

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APPROVED MINUTES AND SUMMARY

SUMMARY

Thursday, November 3, 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, November 3, 2022, beginning at 10:10 a.m. and adjourned at 2:16 p.m.

Present were Chair Jeff Zyontz, Vice Chair Amy Presley, and Commissioners Cheri Branson, and David Hill. Roberto Piñero was necessarily absent. Each Commissioner briefly introduced him/herself to the public before beginning the items.

Items 1 through 9 were discussed in that order and are reported in the attached Minutes.

Items 10, 11, 12 and 13 were postponed.

There being no further business, the meeting was adjourned at 2:16 p.m. The next regular meeting of the Planning Board will be held on Thursday, November 10, 2022, in the Wheaton Headquarters Building in Wheaton, Maryland, and via video conference.

Kimberly Young
Kimberly Mann Young
Technical Writer/Legal Assistant

Rachel Roehrich
Rachel Roehrich
Technical Writer/Legal Assistant

MINUTES

Item 1. Preliminary Matters Preliminary Matters

A. Adoption of Resolutions

BOARD ACTION

Motion:

Vote:

Other:

Action: There were no Resolutions submitted for approval.

B. Approval of Minutes

BOARD ACTION

Motion:

Vote:

Other:

Action: There were no Minutes submitted for approval.

C. Other Preliminary Matters

BOARD ACTION

Motion:

Vote:

Other:

Action: There were no Other Preliminary Items submitted for approval.

Item 2. Record Plats (Public Hearing)

A. Subdivision Plat No. 220220800, Cabin Branch

CRT zone; 1 lot, 1 parcel; located on the south side of Little Seneca Parkway at the intersection of Cabin Branch Avenue; Clarksburg Master Plan.

Staff Recommendation: Approval of the record plat

B. Subdivision Plat No. 220230020, Section 1, Chevy Chase Terrace

R-60 zone; 1 lot; located on the south side of Davidson Drive, 450 feet west of Wisconsin Avenue (MD 355); Bethesda-Chevy Chase Master Plan.

Staff Recommendation: Approval of the record plat

C. Subdivision Plat No. 220230320, Woodhaven

R-90 zone; 1 lot; located on the north side of Alcott Road, 170 feet east of Woodhaven Boulevard; Bethesda-Chevy Chase Master Plan.

Staff Recommendation: Approval of the record plat.

BOARD ACTION

Motion: Hill/Branson

Vote: 4-0

Other: Piñero absent.

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

Commissioner Hill offered comments and asked questions regarding the interpretation of the residential Record Plats.

Item 3. Regulatory Extension Requests (Public Hearing)

A. Addition to Ray's Adventure: Preliminary Plan No. 120200030, Regulatory Review Extension Request No. 3 - Request to extend the regulatory review period until January 12, 2023

Application to create three lots; 1.65 Acres; R-200 Zone; located approximately 225 feet south of the intersection of Woodfield Road and Log House Road; 2006 Damascus Master Plan.

Staff Recommendation: Approval of the extension request

P. Estes

B. 2115 East Jefferson Street Sketch Plan No. 320220110 Extension Request No 1 - Request to extend the regulatory review period for three months, from October 13, 2022 to December 8, 2022

The Application proposes up to 105 townhomes (including 15% MPDUs) and a new common open space on approximately 5.49 acres of land zoned CR 1.5, C-1.5, R-1.0, H-100; located on East Jefferson Street 340 feet South of Montrose Parkway; within the White Flint 2 Sector Plan.

Staff Recommendation: Approval of the extension request

T. Leftwich

~~**C. Sandy Spring Missing Middle Pilot Project: Preliminary Plan No. 120220050 and Site Plan No. 820220090 - Regulatory Review Extension Request No. 1**~~

~~Request to extend the regulatory review period by three months until January 27, 2023. Application to modify 11 lots and create 14 new lots for 11 existing detached dwelling units, 12 duplex units, 7 townhouse units and a community space; located in the northeast quadrant of the intersection of Olney Sandy Spring Road (MD 108) and Skymeadow Way, approximately 450 feet east of Brooke Road; 3.27 acres, R-60 zone, 2015 Sandy Spring Rural Village Plan.~~

~~*Staff Recommendation: Approval of the extension request*~~

~~J. Casey (REMOVED)~~

D. All Souls Cemetery: Preliminary Plan Amendment No. 11999103A, Regulatory Review Extension Request No. 3 - Request to extend the regulatory review period until January 23, 2023

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

E. Shivacharan, Administrative Subdivision Plan No. 620220060, Regulatory Review Extension Request No. 2 - Request to extend the regulatory review period from November 4, 2022 to February 4, 2023

Application to subdivide an existing lot and an adjacent parcel into a single lot for a single-family detached dwelling unit; located on Whites Ferry Road, 1,000 feet west of Morrow Road; 25.24 acres; AR zone; 1980 Preservation of Agriculture & Rural Open Space Functional Master Plan.

Staff Recommendation: Approval of the extension request

J. Server

F. Rock Spring Centre, Preliminary Plan Amendment No.11998092C, Regulatory Extension Request #8; Site Plan Amendment Nos. 82003036C, 82004017C, 82009003A, Regulatory Extension Request #6 - Request to extend the regulatory review period until February 9, 2023

Application 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 MXPDP 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

E. Tettelbaum

BOARD ACTION

Motion: Presley/ Hill

Vote: 4-0

Other: Piñero absent.

Action: Approved staff recommendations for approval of the Regulatory Extension Requests cited above.

Item 4. Roundtable Discussion

Parks Director's Report

M. Riley

BOARD ACTION

Motion:

Vote:

Other: Piñero absent.

Action: Received Briefing

Parks Director Mike Riley introduced himself and gave a brief overview of the Montgomery Park's department. The mission of Montgomery County Parks is to, "Protect and interpret our valuable natural and cultural resources; balance the demand for recreation with the need for conservation; offer a variety of enjoyable recreational activities that encourage healthy lifestyles; and provide clean, safe, and accessible places for leisure – time activities." Mr. Riley offered a multi-media presentation highlighting the various types of parks within Montgomery Parks as well as the many programs and events offered throughout the parks.

Some priorities of the Parks Department include the implementation of Parks Activation and events within the Parks. Numerous examples of Parks events were discussed which included: the Color and Kite Festival, Germantown Glory Fireworks, Fairland Bike Park, and the Trail Ambassador Program. Another huge priority for the Parks Department includes the 338 athletic fields located throughout the County in which Parks is responsible for maintaining. Many programs and events within Parks are also staffed by volunteers such as various nature centers, Brookside Gardens, and the Weed Warriors program. Within FY22 Parks utilized volunteer service contributions that totaled over one million dollars.

Mr. Riley further discussed park visitation data and trends as well as project delivery timelines for many park projects which has been possible through obtaining both State and Federal Grants. Mr. Riley highlighted the revenue, cash balance, and visitors the Enterprise Fund through Parks has produced which is above pre-pandemic numbers.

The Board offered questions regarding data and trends, Federal Grants, relocation of the carousel at Wheaton Regional Park, and easing back into events post pandemic. Mr. Riley offered brief comments to the Board.

Commissioner Presley also offered extended praise for the great work the Parks Department is doing, especially the Trail Ambassador Program.

Item 5. CIP Supplemental Request: Bethesda Lots 10 and 24 Parks

Staff Recommendation: Approve staff recommendations of Capital Improvements Program (CIP) Supplemental Request.

R. Peele/B. Sandberg

BOARD ACTION

Motion: Hill/ Branson

Vote: 4-0

Other: Piñero absent.

Action: Approved proposed budget actions for transmittal to the Montgomery County Executive and Montgomery County Council.

Parks Staff, Brenda Sandberg (Real Estate Management Supervisor), gave a brief introduction of herself and Staff before presenting a multi-media presentation detailing the amendment to the Department of Parks FY23-28 Capital Improvement Program (CIP), and Special Appropriation to the FY23 Capital Budget for the new Bethesda Lots 10-24 Parks (P872302) capital project. Further details can be found in the Staff Report dated October 26, 2022.

This public – private collaboration will create significant improvements to the public and private realms in Bethesda, including a revitalized Farm Woman’s Market as a commercial center and civic space, a modern underground public parking garage, and two significant Eastern Greenway public parks. Subject to review and approval by Montgomery Parks, the parks will be designed to create exciting and meaningful civic spaces linked to the existing Elm Street Park to create a cohesive whole and provide safe pedestrian circulation among the parks and the Farm Women’s Market site.

Funding for the Bethesda Lots 10 – 24 Parks Project Description Form (PDF) is being provided by the M-NCPPC, the Town of Chevy Chase, and the State of Maryland. M-NCPPC will receive title to the Lot 24 park through a condominium deed from the development entity and to the Lot 10 park by in-fee conveyance from the County.

This CIP Amendment and Special Appropriation requests an additional \$2.5 Million in Bethesda Park Impact Payments (PIPs) appropriation. Total appropriation authority for PIPs will be adjusted as necessary to accommodate the expected additional revenue from developer impact payments in the next FY25-30 CIP cycle.

The Board asked questions about the lines of the budget project, details regarding the developer funds, and relationship between the County and Parks PDFs. Parks Staff offered brief responses to the Board.

Barney Rush, Mayor of the Town of Chevy Chase offered brief testimony regarding the need for Urban Park Space, the partnership the project brings, and offered thanks to the various parties that helped to move this project forward.

McLean Quinn, President of EYA, offered brief testimony and expressed excitement for the project and partnership.

Montgomery County Planning Board
Public Meeting Minutes of November 3, 2022

Commissioner Hill offered comments about his admiration of the project and usefulness of the space.

Item 6. Adoption Session: FY24 Capital Budget and FY 23-28 Capital Improvement Program (CIP) (Public Hearing)

Staff Recommendation: Approve staff recommendations of projects for inclusion in the FY23-28 Capital Improvements Program (CIP)

R. Peele

BOARD ACTION

Motion: Branson/ Hill

Vote: 4-0

Other: Piñero absent.

Action: Approved the FY24 Capital Budget and FY23-28 CIP with amendments and transmitted to the County Executive and County Council.

Andy Frank, Division Chief of Park Development, and Ronald Peele, CIP/ Budget Administrator, offered a brief staff introduction before presenting a multi-media presentation addressing the Biennial Review of the FY23-28 Capital Improvements Program (CIP) and FY24 Capital Budget. Further details can be found in the Staff Report dated October 27, 2022.

The Capital Improvements Program (CIP) is a comprehensive multiyear plan of the proposed investments in parks facilities, infrastructure, and land to support the ongoing mission of Montgomery Parks to provide programs and services. The Capital Budget is the annual appropriation of planned expenditures in the capital program.

There have been no amendments to the FY23-28 CIP since it was adopted by the County Council on May 26, 2022, therefore, the main change with this submission will be to update the Project Description Forms (PDFs) to reflect the FY22 expenditure closeout information provided by Central Administrative Services (CAS). Additionally, certain PDFs that are nearing completion will be designated for Pending Closeout or Closeout, when they are ready to be removed from the CIP.

FY24 Closeout the following Capital Projects

- Evans Parkway Neighborhood Park (P098702)
- North Four Corners Local Park (P078706)
- Kemp Mill Urban Park (P138702)
- Little Bennett Regional Park Day Use Area (P138703)

FY24 Pending Closeout the following Capital Projects

- Black Hill Regional Park: SEED Classroom (P872101)

The next steps of the process include the following:

- The County Executive will review and then transmit the CIP with recommendations to the County Council on/by January 15, 2023.
- County Council performs their review of the CIP with a public hearing, committee meetings, and full Council work sessions during February into March 2023
- Council will prepare resolutions reflecting their version of the six-year CIP and capital budget by May 2023.
- The FY24 appropriations in the “Biennial” FY23-28 CIP become the FY24 Capital Budget and FY24.

Montgomery County Planning Board
Public Meeting Minutes of November 3, 2022

- Funds will become available for M-NCPPC to spend on July 1, 2023.

The Board offered brief comments and asked questions.

Parks Staff offered brief responses to the Board's questions.

Item 7. 108 East Melbourne, Conditional Use No. CU2023-01 (Public Hearing)

R-60 zone, 0.19 acres (8,494 SF), Request to expand an existing child group day care for 12 children to a day care center with up to 18 children; located 108 E. Melbourne Avenue, between Sudbury Road and Walden Road; 2000 East Silver Spring Master Plan.

Staff Recommendation: Approval with Conditions

K. Mencarini

BOARD ACTION

Motion: Hill/ Presley

Vote: 4-0

Other: Piñero absent.

Action: **Approved staff recommendation to transmit recommendations to the Hearing Examiner, subject to modified conditions mentioned during the Board meeting, regarding the Conditional Use request cited above, as stated in a transmittal letter to be prepared at a later date.**

Katherine Mencarini, Multimodel Transportation Planner, introduced herself and presented a multi-media presentation for the Conditional Use approval to expand the Jawairia Iqbal Day Care Center.

She explained that Conditional Uses are certain land use types in various zoning districts which are not permitted as a matter of right, but which may be permitted if approved by the Hearing Authority. The approval of a Conditional Use request is subject to a determination on whether the request complies with applicable criteria that are specified in the Zoning Regulations. The Planning Department conducts intake review on Conditional Use cases to verify their completeness. Once applications are deemed acceptable, they are sent to the Office of Zoning and Administrative Hearings (OZAH), which ultimately approves or denies the Conditional Use.

The owner and operator of the Jawairia Iqbal daycare currently lives and will continue to live on the site. The Applicant proposes no changes to the exterior of the existing building. The Applicant does propose to install a new driveway (residential in character) with access from E. Melbourne Avenue to accommodate off-street parking requirements. The Site is less than 40,000 square feet and is therefore exempt from Forest Conservation Plan requirements. Further details can be found in the Staff Report dated October 21, 2022.

The Staff proposed several conditions for the daycare in the Staff Report.

The Board offered comments and asked questions regarding the process and limits on Conditional Use daycares, the additional parking pad, thresholds for expansion within the neighborhood, and whether the space requirements per child were met.

Staff addressed questions by the Board stating that the recommendations of Staff are reasonable and based on specific requirements and measurements for use.

Commissioner Hill requested a modification to enhance Condition #2 for outdoor play which would limit outdoor play to commence after 9:00 a.m. with no more than eight (8) children at a time outside.

Item 8. 4405 East West Highway, Sketch Plan No. 320220120 (Public Hearing)

Request for up to 355,000 square feet of density for a multi-use development, including up to 258,953 square feet of BOZ density and associated PIP payment; CR-1.5 C1.5 R1-1.5 H-100, CRT-0.25 C-0.25 R-0.25 H-50 Zones and Bethesda Overlay Zone. Located on the north side of East West Highway, approximately 100 feet east of its intersection with Pearl Street; 2017 Bethesda Downtown Sector Plan.

Staff Recommendation: Approval with Conditions

A. Bossi

BOARD ACTION

Motion: Hill/Branson

Vote: 4-0

Other: Piñero absent.

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

Adam Bossi, Downcounty Planning, described the Sketch Plan process. A sketch plan is an illustrative plan or model that shows the maximum densities for residential and non-residential development, including building massing and height, locations of public use and other spaces, and the relationship to existing and proposed buildings and properties. A Sketch Plan is required for optional methods of development and is intended to provide circulation patterns and description of the public benefits proposed and incentive densities requested, as well as the phasing of the development and public benefits.

Staff member Adam Bossi, Lead Planner presented a multi-media presentation for 4405 East West Highway. The Proposal will redevelop a property containing a low-rise office building and associated surface parking with a new ten-story mixed-use building within walking distance of the Bethesda Metrorail Station. The development concept envisions up to 350 residential units, with 15 percent Moderately Priced Dwelling Units (MPDUs), and ground-level commercial space fronting on East-West Highway within a 100-foot-tall building. The Proposal also provides for right-of-way dedication, streetscape enhancements, and undergrounding of utilities. If approved, the project will require subsequent Preliminary and Site Plan applications. Further details can be found in the Staff Report dated October 24, 2022.

Correspondence dated September 27, 2022, regarding various design concerns was received from an adjacent property owner. Correspondence from the East Bethesda Citizens Association was also received November 2, 2022, which raised concerns about the tree canopy and landscaping, the neighborhood green for the Bethesda-Chevy Chase East Neighborhood and the Bethesda Chevy Chase High School capacity.

Board offered comments and asked questions about the specifics of the mixed-use area, the BOZ density, streetscape including potential street frontage along the side of the building facing the front street parking lot, future park contribution, relationship with State Highway Administration (SHA), and clarity on the MPDUs and enhanced American with Disabilities Act (ADA) units.

Staff provided brief responses and explanation to the Board's questions.

Montgomery County Planning Board
Public Meeting Minutes of November 3, 2022

Patricia Harris, of Lerch, Early & Brewer, spoke on behalf of the Applicant and offered comments on the collaboration with SHA for the shifting of the driveway, frontage improvements and the trees in the rear of the property.

Amanda Farber, of the East Bethesda Citizens Association Executive Committee, offered comments and testimony highlighting the positives of the project as well as concerns from the community regarding the potential future park.

Henry Coppola, Park Planner, offered comments on the potential future park in response to Ms. Farber's questions.

The Board requested additions of Conditions 8K (attention to the architectural treatment of the building frontage visible from Pearl Street) and 8J (future consideration of nonresidential uses).

Item 9. Heritage Triangle Trail Phase 1 – Dr Bird Road/Norwood Road Shared Use Path – Mandatory Referral (Public Hearing)

Mandatory Referral MR2022024, Heritage Triangle Trail Phase 1 – Dr Bird Road/Norwood Road Shared Use Path design project. Construction of new sidepath improvements on (MD 182) Norwood Road/Doctor Bird Road between Layhill Road/Ednor Road and (MD 108) Olney-Sandy Spring Road, Master Plan -Sandy Spring/Ashton Master Plan (1998)

Staff Recommendation: Approval with Comments

S. Aldrich

BOARD ACTION

Motion: Presley/Branson

Vote: 4-0

Other: Piñero absent.

Action: Approved staff recommendation for approval to transmit comments to Mandatory Referral Applicant, Montgomery County Department of Transportation, as stated in a transmittal letter to be prepared at a later date.

Jason Sartori, Chief of Countywide Planning and Policy Division, gave a brief overview describing the Mandatory Referral Process. The Mandatory Referral Process is a review process through which all public sector development projects (from federal, state, and local governments) and public and private utilities are referred to the Planning Board for review for any type of land acquisition, sale, use, or development activity. The Montgomery County Planning Board reviews the plans on an advisory basis and typically takes one of three possible actions: 1) approval without comments, 2) approval with comments; or 3) denial.

Steve Aldrich, Lead Planner, introduced himself to the Board before presenting a multi-media presentation for Mandatory Referral of the Heritage Triangle Trail. Montgomery County Department of Transportation (MCDOT) is proposing to construct a sidepath for pedestrian and bicycle use along two sections of MD 182, along Doctor Bird Road starting at its intersection with Olney Sandy Spring Road (MD 108) and along Norwood Road starting at the Norwood Road intersection with Layhill Road and Ednor Road and running to the north. The project is located in the Olney/Sandy Spring area. The proposed improvements will include the construction of a ten-foot-wide sidepath to tie into the existing pedestrian and bicycle network at the project limits. Further details can be found in the Staff Report dated October 6, 2022.

This project represents Phase 1 of the Heritage Triangle Trail, a phased project that will connect four heritage tourism destinations—the Olney Theatre Center, Sandy Spring Museum, Underground Railroad Experience Trail Hike, and Woodlawn Manor Cultural Park—via a sidepath for bicyclists and pedestrians. Following construction of Phase 1, design on the remaining segments of the Heritage Triangle Trail is planned to continue. The goal would be to initiate community outreach and preliminary design work on the remaining segments in 2024.

Dan Bruechert, Historic Preservation Planner, offered comments on the three Master Plan Historic Sites which are in or adjacent to the project area. Historic Preservation Staff fully supports the project and finds that the work proposed within the designated Master Plan sites will only have a minimal impact.

Montgomery County Planning Board
Public Meeting Minutes of November 3, 2022

Douglas Stephens and Jacqueline Hoban, of Montgomery Parks Natural Resources, offered comments on the review process as well as the potential impacts to Parkland, which mainly include the Woodlawn Manor Cultural Park and the Red Door Store Cultural Park.

Both Montgomery Parks and MCDOT agree that Parks will maintain ownership over the land and no Easements will be granted.

The Board asked questions regarding community outreach to the owners whose private driveways will be impacted by the project, distinction between the Forest Conservation requirements for trees and trees owned by Parks, potential historic impact, and materials for sidepath.

Staff offered responses to the Board's questions.

Dan Sheridan, of MCDOT, also offered brief comments regarding the community outreach for all adjacent property owners.

Montgomery County Planning Board
Public Meeting Minutes of November 3, 2022

~~Item 10. — 8237 Fenton Street, Silver Spring, Worksession, Public Hearing, and Action
on Addition to the Locational Atlas & Index of Historic Sites~~

~~J. Liebertz~~

~~**BOARD ACTION**~~

~~**Motion:** _____~~

~~**Vote:** _____~~

~~**Other:** _____~~

~~**Action:** **(POSTPONED)**~~

Montgomery County Planning Board
Public Meeting Minutes of November 3, 2022

Item 11. — ~~Briefing on the Mapping Segregation Project~~

J. Liebertz

BOARD ACTION

Motion: _____

Vote: _____

Other: _____

Action: **(POSTPONED)**

Montgomery County Planning Board
Public Meeting Minutes of November 3, 2022

Item 12. ——— Postponed to November 10 CLOSED SESSION

~~According to MD ANN Code, General Provisions Article, §3-305(b)(3), to consider the acquisition of real property for a public purpose and matters directly related to the acquisition. Topic to be discussed: Long Branch Local Park.~~

B. Sandberg

BOARD ACTION

Motion: _____

Vote: _____

Other: _____

Action: **(POSTPONED TO NOVEMBER 10, 2022)**

Montgomery County Planning Board
Public Meeting Minutes of November 3, 2022

Item 13. ——— Postponed to November 10 Long Branch Local Park

Authorization to acquire 8,880 square feet, more or less, improved, from Hue T. Thai and Viet The Luong, located at 8820 Glenville Road, Silver Spring, MD 20901

Staff Recommendation: Approval and Adoption of the Resolution

B. Sandberg

BOARD ACTION

Motion: _____

Vote: _____

Other: _____

Action: **(POSTPONED TO NOVEMBER 10, 2022)**