

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APPROVED MINUTES AND SUMMARY

SUMMARY

Thursday, November 17, 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 17, 2022, beginning at 1:30 p.m. and adjourned at 8:05 p.m.

Present were Chair Jeff Zyontz, Vice Chair Amy Presley, and Commissioners Cherri Branson, David Hill, and Roberto Piñero.


Chair Zyontz introduced Commissioner Piñero, and Commissioner Piñero provided a brief overview of his background and offered brief comments.


Commissioner Presley was necessarily absent for Preliminary Matters Items 1 and 2. Commissioner Presley logged on via video conference at 1:52 p.m. at the beginning of Item 3.

Items 1 through 6, and 8 were discussed in that order and are reported in the attached Minutes.

The Planning Board recessed for dinner at 5:00 p.m. and reconvened in the auditorium and via video conference at 6:02 p.m. to discuss Item 7 as reported in the attached Minutes.

There being no further business, the meeting was adjourned at 8:05 p.m. The next regular meeting of the Planning Board will be held on Thursday, December 01, 2022, in the Wheaton Headquarters Building in Wheaton, Maryland, and via video conference.


Kimberly Mann Young
Technical Writer/Legal Assistant


Rachel Roehrich
Technical Writer/Legal Assistant

MINUTES

Item 1. Preliminary Matters Preliminary Matters

A. Adoption of Resolutions

1. Ellsworth Place Preliminary Plan 11987190C – MCPB No. 22-103

BOARD ACTION

Motion: Hill/Branson

Vote: 4-0

Other: Vice Chair Presley Absent

Action: Adopted the Resolution cited above, as submitted.

B. Approval of Minutes

BOARD ACTION

Motion:

Vote:

Other:

Action: There were no Minutes submitted for approval.

C. Other Preliminary Matters

1. Corrected Resolution for Wisteria Business Park, Preliminary Plan No. 120220030, MCPB No. 22-088
2. Corrected Resolution for LIDL Germantown, Site Plan No. 820220080, MCPB No. 22-089

BOARD ACTION

Motion: Hill/Branson

Vote: 4-0

Other: Vice Chair Presley Absent

Action: Adopted the Corrected Resolutions cited above, as submitted.

Commissioner Hill offered brief comments regarding the Corrected Resolutions.

Item 2. Record Plats (Public Hearing)

A. Subdivision Plat No. 220220180, Montgomery Industrial Park

CR zone; 1 lot and 1 outlet; located in the east quadrant of the intersection of Industrial Parkway and Prosperity Drive; White Oak Science Gateway Master Plan.

Staff Recommendation: Approval

B. Subdivision Plat No. 220220310, Dubin's Addition to Darnestown

R-200 zone; 1 lot; located on the west side of Jones Lane, 940 feet north of Turkey Foot Road; Potomac Subregion 2002 Master Plan.

Staff Recommendation: Approval

C. Subdivision Plat No. 220220730, Darnestown Knolls

RE-2 zone; 2 lots; located on the south side of Mockingbird Drive, 975 feet east of Seneca Road (MD 112); Potomac Subregion 2002 Master Plan.

Staff Recommendation: Approval

D. Subdivision Plat No. 220220830-220220870, Reserve at Damascus

CRT & R-90 zones; 64 lots and 11 parcels; located on the west side of Ridge Road (MD 27), 470 feet north of Bethesda Church Road; Damascus Master Plan.

Staff Recommendation: Approval

E. Subdivision Plat No. 220220980, Sumner Park

R-60 zone; 2 lots; located on the south side of Cammack Drive, 725 feet east of Portsmouth Road; Bethesda – Chevy Chase Master Plan.

Staff Recommendation: Approval

F. Subdivision Plat No. 220230100, North Kensington

R-60 zone; 1 lot; located on the south side of Perry Avenue, 275 feet west of Lexington Street; Kensington Sector Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: Piñero/Hill

Vote: A-F 4-0

Other: Vice Chair Presley Absent

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

Item 3. Regulatory Extension Requests (Public Hearing)

A. Kingsview Station – Preliminary Plan No. 120210210 and Site Plan No. 820210130 – Regulatory Review Extension Request No. 4--Request to extend the regulatory review period from November 20, 2022 to May 19, 2023

Application to create sixty-one (61) lots for Townhouses, two (2) lots for Retail/Service Establishments and six (6) HOA parcels and to construct 61 Townhouses including 8 MPDUs; located in the southeastern quadrant of the intersection of Clopper Road/MD 117 and Germantown Road/MD 118; 9.94 acres; CRNF-1.0, C-0.25, R-0.75, H-55 zone; 1989 Approved and Adopted Germantown Master Plan.

Staff Recommendation: Approval of the extension request

R. Sigworth

BOARD ACTION

Motion: Branson/Hill

Vote: 5-0

Other:

Action: Approved the Regulatory Extension cited above for six months (until May 19, 2023) with monthly updates required between Staff and Applicant.

Elizabeth Rodgers, of Lerch, Early & Brewer, representing the Applicant Team, offered comments regarding the project and requested a six-month extension rather than three months as proposed by Staff.

The Board asked questions and offered comments regarding the requested six-month extension.

B. Sandy Spring Meadow: Preliminary Plan Amendment No. 11982180A and Site Plan Amendment No. 81982092A – Regulatory Review Extension Request No. 1-- Request to extend the regulatory review period until January 27, 2023.

Application to reduce the density from 60 dwelling units to 49 dwelling units and to reduce the open space area from 223,600 square feet to 202,652 square feet; located in the northeast quadrant of the intersection of Skymeadow Way and Olney Sandy Spring Road (MD 108); 14.22 acres, R-60 zone, 2015 Sandy Spring Rural Village Plan.

Staff Recommendation: Approval of the extension request

P. Estes

BOARD ACTION

Motion: Piñero/Branson

Vote: 5-0

Other:

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

C. Bradley Farms, Administrative Subdivision Plan No. 620220020 – Regulatory Extension Request No. 3--Request to extend the regulatory review period from November 17, 2022, to February 23, 2023.

Application to create two (2) lots for two (2) Detached Houses; 9025 Bronson Drive; 6.29 acres; RE-2 zone; 2002 Potomac Subregion Master Plan.

Staff Recommendation: Approval of the extension request

R. Sigworth

BOARD ACTION

Motion: Piñero/Branson

Vote: 4 (Yea) /1 (Nay-Hill)

Other:

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

Commissioner Hill asked if there was further explanation from the Applicant regarding the extension request, and if the Applicant was waiting on anything from Staff.

Staff offered responses and comments regarding the project.

Item 4. Approval of FY24 Operating Budget including Enterprise, SRF, ISF – Planning, CAS, Commissioners’ Office, Parks

Staff Recommendation: Approve staff recommendations of Budget

T.Stern/N. Steen/J. Kroll

BOARD ACTION

Motion: Branson/Presley

Vote: 5-0

Other:

Action: Approved proposed FY24 Budget Requests cited above.

John Kroll, EOB-Human Resource Management, gave a brief overview of the Budget process and noted not much had changed from the initial Budget overview on November 10, 2022, except some pension increases. Once Mr. Kroll concluded his overview, Staff members from Central Administrative Services, the Commissioners’ Office, the Planning Department, and the Park’s Department provided discussion regarding the FY24 Operating Budget for their respective departments. Further details can be found in the Staff Reports dated November 14, 2022 (Commissioner’s Office, Planning, and CAS) and November 10, 2022.

Chair Zyontz discussed the Commissioners’ Office budget.

Karen Warnick, Chief of Management Services, discussed the Planning Department’s budget.

The Board asked questions and acting Planning Director Stern and Ms. Warnick offered brief responses to the Board’s questions.

The Board offered further comments, concerns, and support regarding the need for an Equity Officer, and Acting Director Stern offered responses regarding equitable engagement within the Planning Department as well.

Nancy Steen, Parks Budget Manager, provided a brief overview for the Department of Parks FY24 Proposed Budgets for 1) Park Fund, 2) Enterprise Fund, 3) Property Management Fund, and the 4) Special Revenue Fund.

The Board asked questions regarding any potential new fee increases, which facilities were being raised under the Property Management Fund, and any potential to use park houses for affordable or low-income housing. Staff offered responses to the Board’s questions.

John Kroll, EOB-Human Resource Management, stated there were no proposed changes to the FY24 budget requests from the Department of Human Resources and Management (DHRM), CAS Support Services, the Merit System Board, the Finance Department, the Legal Department, the Office of Inspector General, and the Office of the CIO from the initial requests on November 10, 2022. Therefore, as there were no additional comments or questions from the Board, no new discussion was held.

The following Internal Service Funds FY24 budget requests were discussed:

Brian Coburn, Corporate Administrative Services and Performance Management Chief, gave an overview of the Executive Office Building (EOB) budget.

Montgomery County Planning Board
Public Meeting Minutes of November 17, 2022

Katie Knaupe, Deputy Corporate Budget Director, gave an overview of the Risk Management and Group Insurance budget requests.

John Kroll gave an overview of the Capital Equipment and Wheaton Headquarters budget requests.

The Board asked questions regarding electrical infrastructure, procurement policy, procurement percentages for minority and women-owned businesses, and the general policy for acquiring equipment.

Executive Director Asuntha Chiang-Smith and Director Riley offered responses to the Board.

Item 5. Roundtable Discussion

Parks Director's Report

M. Riley

BOARD ACTION

Motion:

Vote:

Other:

Action: Received Briefing

Parks Director Mike Riley presented a multi-media presentation regarding updates and notable upcoming events for the Parks Department. Director Riley highlighted the upcoming Garden of Lights show at Brookside Gardens that kicks off November 18, 2022 and noted Employee Appreciation night scheduled for November 22, 2022.

The next big event for the Parks Department will be the Montgomery County Thanksgiving Parade on November 19, 2022, in which Director Riley and Chair Zyontz will be joining on the float for the parade this year.

Montgomery Parks Urban Wood Sale is another Parks event taking place December 10th and 11th in which raw wood will be sold to the public. The proceeds from the wood sale will go back into supporting the wood waste and green waste recycling programs at Green Farm.

The New Year will bring back the Greenscapes: Designing with Purpose event taking place at Brookside Gardens February 17, 2023. This symposium will offer design strategies to achieve a range of goals, from public gardens that engage diverse audiences to landscapes that reduce carbon footprints and are resilient to climate change.

Lastly, Director Riley was honored by the founder of the Bethesda Big Train for his involvement regarding Shirley Povich baseball field. Director Riley noted it was not only his involvement, but many others within the Parks Department that made the project a success.

Commissioner Hill offered comments of the wood sale, value of removed trees and success of the urban forest. Commissioner Hill also asked about the wildlife management throughout the Parks, and Director Riley to have Bill Hamilton make a future appearance to discuss the Parks wildlife program and initiative.

Commissioner Piñero also congratulated the Parks Department for their efforts and offered comments on Brookside Gardens and honor received by Bethesda Big Train.

Item 6. PSTA Site: Preliminary Plan Amendment No. 12020010B (Public Hearing)

Request to modify Preliminary Plan Condition No. 26.a., to change the timing by which a portion of the 9850 Key West Avenue is dedicated to public right-of-way; Located within the Life Sciences Center West District of the 2010 Great Seneca Science Corridor Master Plan; Located east of Darnestown Road, west of Great Seneca Highway (MD 119) and south of Key West Highway (MD 28); 45-acres of land in the CR-1.0, C-0.5, R-1.0, H-150 Zone.

Staff Recommendation: Approval with Conditions

T. Graham

BOARD ACTION

Motion: Branson/Piñero

Vote: 5-0

Other:

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

Tamika Graham, Planner III, presented a multi-media presentation regarding the modification to Conditions 3 and 26.a of the Preliminary Plan Amendment. Further details can be found in the Staff Report dated November 7, 2022.

The Preliminary Plan was approved on July 22, 2021, and memorialized by MCPB Resolution No. 21-082 on July 29, 2021, to transform the County's previously vacated PSTA site into a mixed-use development project with several housing types (including 30% moderately priced dwelling units), retail, open spaces, new roads, and a segment of the LSC Loop Trail. The associated Site Plan No. 820220050 was approved on March 31, 2022.

The Subject Amendment 12020010B requests approval to change the timing and process for Condition No. 26.a associated with the acquisition of right-of-way for the extension of Medical Center Drive between Blackwell Road and Key West Avenue. Changes reflect what the Applicant has agreed upon with Montgomery County Department of Transportation (MCDOT).

An administrative change to Condition No. 3 is proposed to reference the newly issued agency approval letter. There are no changes proposed to the construction or phasing of the Project, and the proposed Amendment is consistent with the findings of the original approval.

The two proposed condition changes do not impact conformance to the to the 2010 Great Seneca Science Corridor Master Plan (GSSC) Master Plan, 2021 GSSC Minor Master Plan Amendment, and 2018 Bicycle Master Plan.

Staff has not received community correspondence.

The Board asked questions and offered comments regarding time requirements for MCDOT, the specific wording of condition 26.a regarding the timeframe of the agreement within the nine months listed, if MCDOT has eminent domain authority, and the escrowing of funds now versus later.

Montgomery County Planning Board
Public Meeting Minutes of November 17, 2022

Kate Kubit, of Elm Street Development (the Applicant), offered comments regarding the timeline of the offer made for the right-of-way, as well as the seller's policies and processes.

Rebecca Torma, MCDOT, offered comments and responses regarding MCDOT's position and future plans for the right-of-way.

Barbara Sears, Miles & Stockbridge, representing the Applicant offered comments on the property to be acquired.

Further discussion was held regarding the wording of condition 26.a. Matt Folden, Regulatory Supervisor, proposed changes to be reflected in the final resolution.

Item 8. Rustic Roads Functional Master Plan – Planning Board Briefing

J. Pratt/R. Duke

BOARD ACTION

Motion:

Vote:

Other:

Action: Received a Briefing

Jamey Pratt, Planner III, presented a multi-media presentation and gave an overview of the timeline regarding the Rustic Roads Functional Master Plan Update, which is the first comprehensive update to the Rustic Roads Functional Master Plan since the original plan was approved in 1996. Further details can be found in the Staff Report dated November 10, 2022.

Roberto Duke, Planner III, outlined the qualities and characteristics of both Rustic Roads and Exceptional Rustic Roads, and provided a background timeline of rustic roads from 1980-2019.

As part of this plan, existing road profiles were reviewed for changes, new maps were created, and an environment section was added. This update revises, to the extent practical, the descriptions of the significant features, history, traveling experience, environmental setting, and road characteristics of the existing rustic roads and provides new profiles for nominated rustic roads and those roads lacking a complete description. The plan also updates the Master Plan of Highways and Transitways.

This update to the 1996 Rustic Roads Functional Master Plan has two main purposes:

1. to consider roads that have been nominated for inclusion in the Rustic Roads Program; and
2. to provide the necessary details for several roads that are currently in the program but have incomplete descriptions.

Mr. Duke proceeded by highlighting the specific areas of the Rustic Roads Functional Master Plan Update that will be updated.

Mr. Pratt discussed the road recommendations, provided a summary of criteria evaluation, gave an overview of the road profiles, online feedback, implementation and next steps. Mr. Pratt also offered comments on Avery Road being considered as a Rustic Road in response to Commissioner Hill's request.

The Board asked questions regarding any input received from other agencies, potential future development along Rustic Roads, if development could change designation of a Rustic Road, how the narrow criteria are defined as well as potential threshold, improvement of Rustic Roads, and what is officially triggered if a road is designated as rustic.

Staff offered responses to the Board's questions.

Item 7. Rustic Roads Functional Master Plan Update – Public Hearing

Public Hearing for the Rustic Roads Functional Master Plan Update.

Recommendation to keep the Public Record Open until December 9, 2022

J. Pratt/R. Duke

BOARD ACTION

Motion: Hill/Branson

Vote: 5-0

Other:

Action: Approved motion to keep the Public Record open until December 9, 2022 to receive additional testimony. Received testimony.

The Public Hearing began at 6:02 p.m. Staff presented a brief multi-media presentation regarding the Rustic Roads Functional Master Plan Update. Jamey Pratt, Planner III, read a statement entering items to the Public Record, and gave a recommendation to keep the Public Record open until December 9, 2022. The first work session is tentatively scheduled for January 5, 2023. Further details can be found in the Staff Report dated November 10, 2022.

The following individuals offered testimony:

In-Person:

- Robert F. Cissel Jr. (Montgomery Agricultural Producers)
- Kevin Foster (Rolling Acres Farm)
- Peter Ciferri (McMillan Metro, PC representing Alder Energy Group, LLC)
- Warren Fleming (Damascus Connection Committee of M.C., MD)
- Lori Larson (Individual)
- Francoise Andre (Adjacent Property Owner)
- Carol Allen (Adjacent Property Owner)
- Jane Thompson (Individual)
- Laura Van Etten (Rustic Roads Advisory Committee)
- Linda Lewis (Individual)
- Leslie Saville (Individual)
- Barbara Hoover (Rustic Roads Advisory Committee)
- Ellen Jimerson (Adjacent Property Owner)

Virtual via Teams:

- Scott Plumer (Darnestown Civic Association)
- Dolores Milmoie (Bounty Farm)
- Caroline Taylor (Executive Director for Montgomery Countryside Alliance)
- Mike Jamison (Individual)
- Dr. Anne Hyman (President of the Potomac Pedalers Touring Club)
- Thomas Hartsock (Porky Pines Farm)
- Quentin Remein (Cloverly Civic Association)

Montgomery County Planning Board
Public Meeting Minutes of November 17, 2022

Lori Larson, Francoise Andre, Barbara Hoover, Laura Van Etten, and Dolores Milmo presented multi-media presentations with their testimony.

The Board asked for more information regarding the equity for how roads are viewed and what the responsibility of MCDOT as well as other agencies involved is.

The Public Hearing ended at 8:05 p.m.