

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APPROVED MINUTES AND SUMMARY

SUMMARY

Thursday, December 8, 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 8, 2022, beginning at 9:03 a.m. and adjourned at 3:29 p.m.

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

Vice Chair Amy Presley was necessarily absent.

Item 1 was discussed and reported on the attached Minutes.

In compliance with Annotated Code of Maryland, General Provisions Article §3-305(b), the following is a report of the Board's Closed Session Meeting:

The Board convened in Closed Session to discuss Item 2 at 9:06 a.m. on the motion of Commissioner Hill, seconded by Commissioner Branson with Chair Zyontz, and Commissioners Branson, Hill, and Piñero voting in favor of the motion. Vice Chair Presley was necessarily absent. The meeting was closed under the authority of Annotated Code of Maryland, General Provisions Article §3-305(b)(7), to consult with counsel to obtain legal advice; and (8) consult with staff, consultants, or other individuals about pending or potential litigation.

Also present for the meeting were County Attorney John Markovs; Parks Director Mike Riley; Acting Planning Director Tanya Stern; Deputy Director Robert Kronenberg; Division Chief of Management Services Karen Warnick; Special Program Coordinator - Urban Design Paul Mortensen; General Counsel Debra Borden; Principal Counsel Ben Rupert; Principal Counsel Emily Vaias; Senior Counsel Megan Chung; Associate General Counsel Allison Myers and Technical Writer Rachel Roehrich of the Office of General Counsel.

In Closed Session, the Board received a briefing regarding potential contract litigation.

The Closed Session meeting was adjourned at 9:51 a.m. and the Planning Board reconvened in the auditorium and via video conference at 9:58 a.m. to discuss Items 3 through 5, 12, 7, and 8 as reported in the attached Minutes. Item 6 was postponed.

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The Planning Board recessed for lunch at 12:59 p.m. and reconvened in the auditorium and via video conference at 1:40 p.m. to discuss Items 10, 11, and 9 as reported in the attached Minutes.

There being no further business, the meeting was adjourned at 3:29 p.m. The next regular meeting of the Planning Board will be held on Thursday, December 15, 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. Amalyn Bethesda (WMAL) Preliminary Plan 12016029A – MCPB No. 22-106
2. Amalyn Bethesda (WMAL) Site Plan 82017017B – MCPB No. 22-107
3. Shops at Travilah Site Plan 820220140 – MCPB No. 22-108
4. Barnard Property Preliminary Plan 11997040B - MCPB No. 22-109

BOARD ACTION

Motion: Piñero/Hill

Vote: 4-0

Other: Vice Chair Presley Absent.

Action: Adopted the Resolutions 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

BOARD ACTION

Motion:

Vote:

Other:

Action: No other Preliminary Matters were submitted for approval.

Item 2. According to MD ANN Code, General Provisions Article, §3-305(b)(7), to consult with counsel to obtain legal advice; and (8) consult with staff, consultants, or other individuals about pending or potential litigation. Topic: Potential contract litigation.

D. Borden

BOARD ACTION

Motion: Hill/Branson

Vote: 4-0

Other: Vice Chair Presley Absent.

Action: Received briefing and obtained legal advice.

Item 3. Record Plats (Public Hearing)

A. Subdivision Plat No. 220220660, Hardings Subdivision

R-200 zone; 1 lot; located on the south side of Sagebrush Terrace, 350 feet east of Wildwood Drive; Fairland Master Plan.

Staff Recommendation: Approval

B. Subdivision Plat No. 220220790, Rollingwood

R-60 zone; 1 lot; located on the north side of Leland Street, 150 feet west of Vale Street; Bethesda – Chevy Chase Master Plan.

Staff Recommendation: Approval

C. Subdivision Plat No. 220230090, Westfarm Technology Park

CRF zone; 1 parcel, 1 outlot; located on the north side of Broadbirch Drive, 900 feet east of Tech Road; White Oak Science Gateway Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: Branson/Piñero

Vote: A-C 4-0

Other: Vice Chair Presley Absent.

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

Commissioner Hill asked questions regarding Rollingwood, and Staff provided responses.

Item 4. Regulatory Extension Requests (Public Hearing)

BOARD ACTION

Motion:

Vote:

Other:

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

Item 5. Roundtable Discussion

Parks Director's Report

M. Riley

BOARD ACTION

Motion:

Vote:

Other: Vice Chair Presley Absent.

Action: Received Briefing.

Parks Director Mike Riley presented a multi-media presentation highlighting M-NCPPC employee Thomas Baker (Park Manager I), who also volunteers for Laytonsville District Volunteer Fire Department as a Deputy Chief, for his actions during the recent plane crash that occurred at Rothbury Drive and Goshen Road on November 28, 2022.

Director Riley offered a certificate of appreciation to Mr. Baker, and the Board took photographs with Mr. Baker upon presentation.

Bill Hamilton, Manager of Natural Resources Stewardship Section, presented a multi-media presentation regarding Montgomery Parks Wildlife Ecology and Management in response to Commissioner Hill's request.

Mr. Hamilton gave an overview of the diverse habitat and wildlife within Montgomery County, the seral succession, connectivity, monitoring, species in need of conservation, the white tail deer population management, water quality and stormwater, and wildlife response.

The Board asked questions regarding potential impacts of afforestation, how deer or wildlife are impacting stream valley buffers, how improvement of forests is impacting ecology, which agency is mainly responsible for controlling increasing deer and fox populations, and what guidance there is for the average person for native/noninvasive species for planting.

Mr. Hamilton offered comments and responses to the Board's questions.

Item 12. Briefing and Recommendation on Legislation submitted by the Montgomery/Prince George's County Delegations to the Maryland General Assembly
D. Borden

BOARD ACTION

Motion:

Vote:

Other: Vice Chair Presley Absent.

Action: Received briefing and provided direction on response to proposed legislation.

Debra Borden, General Counsel, presented a multi-media presentation regarding recommendations on Legislation MC/PG 103-23 M-NCPPC, MC/PG 104-23 M-NCPPC, MC/PG 105-23 M-NCPPC, and MC/PG 109-23 M-NCPPC for submittal to the Maryland General Assembly.

Ms. Borden explained each of the Legislative Bills that will be presented before the County Council and later submitted to the Maryland General Assembly. Ms. Borden provided the Office of General Counsel's recommendation for each of the Bills, and the Board, by consensus, adopted the following positions in response to the proposed legislation:

- MC/PG 103-23 M-NCPPC – The Board opposes the bill.
- MC/PG 104-23 M-NCPPC – The Board opposes the bill (with sentence added as proposed by Hill).
- MC/PG 105-23 M-NCPPC – The Board takes no position on the bill .
- MC/PG 109-23 M-NCPPC – The Board takes no position on the bill.

Item 6. FY23 Budget Adjustment for Planning and Parks

Staff Recommendation: Approval of the Requests for FY23 Budget Adjustments for Planning and Parks Departments

T. Stern/N. Steen

BOARD ACTION

Motion:

Vote:

Other:

Action:

POSTPONED TO DECEMBER 22, 2022

Item 7. Bethesda Downtown Amenity Fund Transfers

Staff recommendation: Approve the transfers of the Amenity Fund contribution to the Parks Department and BUP for implementation of off-site public improvements in the Bethesda Downtown Sector Plan Area.

E. Hisel-McCoy

BOARD ACTION

Motion: Hill/Branson

Vote: 4-0

Other: Vice Chair Presley Absent.

Action: Approved staff recommendation to approve the Budget Transfers and adopted the attached Resolutions.

Elza Hisel-McCoy, Chief of Downcounty Planning, presented a multi-media presentation regarding Bethesda Downtown Amenity Fund Transfers. Further details can be found in the Staff Report dated December 1, 2022.

As required by a Planning Board condition of approval, a private developer has contributed \$785,278 in Amenity Funds for off-site public improvements in downtown Bethesda. The Parks Department is requesting a \$300,000 transfer from these funds for streetscape improvements along the street frontages of the renovated Caroline Freeland Urban Park. The Bethesda Urban Partnership (BUP) is requesting a \$485,278 transfer toward the acquisition of site furnishings, planters, trees, plant materials and pavilions for the Norfolk Avenue Streeterly. If the transfer is approved, BUP and the Maryland-National Capital Park and Planning Commission will enter into a binding Memorandum of Understanding to facilitate the transfer.

Jeff Burton, of the Bethesda Urban Partnership, provided brief comments and responses to the Board regarding the project.

Item 8. Climate Assessment tools for master plans and ZTAs per Bill 3-22

Staff Recommendation: Approval of the proposed template for staff use to conduct climate assessment of ZTAs and master plans to satisfy the requirements of County Bill 3-22

K. Afzal/S. Findley

BOARD ACTION

Motion: Piñero/Branson

Vote: 4-0

Other: Vice Chair Presley Absent.

Action: Approved proposed template for staff use to conduct climate assessment of ZTAs and master plans.

Acting Planning Director Tanya Stern gave brief remarks and background regarding County Council Bill 3-22 “Climate Assessments” which the Montgomery County Council signed into law on July 25, 2022. Further details can be found in the Staff Report dated December 2, 2022.

Khalid Afzal presented a multi-media presentation regarding the proposed template for Staff use in assessing climate impacts of zoning text amendments (ZTAs), master plans, and master plan amendments (collectively referred to as master plans). The purpose of Bill 3-22 is to provide the County Council appropriate information about the potential impacts of the Council’s decisions on climate change and how it will affect the County’s resilience and adaptability to fight climate change. Montgomery Planning will be required to conduct climate assessments of ZTAs and master plans starting March 1, 2023, and the Office of Legislative Oversight (OLO) to conduct assessments for County bills starting January 1, 2023. The Bill also requires that the Planning Board develop and publish online a climate assessment template, and that, at least once every two years, review and update the approved template as necessary.

Montgomery Planning hired consultant, ICF International, Inc. (ICF) to develop a methodology and template for climate assessment of ZTAs and master plans. Montgomery Planning also convened a stakeholder group, briefed Maryland Building Industry Association, consulted with staff at Montgomery County Department of Environmental Protection (DEP), and shared findings and draft methodology with staff at OLO who are also developing a template.

Steve Findley gave an overview of the existing carbon footprint analysis requirement for master plans and the King County, Washington model for greenhouse gas emissions that Planning staff currently use.

Deb Harris, Senior Director for Climate Planning for ICF, gave an overview of the overall approach for the proposed template, the qualitative versus quantitative approaches, and process of developing a narrative assessment of climate impacts paired with robust guidance for staff on how to develop that narrative.

Karen Metchis, Montgomery County Climate Action Plan Coalition, offered comments and testimony on behalf of the coalition as well as goals and recommendations from the coalition.

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Denisse Guitarra, Nature Forward, provided testimony for overall support of the Planning Department and ICF assessment tool, and provided additional recommendations as well.

The Board asked questions regarding the timeframe to incorporate recommendations from stakeholders, workload on staff after implementation, if noted definitional uncertainties were discussed with OLO, and clarity on the impact column on the checklist.

Staff and Deb Harris offered comments and responses to the Board's questions and comments.

The Board approved the proposed template to guide Staff as they begin to produce climate impact assessments and expressed the intention to revisit the template as needed in order to incorporate feedback from Staff and stakeholders.

Item 10. Burtonsville Shopping Center, Site Plan Amendment No. 81985104A (Public Hearing)

Request to demolish 7,600 square feet of existing Retail/Service Establishment and add 7,600 square feet of Restaurant uses with Drive-Thrus as accessory uses at two new pads sites (total commercial square footage is limited to 130,000 square feet) including improvements to open space, landscaping, lighting, stormwater, and pedestrian circulation; located at 15701 Old Columbia Pike; 6.90 acres (amendment area); CRT-1.5, C-1.0, R-1.25, H-75 zone (reviewed under CRT-1.5 zone from previous Zoning Ordinance); 2012 Burtonsville Crossroads Neighborhood Plan.

Staff Recommendation: Approval with Conditions

R. Sigworth

BOARD ACTION

Motion: Hill/Branson

Vote: 4-0

Other: Vice Chair Presley Absent.

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

Patrick Butler, Chief of the Upcounty Planning Division, offered brief comments regarding the project and the much-needed refresh for the Burtonsville Shopping Center it will provide.

Ryan Sigworth presented a multi-media presentation regarding a Site Plan Amendment for Burtonsville Crossing Shopping Center. Further details can be found in the Staff Report dated November 23, 2022.

The Subject Property is currently improved with a shopping center consisting of approximately 130,000 square feet that is largely unoccupied. The Application provides a new centralized Public Use Space with outdoor seating and a stage that is located on axis with the main access off Old Columbia Pike and provides connectivity to the Burtonsville Park & Ride lot on the adjacent property to the east.

In support of the Bicycle Master Plan and the County's Vision Zero priorities, the Applicant will remove one travel lane and an acceleration/deceleration lane along the frontage, significantly reducing the cross section of the northbound side of Old Columbia Pike to reduce highway speeds to a safer level. An eleven foot-wide sidepath with ten foot-wide green buffer across the frontage of the Subject Property on Old Columbia Pike will be constructed as well as interim dual-way separated bike lanes immediately to the south of the Subject Property, running from National Drive to MD 198, which will replace an existing acceleration/deceleration lane along Old Columbia Pike.

Staff addressed the concerns that were raised in two community correspondence letters.

The Board asked questions regarding the frontage improvements in response to a community letter, number of parking spaces provided, and concern for current tenants operating within the shopping center.

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The Board also offered comments and concerns regarding the volume of traffic resulting from the bike lane proposal and the tractor trailer parking currently happening on the Property.

Staff offered comments and responses to the Board's questions and concerns.

Erin Girard, of Miles & Stockbridge, offered comments and responses on behalf of the Applicant to the Board.

Ryan Lorey, EDENS (Applicant), offered comments and responses to the Board.

Sebastian Smoot, Better Burtonsville Association, offered testimony in support of the project, as well as applauding the Applicant for working so closely with Better Burtonsville Association. Mr. Smoot also offered one recommendation to provide a marked crosswalk to both sides of the bus stop.

Item 11. Shivacharan, Administrative Subdivision Plan No. 620220060 (Public Hearing)

Application to create one lot for one new 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 and Rural Open Space Functional Master Plan.

Staff Recommendation: Approval with Conditions

J. Server

BOARD ACTION

Motion: Branson/Piñero

Vote: 4-0

Other: Vice Chair Presley Absent.

Action: Approved Staff recommendation for approval of the Administrative Subdivision Plan, with conditions, which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.

Jeff Server presented a multi-media presentation regarding a request to create one lot for one new single-family detached dwelling unit. Further details can be found in the Staff Report dated November 23, 2022.

The Applicant proposes to create one lot, from Parcel 788 and Lot 1, on 25.24 acres. Lot 1 is vacant and substantially unmaintained, while Parcel 788 is developed with an existing single-family detached residence and supporting accessory structures, with the surrounding field grass and lawn areas largely maintained. The Subject Property is actively utilized for agriculture purposes, and the existing residence and driveway are positioned in locations that effectively maximized the usable acreage for agriculture.

The existing structure and accessory structures will be razed to construct a new single-family detached house. The proposed septic system and reserve sand mound areas are located to the east of the proposed residence. Access to White's Ferry Road is provided by an existing single private driveway, which is to remain. The Application also proposes to remove the Scenic Easement on the Property and replace it with a standard Forest Conservation Category I Easement, which will provide greater protections for the stream valley.

The Board asked questions regarding the significance of the removal of the Scenic Easement to replace with a Forest Conservation Category I Easement, if this location on White's Ferry Road was included in Rustic Roads, if there was a requirement to post signage, and the impacts to trees on the Property.

Staff offered responses to the Board's questions.

Bangalore Shivacharan, Owner, offered comments to the Board regarding intended future use for the property.

Item 9. Neighborhood Change in the Washington Metropolitan Area

Briefing on an analysis of neighborhood change across the Washington, D.C. metropolitan area with a focus on Montgomery County.

B. Kraft

BOARD ACTION

Motion:

Vote:

Other: Vice Chair Presley Absent.

Action: Received briefing.

Benjamin Kraft presented a multi-media presentation regarding neighborhood change within the metropolitan Washington area mainly focusing on Montgomery County. This project is part of a suite of tools Research and Strategic Projects Division staff are developing to better understand equity issues and neighborhood conditions within the County. Further details can be found in the Staff Report posted to the Planning Board website Agenda for December 8, 2022.

The main findings are that: a) the concentration of low-income residents in Montgomery County's neighborhoods is the County's most pressing challenge related to neighborhood change, b) people of color are more affected by low-income concentration than by displacement in Montgomery County, and c) new housing construction is strongly associated with inclusive economic growth in neighborhoods.

Mr. Kraft discussed the neighborhood change within different location tracts regarding poverty and housing units.

Some key takeaways from the Montgomery County Neighborhood Change study include: building more housing, including affordable housing, promoting socio-economic diversity; prevent displacement; prevent poverty concentration and disinvestment; and encourage inclusive growth.

All data presented is public and can be found on the website.

The Board offered comments regarding the low mobility within the County, East/West divide versus the North/South divide, housing within the County being unequal and need for clarification, breakdown in numbers within different areas should be based on population not just different races within areas, and the pattern changes and concentrations.

Acting Director Stern and Staff offered further comments and responses to the Board.