

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MINUTES AND SUMMARY

SUMMARY

Thursday, July 14, 2022

2425 Reedie Drive
Wheaton, MD 20902
301-495-4605

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, July 14, 2022, beginning at 9:07 a.m. and adjourned at 11:51 a.m.

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

Items 1,3,4,2, and 5 through 10 were discussed in that order and are reported in the attached Minutes.

There being no further business, the meeting was adjourned at 11:51 a.m. The next regular meeting of the Planning Board will be held on Thursday, July 21, 2022, in the Wheaton Headquarters Building in Wheaton, Maryland, and via video conference.

Rachel Roehrich
Rachel Roehrich
Technical Writer/ Legal Assistant

Kimberly Young
Kimberly Mann Young
Technical Writer/ Legal Assistant

1. Preliminary Matters

***A. Adoption of Resolutions**

White Oak Apartments Sketch Plan No. 320220050 – MCPB No. 22-061

White Oak Apartments Preliminary Plan 120220060 – MCPB No. 22-062

White Oak Apartments Site Plan 820220110 – MCPB No. 22-063

Brooke Farm, Lot 5 Forest Conservation Plan No. SC2021023 – MCPB No. 22-064

BOARD ACTION

Motion: Rubin/Verma

Vote:

Yea: 4-0-1

Nay:

Other: Patterson Abstained

Action: Adopted the Resolutions cited above, as submitted.

***B. Approval of Minutes**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Minutes submitted for approval.

***C. Other Preliminary Matters**

Adoption of the Corrected Resolution for Park Potomac Sketch Plan 32019002A – MCPB
No. 22-058

BOARD ACTION

Motion: Rubin/Verma

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Corrected Resolution
cited above, as submitted.

3. Record Plats (Public Hearing)

Subdivision Plat No. 220210740, Hill Farm

RE-2 zone; 1 lot; located on the north side of Norwood Road, 2140 feet east of New Hampshire Avenue (MD-650), 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.

4. Regulatory Extension Requests (Public Hearing)

All Souls Cemetery: Preliminary Plan Amendment to amend the Forest Conservation Plan No. 11999103A, Regulatory Review Extension Request No. 2

Request to extend the regulatory review period until October 23, 2022; Application to amend the Forest Conservation Plan and the Water Quality Plan to expand internal road network and create additional burial plots; 149.28 Acres; AR Zone; located at 11401 Brink Road; Clarksburg Master Plan 1994.

Staff Recommendation: Approval of the extension request

D. Johnsen

BOARD ACTION

Motion: Verma/Rubin

Vote:

Yea: 5-0

Nay:

Other:

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

2. Roundtable Discussion

Planning Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received Briefing

Planning Director, Gwen Wright, presented a multi-media presentation discussing the latest in Planning developments including The Makeover Montgomery 5 Conference (MM5). The conference will be held from September 22nd through the 24th and will be focused on regional ideas to help Montgomery County thrive. Sessions will be organized into four themes under the general topic of resilience: Economic; Neighborhood and Social; Environmental, Climate, and Infrastructure; and Public Health.

Three architectural firms will present their design concepts at MM5 for the Silver Spring Transit Center: Shalom Baranes and Associates, Washington, DC, FX Collaborative, New York, and Perkins Eastman, Washington, DC.

Board made brief comments addressing spaces for development designs and locations. Also, a way to attract talent, educational partnerships, and work educational pipelines. Wanting to also reach out to Prince George's County and collaborate to attract opportunities as well.

5. North Bethesda Parcel H: Site Plan No. 820220100 & North Bethesda Parcel F: Site Plan Amendment No. 82008011C (Public Hearing)

A. North Bethesda Parcel H: Site Plan No. 820220100

Request to construct up to 365 units in a multi-unit building; located at the northeast corner of the intersection of Marinelli Road and Wentworth Place; on approximately 1.62 acres zoned CR-3.0, C-1.5, R-2.5, H-250 (reviewed under the standards of the TS-M Zone in the zoning ordinance in effect prior to October 30, 2014); within the 2010 White Flint Sector Plan area.

B. North Bethesda Parcel F: Site Plan Amendment No. 82008011C

Request to amend Site Plan Amendment No. 82008011B to reflect the parking garage connection to Parcel H and revise the parking requirements using the standards of the CR zone, and show amenities shared by Parcels F and H; on approximately 59,961 square feet zoned CR-3.0, C-1.5, R-2.5, H-250; within the 2010 White Flint Sector Plan area.

Staff Recommendation: Approval with Conditions

E. Tettelbaum

BOARD ACTION

Motion: A-B Rubin/Verma

Vote:

Yea: A-B 5-0

Nay:

Other:

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

Planning Staff offered a multi-media presentation for the proposed Site Plan No. 820220100 and Site Plan Amendment No. 82008011C. Site Plan No. 820220100 is a request to construct a multi-unit building with up to 365 units on Parcel H which has yet to be platted. Parcel H has no significant environmental features, but it contains a storm drain easement along the southern lot line that constrains the location of the proposed development.

The Applicant proposes to construct an addition to the existing garage parking area currently located on Parcel F, by building a new garage that will occupy the first two levels of the new structure on Parcel H. Site Plan Amendment No. 82008011C is a request to modify the previous approval to reflect the parking garage connection and shared amenities between buildings on Parcels F and H, and to revise the parking requirements pursuant to Section 7.7.1.B.3 of the current Zoning Ordinance. Parcel F is currently developed with an 18-story residential apartment Building (Aurora Apartments) containing up to 341 units.

The property subject to the Site Plan and Site Plan Amendment applications is part of a larger 32.42- acre gross tract development known as the North Bethesda Town Center development adjacent to the White Flint Metro Station. The internal private street network, along Wentworth Place and McGrath Boulevard, will continue to provide adequate circulation for resident and visitor pickup/drop-off deliveries, as well as other short-term parking needs. No new driveways onto public rights-of-way are proposed as part of the Site Plan application. Two small dog parks are also proposed but would need final approval from the Department of Permitting Services (DPS).

The main pedestrian entrance into the proposed building is via McGrath Boulevard on the northwest façade. A secondary pedestrian access point is located at the southwest corner of the proposed building, on the Marinelli Road frontage, which will help activate the proposed building at street level. The Applicant is providing long-term residential bicycle parking inside the building, adjacent to the secondary lobby on Marinelli Road, allowing convenient access to the new bicycle lanes that the Montgomery County Department of Transportation (MCDOT) plans to install in the fall of 2022. Sidewalks along the frontage of the proposed building will connect to the existing sidewalk network within North Bethesda Town Center and expand pedestrian connectivity to the surrounding areas.

Corrections to the July 1, 2022, staff report include; a correction to the number of units, it should state 365 units in the building; on page 18, the balconies are only on the north, east and west elevations; and on page 21 the garage will occupy the first two and ½ levels of the new structure.

Condition modifications to site plan 820220100 include Condition 1. Density; Condition 17m addressing square feet; and Condition 17n addressing parking spaces.

Stacey Silber of Lerch, Early & Brewer, representing the Applicant team, offered brief comments. Michael Goodman and Chandra Beaufort with VIKA Maryland, of the Applicant's team, addressed questions asked by the Board.

The Board asked questions of the Staff and Applicant team about the surrounding areas and the plans to build up the neighborhood. The Board discussed language to address the possibility of the dog park not being approved by DPS and there being an alternative street activating use there in consultation with Planning Staff; and, inclusion of the non-auto driver mode share parking calculation for both parcels.

6. ZTA 22-01 Antenna on Existing Structure – Use Standards (Public Hearing)

ZTA 22-01 reduces the minimum setback for antennas to be mounted on existing structures to 30 feet, matching the setbacks allowed for antennas located on new structures.

Staff Recommendation: Transmit Comments to County Council.

(Action required for County Council public hearing of 9/13/2022)

B. Berbert

BOARD ACTION

Motion: Rubin/Verma

Vote:

Yea: 5-0

Nay:

Other:

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

Staff presented a multi-media presentation discussing Zoning Text Amendment (ZTA) 22-01.

This ZTA reduces the setback required for an **antenna** mounted on existing structures from 60 feet to 30 feet, consistent with the standards allowed for new structures recently adopted by ZTA 19-07.

ZTA 19-07, Telecommunications Towers, for small cell antennas was adopted on July 27, 2021, creating new setback standards that antennas located on new structures be set back a minimum of 30 feet from residential dwellings in residential zones. The standards for antennas located on existing structures were not updated at that time, and still require a 60-foot minimum setback from residential properties. The county has long prioritized co-location of cell antennas on existing structures and towers, therefore ZTA 22-01 would adjust the standards for antennas on existing structures to match that of new structures to not disadvantage co-location.

The Public Hearing for this ZTA is tentatively set for September 13, 2022

7. ZTA 22-04 Commercial Uses – Light Vehicle Sales and Rental (Indoor) (Public Hearing)

ZTA 22-04 Modifies the Use Table to allow Light Vehicle Sales and Rental (Indoor) as a Limited Use in the NR zone

Staff Recommendation: Transmit Comments to County Council.

(Action required for County Council public hearing of 7/26/2022)

B. Berbert

BOARD ACTION

Motion: Rubin/Patterson

Vote:

Yea: 5-0

Nay:

Other:

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

Staff presented a multi-media presentation discussing Zoning Text Amendment (ZTA) 22-04. Currently, Light Vehicle Sales and Rental (Outdoor) is allowed as a conditional use in the NR zone, however Light Vehicle Sales and Rental (Indoor) is not allowed at all. This ZTA would subject the Indoor use to the limited use standards that already exist in Section 3.5.12.B.2.a, including a site plan, if the property abuts land in an agricultural, rural residential, or residential zone. Staff recommends modifying the definition of indoor sales to clarify that outdoor display and storage of vehicles should also be permitted.

A public hearing is tentatively scheduled for July 26, 2022.

Robert Harris of Lerch, Early & Brewer offered brief testimony.

Board asked questions of the Staff addressing the difference between indoor uses and outdoor uses for vehicles.

8. ZTA 22-05 Signs (Public Hearing)

ZTA 22-05 is a comprehensive amendment to Division 6.7 Signs with the intent to better serve the public interest, promote compatibility among land uses, and advance economic and business development.

Staff Recommendation: Transmit Comments to County Council.

(Action required for County Council public hearing of 7/26/2022)

B. Berbert

BOARD ACTION

Motion: Rubin/Patterson

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to transmit comments to the County Council, including comments specifying sign heights, in the attached transmittal letter.

Staff offered a multi-media presentation discussing ZTA 22-05. This Zoning Text Amendment (ZTA) is a rewrite of Division 6.7 Signs. The changes contained within the ZTA impact every section of the sign code. Changes include: removing certain definitions; changing the height definition of ground signs; removing the prohibition of off-site signs; adding provisions for signs in the public right-of-way; adding provisions for temporary signs, and other changes meant to streamline the review and implementation of the code. These changes are in part a result of the Speed to Market initiative looking to streamline business development in the county.

A new provision is included that would allow entrance signs to subdivisions to be approved by the Planning Board; to permit more than the two allowed entrance signs; allow entrance signs to exceed 40 square feet; and otherwise approve elements of entrance signs that would normally require a variance, if the sign location, height, and area are on the site plan.

A public hearing is scheduled tentatively for July 26, 2022.

Mark Beall, Zoning Planner, offered brief comments addressing Board concerns about sign height.

Board offered brief comments addressing the sign height, signs in the right-of-way, and the safety of vehicle visibility.

9. ZTA 22-06 Exemptions – Historic Resources – Allowed Uses (Public Hearing)

ZTA 22-06 Expands upon the exemption for residential lots and parcels with historic resources protected by density transfer to also cover historic resources identified by the Master Plan for Historic Preservation that also has frontage along an arterial or higher classification roadway.

Staff Recommendation: Transmit Comments to County Council.

(Action required for County Council public hearing of 7/26/2022)

B. Berbert

BOARD ACTION

Motion: Rubin/Patterson

Vote:

Yea: 5-0

Nay:

Other:

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

Staff offered a multi-media presentation discussing Zoning Text Amendment (ZTA) 22-06, which would modify Section 7.7.1.D.11 to expand the properties eligible for limited non-residential uses to include any property designated as a historic site or resource by the Master Plan for Historic Preservation that has frontage on an arterial or higher classified roadway. Eating and Drinking Establishments would be added to the list of allowed non-residential uses. Approval by the Historic Preservation Commission (HPC) and the Planning Board would be required.

The code changes provide an opportunity for adaptive reuse and economic development to some of our designated historic sites in a way that has minimal impacts on surrounding communities and helps ensure the maintenance and protection of our historic resources.

The proposed ZTA expands upon ZTA 21-06 which re-established a Historic Resource exemption in the code. The Historic Preservation Commission, at its meeting on July 13, 2022, voted to support the modifications to the ZTA presented by Staff.

A public hearing is tentatively scheduled for July 26, 2022.

The Board offered brief comments.

10. ZTA 22-07 Residential Multi-Unit Low Density R-30 MPDU Optional Method (Public Hearing)

ZTA 22-07 Modifies the Multi Unit Low Density (R-30) zone Optional Method of Development to allow greater flexibility in lot coverage, height, and setbacks for applications providing 30% or more MPDUs

Staff Recommendation: Transmit Comments to County Council.

(Action required for County Council public hearing of 7/26/2022)

B. Berbert

BOARD ACTION

Motion: Rubin/Patterson

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to transmit comments, with comments as discussed during the Board meeting, to the County Council, as stated in the attached transmittal letter.

Staff offered a multi-media presentation discussing the Zoning Text Amendment (ZTA) 22-07 which amends the optional method of development standards in the R-30 zone, specifically for apartment buildings in projects that provide at least 30% Moderately Priced Dwelling Units (MPDUs). Modified standards include increased lot coverage, increased building height, and reduced parking setbacks, all subject to Planning Board approval. It also adjusts standards for Common Open Space for projects approved under the optional method.

This ZTA allows more flexible standards for projects as part of a development or redevelopment project. This higher percentage of MPDUs provides a guarantee that a much higher than the typical number of units will be kept affordable in exchange for the ability to construct or re-construct apartments in this zone.

This ZTA is tentatively scheduled for a Public Hearing on July 26, 2022.

Board offered questions and comments with directions to Staff to modify the language to clarify the 30% MPDU benefit.