

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APPROVED MINUTES AND SUMMARY

SUMMARY

Thursday, December 1, 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, December 1, 2022, beginning at 9:04 a.m. and adjourned at 1:17 p.m.

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

Vice Chair Presley was necessarily absent for Items 1 through 4, and joined the meeting virtually at 9:50 a.m. for the start of Item 5.

Items 1 through 10 were discussed in that order and are reported in the attached Minutes.

There being no further business, the meeting was adjourned at 1:17 p.m. The next regular meeting of the Planning Board will be held on Thursday, December 08, 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

A. Adoption of Resolutions

1. Leisure World Admin Building Site Plan 82017012B – MCPB No. 22-105

BOARD ACTION

Motion: Branson/Hill

Vote: 3-0-1

Other: Piñero Abstained because he was absent for the Public Hearing on this matter. Vice Chair Presley Absent.

Action: Adopted the Resolution cited above, as submitted.

2. PSTA Preliminary Plan 12020010B – MCPB No. 22-104

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

1. Minutes for November 3, 2022
2. Minutes for November 7, 2022
3. Minutes for November 10, 2022
4. Closed Session Minutes for November 10, 2022

BOARD ACTION

Motion: Hill/Branson

Vote: 3-0-1

Other: Piñero Abstained because he was absent on those dates. Vice Chair Presley Absent.

Action: Approved the Minutes cited above, as submitted.

C. Other Preliminary Matters

BOARD ACTION

Motion:

Vote:

Other:

Action: No Other Preliminary Matters were submitted for approval.

Item 2. Record Plats (Public Hearing)

Subdivision Plat No. 220210750, West Chevy Chase Heights

R-60 zone; 1 lot; located in the southeast quadrant of the intersection of West Virginia Avenue and Tilbury Street; Bethesda Downtown Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: Piñero/Hill

Vote: 4-0

Other: Vice Chair Presley Absent.

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

Item 3. Regulatory Extension Requests (Public Hearing)

A. Preston Place, Preliminary Plan No. 120220130 and Site Plan No. 820220180, Extension Request #2-- Second Extension Request to extend the review period from December 15, 2022 to February 23, 2023

R-30 and R-60 Zones; 12.61 acres; located on the south side of Manor Road, approximately 50 feet west of its intersection with Jones Bridge Road; 2013 Chevy Chase Lake Sector Plan

A. Preliminary Plan No. 120220130: Request to subdivide one parcel and four lots to create 147 lots and 22 parcels for 156,500 square feet of residential development for up to 147 single-family attached (townhouse) units.

B. Site Plan No. 820220180: Request to construct 147 single-family attached (townhouse) units and associated site features.

Staff recommendation: Approval of the Extension Request

A.Bossi/G. Bogdan

B. 2115 East Jefferson Street Sketch Plan No. 320220110 Extension Request #2--Request to extend the regulatory review period for Sketch Plan No. 320220110 for one month, from December 8, 2022 to January 5, 2023

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 Josiah Henson Parkway; within the White Flint 2 Sector Plan area.

Staff recommendation: Approval of the Extension Request

T. Leftwich

C. BF Gilberts Subdivision of Takoma Park, Administrative Subdivision No. 620210160, Extension Request #1-- Request to extend the review period from December 7, 2022 to February 7, 2022

R-60 zone, 0.60-acres, within the 2000 Takoma Park Plan; Request to create two lots for one single-family dwelling unit on each lot. Located at 37 Oswego Avenue in the City of Takoma Park, approximately 437ft S of Ritchie Avenue.

Staff Recommendation: Approval of the Extension of Request

T. Gatling

BOARD ACTION

Motion: Hill/Piñero

Vote: A-C 4-0

Other: Vice Chair Presley Absent.

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

Commissioners Hill and Piñero offered comments.

Item 4. Roundtable Discussion

Planning Director's Report

T. Stern

BOARD ACTION

Motion:

Vote:

Other:

Action: Received Briefing

Acting Planning Director, Tanya Stern, began the Director's Report by presenting a multi-media presentation regarding a recently attended forum and brief update for The Great Seneca Plan.

Acting Director Stern recently attended the Urban Land Institute (ULI) Washington Future Forum: Housing and Infrastructure for the Region We Want, which brought together keynote speakers to discuss complicated questions related to housing, transportation and commercial spaces within the region. Acting Director Stern also participated as a panelist with keynote speaker Peter Calthorpe focusing on the concept of grand boulevards and state legislation recently passed in California that would make redevelopment of strip commercial areas for lower-scaled multi-family housing by right. Many of the ideas noted within the Grand Boulevard concept align with Thrive Montgomery 2050.

Carrie Sanders, Chief of Midcounty Planning, gave a brief overview of the plan area for the Great Seneca Plan which offers over 7,000 Life Sciences jobs within the area, as well as substantial growth in development regarding housing.

Maren Hill, Project Manager, presented a multi-media presentation beginning with the background of the area which includes the Life Sciences Center, National Institutes of Standards and Technology, Western Quince Orchard, and Residential enclaves. It is bordered by the City of Gaithersburg, City of Rockville, and Washington Grove. The plan area is mainly focused on the Life Sciences Center, as this is the area that has had the most recent development, it is adjacent to important commercial areas, there is planned major infrastructure, and it departs the most from the 2010 Plan Vision.

The plan is currently in the Visioning and Analysis phase which includes intense community engagement and outreach as well as the bulk of the data and analysis for the project. Recent events have included: pop-ups in the community, door-to-door canvassing, in person and virtual visioning, Urban Land Institute Technical Assistance Panel, Real Estate and Life Science Industry Focus Groups.

Next steps for the plan include bringing an update to the Planning Board in January, continuing the Visioning and Analysis through Spring 2023, and submitting a working draft to the Planning Board in Summer 2023.

The Board asked questions regarding interaction and engagement with officials from the cities of Rockville and Gaithersburg, open rate for jobs within the area, if accommodated housing is being planned for people who live and work within the area, and potential shrinking within the area due to the other municipalities expanding.

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Staff offered responses to the Board's questions expanding on engagement between the cities of Rockville and Gaithersburg, possibility of diversifying housing types within the area, and the need to potentially update expansion limits during the Plan.

The Board also offered comments on the outreach performed, encouraged outreach to the African American community, and noted items to consider including potential future congestion within the plan area when bringing the update to the Board in January.

Item 5. Thrive Montgomery 2050 — Resolution of Adoption

Staff recommendation: Approval of the attached Resolution of Adoption for Thrive Montgomery 2050.

K. Afzal/C. McCarthy

BOARD ACTION

Motion: Branson/Piñero

Vote: 5-0

Other:

Action: Approved staff recommendation for approval of the attached Resolution for Thrive Montgomery 2050 to be transmitted to the Full Commission for adoption.

Khalid Afzal, Special Projects Manager, gave a brief overview regarding the Resolution for Adoption of Thrive Montgomery 2050. Further details can be found in the Staff Report dated November 18, 2022.

The Montgomery County Council, sitting as the District Council, approved Thrive Montgomery 2050 by Resolution No. 19-1413 on October 25, 2022. Sec. 33A-9 of the County Code requires the Commission to adopt the approved plan within sixty (60) days of the Council's approval of the plan. The adoption of the approved plan is a two-step process: 1) Planning Board's approval of the Resolution of Adoption; and 2) the full Commission's approval of the Resolution of Adoption.

Thrive Montgomery 2050 will be the new General Plan for Montgomery County, except for the following municipalities that have their own planning and zoning authority: the cities of Rockville and Gaithersburg, and the municipalities of Barnesville, Brookeville, Laytonsville, Poolesville, and Washington Grove.

The Board offered comments and asked questions regarding the vote for approval, work sessions with the County Council, and changes to the plan.

Acting Director Stern and Staff offered responses to the Board's comments and questions.

Item 6. Amalyn Bethesda (WMAL Bethesda), Preliminary Plan Amendment No. 12016029A & Site Plan Amendment No. 82017017B (Public Hearing)

- A. Minor modifications to: street grade, layout and materials; landscaping, open space and stormwater management facilities; and lot layout. Creation of two new phases, 2A and 2B (formerly Phase 2); and modifications to clubhouse building; on approximately 74.83 acres zoned R-90; within the North Bethesda/Garrett Park Master Plan area.
- B. Minor modifications to: street grade, layout and materials; landscaping, open space and stormwater management facilities; and lot layout. Creation of two new phases, 2A and 2B (formerly Phase 2); and modifications to clubhouse building; on approximately 74.83 acres zoned R-90; within the North Bethesda/Garrett Park Master Plan area.

Staff Recommendation: Approval with Conditions

E. Tettelbaum

BOARD ACTION

Motion: Branson/Piñero

Vote: A-B 5-0

Other:

Action: Approved staff recommendation for approval of Preliminary Plan Amendment No. 12016029A and Site Plan Amendment No. 82017017B 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.

Emily Tettelbaum, Planner III, presented a multi-media presentation regarding the proposed minor modifications to Preliminary Plan Amendment No. 12016029A & Site Plan Amendment No. 82017017B. Further details can be found in the Staff Report dated November 17, 2022.

Amalyn Bethesda is a new residential community that is approved for 309 dwelling units (159 detached houses, 150 townhouses, and 40 Moderately Priced Dwelling Units (MPDUs)), and construction is currently underway. Property is bordered on the north, west and east by residential neighborhoods. Although considered minor amendments to the Preliminary and Site Plans, the Planning Director deferred decision on the Amendments to the Planning Board.

As conditioned, Preliminary Plan Amendment 12016029A and Site Plan Amendment 82017017B each satisfy the applicable findings and standards of the Subdivision Code and Zoning Ordinance, and substantially conform to the recommendations of the North Bethesda/Garrett Park Master Plan.

Staff received one email in support of the proposed lot reconfiguration along Greyswood Road.

The Board asked questions regarding whether the MPDU units will be integrated with the market units, if there were issues pertaining to noise or pollution, impact to aesthetics due to the use of asphalt over pavers, if the current dirt pile could be reduced with more thoughtful treatment during phasing as construction is ongoing, and if the four acre area within the subdivision would be designated for a school.

Staff offered responses to the Board's questions.

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Robert Kronenberg, Deputy Director for Planning, offered comments and responses regarding the MPDU units as well as the integration within the market units.

Jeff Driscoll, Toll Brothers (Applicant), offered comments regarding the stockpile of dirt and confirmed that it is a short-term solution which will be resolved within the next few months.

Item 7. Shops at Travilah: Site Plan No. 820220140 (Public Hearing)

Application to construct a 5,681 square foot retail/service establishment and 12,927 SF daycare center (over 30 persons); located on the southside of Travilah Road, approximately 250 feet west of its intersection with Piney Meetinghouse Road; 1.96 acres, NR-0.75 H-45 zone, 2002 Potomac Subregion Master Plan.

Staff Recommendation: Approval with Conditions

J. Casey

BOARD ACTION

Motion: Hill/Presley

Vote: 5-0

Other:

Action: **Approved staff recommendation for approval of the Site 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.**

Jonathan Casey, Planner II, presented a multi-media presentation regarding a request to construct a retail/service establishment and daycare center. Further details can be found in the Staff Report dated November 17, 2022.

The Property is situated to the north of the Rockville Crushed Stone Quarry (owned by Bardon Inc.), which is an active quarry (“Quarry”).

The Application proposes frontage improvements including upgrading an existing bus stop and a new six-foot wide sidewalk, which will be extended offsite along Travilah Road to the intersection with Piney Meetinghouse Road. Access from Travilah Road will be consolidated into a new single driveway apron on the east side of the Property which connects to an internal drive-aisle that loops around the retail/restaurant building. The two buildings will share access and internal drive aisles, as well as 68 surface parking spaces, which includes four Americans with Disabilities Act (ADA) accessible spaces close to the entrance of each building, as well as bicycle parking and motorcycle parking spaces. There will also be a 9,000+ square foot area to the rear of the property designated for a play area for the daycare.

A Site Plan is required because the Application proposes developing more than 10,000 square feet and abuts property zoned residential (R-200). The Site Plan is consistent with the recently approved Preliminary Plan No. 120210090 (MCPB Resolution No. 21-096).

Staff received citizen correspondence with concerns regarding air quality and use of explosives due the Site’s proximity to the Travilah Quarry.

The Board asked questions regarding potential occupants for the restaurant and daycare spaces for the project, if a traffic study had been performed for the area, parking requirements and traffic circulation onsite, maneuvering of larger vehicles throughout the parking lot, the stormwater management handling along the frontage of the property, potential safety concerns due to proximity to Quarry, and the possibility of providing car charging stations onsite.

Staff offered responses to the Board’s questions.

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Casey Cirner, Miles & Stockbridge, representing the Applicant, offered comments and responses to the Board's questions, as well as agreement to the conditions required by Staff.

Mike Magruder, The Magruder Companies (Applicant), offered comments and responses regarding the parking circulation, uses for the retail space, restaurant space, and potential for car charging stations in the future.

Scott Wolford, Colliers Engineering (for Applicant), offered comments and responses to the Board regarding the stormwater management improvements.

Item 8. Barnard Property, Preliminary Plan Amendment No. 11997040B (Public Hearing)

Request to extend the Preliminary Plan's validity period by an additional 18 months from the initiation date of this Preliminary Plan Amendment. Preliminary Plan 119970400 (Barnard Property) allows for 12 lots for 12 single-family detached dwelling units; located at the northwestern terminus of Bonny Brook Lane, abutting Seneca Springs Local Park to the west; 30.2 acres; RE-2C zone; 2006 Damascus Master Plan.

Staff Recommendation: Approval with Conditions

A. Duprey

BOARD ACTION

Motion: Presley/Branson

Vote: 4 Yea/ 1 Nay (Hill – cannot find undue hardship)

Other:

Action: Approved staff recommendation for approval of Preliminary Plan No. 11997040B 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.

Alexandra Duprey, Regulatory Planner II, presented a multi-media presentation regarding a request to extend the validity period for the Barnard Property Preliminary Plan. Further details can be found in the Staff Report dated November 17, 2022.

On March 12, 2009, the Planning Board approved Preliminary Plan 119970400 (Barnard Property) to allow for 12 lots for 12 single-family detached dwelling units, one outlot to contain stormwater management facilities, and a public use trail easement. The Plan Amendment was submitted in April 2022 and accepted in September 21, 2022. This was a noted change to the Staff Report.

Due to reasons beyond the Applicant's control, including significant health crisis and considerable market uncertainties, unexpected delays have occurred, therefore, an extension to the Preliminary Plan's validity period by an additional eighteen (18) months is requested.

The proposed lots meet all requirements established in the Subdivision Regulations and comply with the recommendations of the Damascus Master Plan. Access and public facilities will be adequate to serve the proposed lots, and the Application has been reviewed previously by other applicable county agencies, all of whom have recommended approval of the plan.

The Amendment will not result in any changes to the original Preliminary Plan proposal.

The Board asked questions regarding the timing of recordation for the Plats, if the subdivision would be acceptable currently or if there were any significant changes, clarification of wording for reference of family compound, if the Applicant was prepared to move forward if extension was approved, and what hardship the Applicant would face if the extension was not approved.

Staff offered responses to the Board's questions.

David McKee, Benning & Associates, Inc., offered comments and responses on behalf of the Applicant.

Kimberly Goode, the Applicant, offered extended comments and responses to the Board including a brief background of the project and what hardship the lack of extension would bring to the family.

Item 9. Briefing: Trends in Racial and Ethnic Diversity

Research and Strategic Projects Staff will provide an overview of a new ESRI ArcGIS storymap illustrating changes in racial and ethnic diversity across the county by Census tract between 1990 and 2020.

A. Chen/C. McCarthy

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing.

Acting Director Tanya Stern gave a brief introduction and noted this presentation is part of the Planning Department's Racial Equity and Social Justice initiatives. The ESRI ArcGIS storymap can also be found on Montgomery Planning's website as well.

Archie Chen, Planning Associate, presented a multi-media presentation regarding the ESRI ArcGIS storymap that describes the evolution of racial and ethnic diversity from 1990 to 2020 in Montgomery County, Maryland. Further details can be found in the Staff Report dated November 15, 2022.

The goal of the storymap is to provide a resource to help planners and the public understand the demographic trends in the County and at Census tract geographies over time. The storymap also serves as a tool to quickly depict the concentration of the predominant, majority, or most common racial/ethnic group over time.

The analysis is based on the race and Hispanic origin classifications and Decennial Census released by the U.S. Census Bureau with a focus on four major racial and ethnic groups in Montgomery County: non-Hispanic Asian, non-Hispanic Black, non-Hispanic White, and Hispanic.

The first series of maps look at changes for individual races and Hispanic ethnicity. The second series of maps provides more details on changes in racial predominance in individual Census tracts, and the third series of maps reveal the most common racial or ethnic group in those tracts where no single race or ethnicity is a majority.

The Board asked questions regarding what geography was used, comparisons of change between dates within presentation, specific breakdown for the Asian Community, how outreach can be performed in the future with information received from the study, and possibility for more refined data other than the Census tract.

The Board also offered comments on the population density that is lost within the geographic map, the potential immigration stories within the racial groupings which the Census data restricts, and the potential white flight and neighborhood change within Montgomery County.

Acting Director Stern and Staff offered comments and responses to the Board's questions and comments.

Item 10. Briefing on the Mapping Segregation Project

J. Liebertz

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing.

Jason Sartori, Division Chief of Countywide Planning and Policy, provided background and key elements for the presentation. Three valuable outcomes of the work on the project so far include the following: the research performed provides a more accurate and documented account of the County's History, the data is available to the public, and the data received is helpful to use as a tool for future policy work and Master Plan efforts.

Rebecca Ballo (Historic Preservation Supervisor) and John Liebertz (Historic Preservation Planner III) presented a multi-media presentation regarding Phase 1 of the Mapping Segregation Project. Montgomery Planning's Historic Preservation Office and Geographic Information Systems (GIS) teams built a mapping tool that illustrates discriminatory housing practices, historical patterns of segregation, and Black homeownership in the Downcounty Planning Area of Montgomery County. Further details can be found in the Staff Report dated November 23, 2022.

Rebecca Ballo presented the project scope approved by Council and outline of the presentation. The scope included an examination of similar projects nationwide and investigation of redlining, racial restrictive covenants, and mortgages refinanced by the Home Owners' Loan Corporation (HOLC) in Montgomery County. As the HOLC "redlining" maps are not available for Washington, D.C. or its environs, the project team focused its efforts on the documentation of racial restrictive covenants which were private contractual agreements that prohibited the sale, rent, lease, or occupation of property based on a person's race, ethnicity, or religious affiliation. The research illustrated the wide-spread use of racial restrictive covenants throughout the Downcounty Planning Area.

John Liebertz then presented data and information regarding the racial restrictive covenants, single family housing covenants, and Black homeownership in Takoma Park progressing from 1900-1950.

Rebecca Ballo discussed the next steps and key takeaways of the project. At this time, the project team is partnering with Research and Strategic Projects Division staff to analyze the legacy of racial restrictive covenants to see if there is any clear correlation with existing racial and demographic profiles of census tracts or other designated areas of the County (such as Equity Focus Areas).

Phase 2 will be the next step of the project, for which funding is being requested in FY24, the research methodology of looking to the deed records, loan records, and other primary source documentation could be expanded and broadened geographically to other County planning areas, or could be used for deeper analysis of significant individuals and trends at the community level. A draft scope for Phase 2 will be prepared at the completion of this initial phase.

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The Board offered comments regarding anti-Jewish covenants, G.I. Bill Discrimination, segregated Federal workforce under Woodrow Wilson, subtle discrimination happening in present day, and the possible renaming of streets within the County if named after developers that encouraged restrictive covenants.

Vice Chair Presley also asked question regarding the standards for cost of Moderately Priced Dwelling Units (MPDUs) within the County and if it varies within certain areas of the County.

Staff offered comments and responses to the Board elaborating on the renaming of public streets and MPDUs within the County.