire Ripley/South Silver Spring overlay, amends the Fenton Village overlay, and proposes a new Downtown Silver Spring overlay.

The development standards section is the largest of the sections in the introduced ZTA and includes five sub-sections: Building Height, Density, Moderately Priced Dwelling Units (MPDU's), Public Benefit Points, and Public Open Space.

Staff recommends the Planning Board transmit a revised version of ZTA 22-03 that is reflective of the final version of the Silver Spring Downtown and Adjacent Communities (SSDAC) Plan that was approved by the Council. The revised ZTA includes a couple of additional changes as stated below:

- Expanding the MPDU section of the DSS Overlay to allow for additional building height;
- Clarification on how and when the park contribution funds will be calculated;
- Building Height mapped, except as provided for by Section 4.9.8.C.1.b or Section 4.9.8.C.3.b1.b. Select recommended properties with heights up to 360 ft.;
- Minimum 15% MPDUs rather than the County base of 12.5%
- Additional building height available for projects over 15% MPDU, calculated on the necessary floor area, with each additional floor allowing for a 12-foot increase.
- No points available for Transit Proximity or Structured Parking
- Must receive 10 points for Exceptional Design – reviewed by a Design Advisory Panel
- Open space requirements not specifically recommended by a master plan shall contribute to the improvement of an existing park – preferably in the same district – based on the cost of construction determined by the Board at the time of site plan review

The Council Public Hearing for ZTA 22-03 is scheduled for June 14, 2022.

Elizabeth Rogers with Arlington Partnership for Affordable Housing offered testimony wanting to add language exempting developers who add over 25% MPDU's.

9. Silver Spring Downtown and Adjacent Communities Plan – Resolution of Adoption

A. Margolies

BOARD ACTION

Motion: Verma/ Cichy

Vote:

Yea: 5-0

Nay:

Other:

Action: **Approved staff recommendation for approval of the attached Resolution to be transmitted to the Full Commission for adoption.**

Planning Staff presented the Silver Spring Downtown and Adjacent Communities Plan Resolution for adoption. Over the last twenty years, Silver Spring has transformed into a uniquely diverse and vibrant destination for retail, restaurants, businesses, arts and entertainment. This evolution was set in motion by the 2000 Silver Spring Central Business District Sector Plan which envisioned a transit-oriented, green and pedestrian-friendly downtown with a strong commercial and residential development market. The Silver Spring Downtown and Adjacent Communities Plan builds on the previous plan to help Silver Spring continue to be a regional destination for the next twenty years.

10. Resolution of Adoption of the Potomac Overlook Historic District: An Amendment to the Master Plan for Historic Preservation

J. Liebertz

BOARD ACTION

Motion: Verma/ Rubin

Vote:

Yea: 5-0

Nay:

Other:

Action: **Approved staff recommendation for approval of the attached Resolution to be transmitted to the Full Commission for adoption.**

Staff presented the Montgomery County Planning Board Resolution Number 22-047 to adopt the Potomac Overlook Historic District: An Amendment to the Master Plan for Historic Preservation. The Montgomery County Council, sitting as the District Council, approved the Planning Board Draft Plan for the Potomac Overlook Historic District: An Amendment to the Master Plan for Historic Preservation by Resolution No. 19-1224 on April 19, 2022

12. ~~Review of Call to Artists~~ (Removed)

P. McManus

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: (Removed)

6. Conditional Use No. CU202207: 12120 Prices Distillery Road (Public Hearing)**A. Final Forest Conservation Plan Amendment No. SC2009002A SC2022014:**

Amend the previously approved plan to reflect the new Landscape Contractor Use.

B. Conditional Use No. CU2020-07 2: Request to transmit comments to the Hearing Examiner on a conditional use application to operate a Landscape Contractor pursuant to Montgomery County Zoning Ordinance Sections 59-7.3.1.E (General Conditions) and 59.3.5.5 (Specific Conditions at 12120 Prices Distillery Road, Damascus; Agriculture Reserve (AR) Zone; Damascus Master Plan.

Staff Recommendation: Denial of the Conditional Use

J. Penn

BOARD ACTION

Motion: Verma/ Patterson

Vote:

Yea: 5-0

Nay:

Other:

Action: **Approved Motion of the Applicant's attorney to continue the meeting before the Board to a future date.**

Staff presented a multi-media presentation discussing the reasons behind the denial of the conditional use application. The submittal of the Application is in response to a violation for operating a Landscape Contractor business in the AR zone without a Conditional Use. The Conditional Use application seeks to validate the existing use of the Property as a Landscape Contractor.

Staff, however, does approve of the Forest Conservation Plan Amendment. The Property consists of 32.69 acres and is a single unplatted parcel. The land is improved with two barn structures. There is no residence on the Property. The Property is mostly open farm fields with approximately 7 acres of forest on site, which is currently protected with a Category I Conservation easement.

The Applicant seeks conditional use approval to validate the current use of the Property, Landscape Contractor. Operations occur throughout the year and include pruning, tree removal, mulching, consulting, replacements, cabling and bracing, lighting protection, and ornamental plantings. The staff includes up to 25 on-site employees. The breakdown of the on-site employees includes 4 Owners/Managers and 21 Field Crew Team Members for a total of 25 staff. The operation consists of 15 large vehicles for the size of its operations (18 in the future) including dump trucks, box trucks, chippers, bobcats, flat beds, and larger trucks over 26,000 lbs. in weight.

The conditional use does not conform to the use standards in Sec. 59.7.3.1 (Conditional Use) of the Montgomery County Zoning Ordinance. The Conditional Use denial is based on the following reasons; the lack of sanitary facilities necessary for their operation, it does not conform with Rustic Roads Master Plan, the negative pattern of behavior from the applicant, and the large number of community concerns.

Laura Van Etten of the Rustic Road advisory committee, and Thomas Hartsock an adjacent property owner offered testimony.

Board postponed hearing from the Applicant's team until all members of the Applicant's team could be present.