Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APPROVED MINUTES AND SUMMARY

SUMMARY

Thursday, January 5, 2023 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, January 5, 2023, beginning at 9:04 a.m. and adjourned at 3:36 p.m.

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

Items 1 through 4, 9, 5, and 6 were discussed in that order and reported in the attached Minutes.

The Planning Board recessed for lunch at 12:02 p.m. and reconvened in the auditorium and via video conference at 12:57 p.m. to discuss Item 8 as reported in the attached Minutes.

Commissioner Piñero left the meeting during lunch and was necessarily absent for Item 8.

There being no further business, the meeting was adjourned 3:36 p.m. The next regular meeting of the Planning Board will be held on Thursday, January 12, 2023, in the Wheaton Headquarters Building in Wheaton, Maryland, and via video conference.

Rachol Roohnich.

Rachel Roehrich Technical Writer/Legal Assistant

MINUTES

Item 1. Preliminary Matters

A. Adoption of Resolutions

1. Kentsdale Estates Lot 44, Block D and Parcel 495- Forest Conservation Plan No.11997056C – MCPB No. 22-123

BOARD ACTION

Motion:	Hill/Presley
Vote:	5-0
Other:	
Action:	Adopted the Resolution cited above, as submitted.

B. Approval of Minutes

- 1. Minutes for December 15, 2022
- 2. Minutes for December 22, 2022

BOARD ACTION

Motion:	Piñero/Branson
Vote:	5-0
Other:	
Action:	Approved the Minutes cited above, as submitted.

C. Other Preliminary Matters

BOARD ACTION

Motion: Vote:

Other:

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

Record Plats (Public Hearing) Item 2.

Subdivision Plat No. 220220190 – 220220200, Hillandale Gateway

CRT zone; 2 lots; located in the southwestern quadrant of the intersection of Powder Mill Road and New Hampshire Avenue (MD 650); White Oak Science Gateway Master Plan. Staff Recommendation: Approval

BOARD ACTION

Branson/Presley Motion: 5-0

Vote:

Other:

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

Item 3. Regulatory Extension Requests (Public Hearing)

Belward Campus – Parcel A and Belward Campus Drive Phase II: Extension Request No. 1 for Site Plan Nos. 82021012A & 820220250 - Request to extend the regulatory review period for four (4) additional months, from February 2, 2023 through June 1, 2023.

The Application will construct multiple buildings for biotechnology offices and related uses with up to 757,000 square feet of gross floor area; associated structured parking garages; open space improvements; and related amenities. The Phase II Site Plan is limited to the northern portion of the 107-acre Overall Site and includes future Parcel A and future Belward Campus Drive. Located within the Life Sciences Center West District of the 2010 Great Seneca Science Corridor Master Plan; Located at 9951 Key West Avenue, generally east of Muddy Branch Road, south of Great Seneca Highway (MD 119) and the Mission Hills Subdivision, and north of Darnestown Road (MD 28); 66.5-acres of land in the LSC-1.0, H-150T Zone.

Staff Recommendation: Approve the Extension Request T. Graham

Park Potomac – Preliminary Plan No. 12003029B and Site Plan No. 820230030 – Regulatory Review Extension Request No. 1- Request to extend the regulatory review period from to January 5, 2023 to May 4, 2023.

Application to create one (1) lot and construct a multi-family building with up to 307 dwelling units including 12.5% MPDUs; located in the northwest corner of the intersection of I-270 and Montrose Road; 5.08 acres (site plan), 54.84 acres (preliminary plan); CR-1.25, C-0.5, R-0.75, H-100T zone; 2022 Potomac Subregion Master Plan.

Staff Recommendation: Approval of the Extension Request R. Sigworth

Hillcrest Avenue Property, Preliminary Plan No. 120230010, Regulatory Review Extension Request No. 2 - Request to extend the regulatory review period for 3 months until April 2, 2023.

Application to consolidate a parcel and part of a parcel into one (1) lot for the construction of a 11,058 square foot medical office building; located at 18201 Hillcrest Ave in Olney; 0.59 acres; CRT 2.0 C-1.0 R-1.0 H-70 T zone; 2005 Olney Master Plan.

Staff Recommendation: Approval of the Extension Request A. Duprey

Bucklodge Tract, Preliminary Plan No. 11989032A, Regulatory Extension Request No. 2-Request to extend the regulatory review period by three months until April 11, 2023. Application to subdivide two existing platted lots and three existing platted outlots into four buildable lots for up to four buildings with a total of 66,667 SF of light industrial use on 22 acres; located on Buck Ridge Court, north of Bucklodge Road; 22 acres; IM zone and Rural zone; 1985 Approved and Adopted Boyds Master Plan.

Staff Recommendation: Approval of the Extension Request J. Server

Administrative Subdivision No. 620220100, Lone Oak Addition, Regulatory Extension Request No. 2 - Request to extend the regulatory review period from January 5, 2023 to April 6, 2023

The Application proposes to subdivide two parts of lots into three lots, for one additional residential unit; on approximately 0.688 acres zoned R-60; within the 1992 North Bethesda/Garret Park Master Plan area.

Staff Recommendation: Approval of the Extension Request A. Lindsey

BOARD ACTION

Motion:Branson/PiñeroVote:5-0Other:Action:Approved staff recommendations for approval of the Regulatory ExtensionRequests cited above.

Commissioner Hill asked questions regarding the Belward Campus extension and Staff offered responses.

Phillip A. Hummel, of Miles and Stockbridge, offered comments and responses on behalf of Johns Hopkins University.

Addition to Ray's Adventure: Preliminary Plan No. 120200030, Regulatory Review Extension Request No. 4- Request to extend the regulatory review period until April 13, 2023. Application to create three lots for three single-family detached homes; located approximately 225 feet south of the intersection of Woodfield Road and Log House Road; 1.65 Acres; R-200 Zone; 2006 Damascus Master Plan.

Staff Recommendation: Approval of the extension request P. Estes

BOARD ACTION

Motion:Hill/BransonVote:5-0Other:Action:Approved staff recommendations for approval of the Regulatory ExtensionRequests cited above.

Commissioner Hill offered concerns as it was the fourth extension and asked questions regarding length of time for the extension.

Staff offered comments and responses to Commissioner Hill's questions.

Michele Rosenfeld, of Law office of Michele Rosenfeld and representing the Applicant, offered responses regarding supplemental responses from Montgomery County Department of Transportation (MCDOT) and Fire and Rescue.

Item 4. Roundtable Discussion Parks Director's Report M. Riley

BOARD ACTION Motion: Vote: Other: Action: Received briefing.

Director Riley highlighted the Public Affairs and Community Partnerships Division for the five "Best in Maryland" awards recently won at the Public Relations Society of America, Maryland Chapter (PRSA Maryland). Director Riley then presented a series of short videos titled "Discover Your Happy Place", which won one of the awards categories.

The five awards were given in the following categories:

- Videos: "Discover Your Happy Place"
- Publications: "Strolls for Well-Being at Brookside Gardens"
- Marketing: Josiah Henson Museum and Park Opening
- Events and Observances >7 Days: Garden of Lights
- Events and Observances <7 Days: Montgomery Parks Urban Wood Sale

Director Riley recognized multiple Staff members of the Public Affairs and Community Partnerships Division and concluded with a brief photo including staff and the Planning Board.

The Board offered comments and congratulations to Montgomery Parks Staff for the continued work and awards won.

Item 9.Update on the MC/PG 105-23 Trust and Transparency Act BillD. Borden

BOARD ACTION Motion: Vote: Other: Action: Received briefing; transmittal letter to be prepared.

General Counsel Debra Borden provided an update regarding the potential proposed amendments to the MC/PG 105-23 Trust and Transparency Act Bill. The proposed amendments will be forwarded to the Montgomery County Delegation Chair.

Ms. Borden presented the four amendments in detail to the Board including an explanation for each of the amendments. The proposed amendments would permit the Chair to engage in part-time employment subject to the Council's approval, clarify the scope of activities that a Board member cannot engage in after leaving the Board, clarify how staff will summarize written comments received on an application, and make the timing requirement for approval of minutes consistent with the Open Meetings Act.

The Board concurred with the intent of the proposed amendments and provided recommendations on clarifying language for the amendments."

Additionally, Chair Zyontz requested a recommendation regarding the salary of the non-full time Commissioners, and Ms. Borden offered recommended language regarding the allowance of the Council setting supplemental salary.

Item 5. White Oak Self-Storage: Local Map Amendment H-147 and Conditional Use Plan CU202302 (Public Hearing)

A. Local Map Amendment H-147: Request to re-zone the Subject Property from CR to CRTF, and to expand the existing self-storage facility with an addition and architectural improvements at the front of the Property and a new 5-story self-storage building at the rear of the Property. Located on New Hampshire Avenue, 500 feet south of Lockwood Drive; on 113,650 square feet within the 2014 White Oak Science Gateway Master Plan area.

Staff Recommendation: Recommend approval with binding elements and transmit comments to Hearing Examiner for hearing on January 13, 2023

BOARD ACTION

Motion: Branson/Hill

Vote: 5-0

Other:

Action: Approved staff recommendation to approve with binding elements as modified at the hearing. Transmit comments to the Hearing Examiner for hearing on January 13, 2023.

B. Forest Conservation Plan H-147: Request for approval of a Preliminary Forest Conservation Plan to allow for the development of the Subject Property under the CRTF zone. Located on New Hampshire Avenue, 500 feet south of Lockwood Drive; on 113,650 square feet within the 2014 White Oak Science Gateway Master Plan area. *Staff Recommendation: Approval with Conditions*

BOARD ACTION

Motion: Hill/Branson Vote: 5-0 Other:

Action: Approved staff recommendation for approval of the Preliminary Forest Conservation 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.

C. Conditional Use Plan CU202302: Request to expand the existing self-storage facility with an addition and architectural improvements at the front of the Property and a new 5-story self-storage building at the rear of the Property. Located on New Hampshire Avenue, 500 feet south of Lockwood Drive; on 113,650 square feet within the 2014 White Oak Science Gateway Master Plan area.

Staff Recommendation: Recommend approval with conditions and transmit comments to Hearing Examiner for hearing on January 13, 2023 P. Smith/A. Lindsey

BOARD ACTION

Motion: Hill/Branson Vote: 5-0 Other:

Action: Approved staff recommendation to approve with conditions, as modified at the hearing. Transmit comments to the Hearing Examiner for hearing on January 13, 2023.

Parker Smith presented a multi-media presentation regarding White Oak Self-Storage. Further information can be found in the Staff Report dated December 2, 2022.

The Subject Property is currently improved with a 115,200-square-foot, three-story self-storage facility at the west of the Property with a surface parking lot between the building and the Property's New Hampshire Avenue frontage to the west. The existing self-storage facility was developed in 2002 under the Property's previous C-2 zone, which allowed for the development of a self-storage facility by-right.

The Applicant is seeking the proposed zoning change from the existing CR zone to CRTF zone to allow for a second self-storage building to be added to the Property. The CRTF zone only allows self-storage under the more stringent requirements of a Conditional Use, without requiring the self-storage to be located within the basement of a multi-use building. The change in zone will allow the applicant to move forward with expanding and improving the existing self-storage use.

The Subject Application proposes to construct a new, 116,000-square-foot, five-story building at the rear/east of the property, in a location where a gated surface parking lot associated with the Self-Storage use currently exists. The Application also proposes a 3,600-square-foot addition to the front of the upper stories of the existing self-storage building, with improved landscaping and a reconfigured parking area at the front of the Property which will allow for efficient vehicle circulation and enhance pedestrian safety. A paved path at the rear of the property will be provided by the Applicant which is envisioned as a through-block connection for potential future redevelopment of the area.

The Board expressed concerns and asked questions regarding the impact of self-storage facilities on adjacent residential areas, the height of the building with regard to the apartments in the rear of the property, fire access to the site, the designation of trail connection through the adjacent FDA site, potential safety and security hazard of the proposed glass doors, and the reduction in number of parking spaces as well as potential overflow parking in adjacent neighborhoods.

Parker Smith, Matt Folden and Carrie Sanders offered comments and responses to the Board's concerns and questions.

Elizabeth Rogers, of Lerch, Early & Brewer, presented a multi-media presentation and offered responses on behalf of the Applicant. Ms. Rogers concluded by stating the project encourages reinvestment within the area, and the Applicant agrees with the conditions presented by staff.

Steve Cratin, of Arcland, offered comments regarding the need for additional space at the facility due to demand in the White Oak area.

Rebekah Brown, of bwdarchitects, highlighted the proposed changes to the architectural elements of the facility. Ms. Brown also addressed the Board's questions regarding glass doors and safety.

Patrick La Vay, of Macris, Hendricks And Glascock, P.A. (MHG), offered comments and responses regarding parking and fire access. Mr. La Vay also stated there would be no concern for overflow parking as there would be no connectivity from neighborhoods to the site.

Commissioner Hill and Commissioner Branson requested additional conditions regarding the eastern building façade, building height, and additional language for the trail as well as landscaping plan associated with the trail.

Matt Folden, Regulatory Supervisor, offered suggested modifications which the Applicant accepted, and the Board adopted, as follows:

Conditional Use: Additional condition to require that a cross section of the master-planned trail connection and landscaping along the eastern (rear) edge of the Subject Property be provided by the Applicant for sketch and site plan review; additional condition to confirm that the height limit of 55 feet for the building, as established in the binding elements of the LMA

Local Map Amendment: Additional condition requiring that the building massing comprising the eastern building façade be articulated to further show compatibility with the abutting R-20 zone as shown on the certified site plan.

Item 6. 2115 East Jefferson Street Sketch Plan No. 320220110 (Public Hearing)

Request to demolish the existing building and parking lot and to redevelop the property with 93 townhouse units (including 15% MPDUs for 14 units) with new public open spaces. The overall density is 0.98 FAR for a total of 245,000 sq. ft. of residential uses; 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 with Conditions* T. Leftwich

BOARD ACTION

Motion: Presley/Piñero

Vote: 5-0

Other:

Action: Approved staff recommendation for approval of the Sketch 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.

Troy Leftwich presented a multi-media presentation regarding the redevelopment of 2115 East Jefferson Street. Further information can be found in the Staff Report dated December 22, 2022.

The Property is currently developed with a multi-level office building and a large surface parking lot that surrounds the existing building. The current office building is vacant, and both the former owner and the current owner sought either commercial tenants or conversion of the existing office building into a residential use without success.

The Applicant proposes to demolish the existing building and parking lot and redevelop the Property with 93 townhouse units (including 15% Moderately Priced Dwelling Units (MPDUs)). The Project will provide a series of new private streets which will allow future connections to adjacent properties to the north and south. Approximately 47,000 square feet of public open space will be provided, as well as a recommended 100-foot-green buffer to the west side of the property, programmed with pedestrian paths to the adjacent properties.

The Board asked questions and offered concerns regarding the maximum height and density of the building, the proposed single access point to the property, the school/parks contribution, MPDU unit determinations regarding bedrooms, the proposed through block and pedestrian connections, and if there would be a timing requirement for the greenway and open space relevant to build out of the project.

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

Bob Harris, Lerch, Early, and Brewer, offered comments on behalf of the Applicant. Mr. Harris expressed excitement regarding the project as housing is of need in this area, and noted the Applicant agrees with the Staff recommendations. Mr. Harris offered further comments regarding the through block connections noting support of Green Acres for the pedestrian connection.

Item 8. Rustic Roads Functional Master Plan Update – Work Session #1

Staff Recommendation: Discuss public testimony on the Rustic Roads Functional Master Plan Update Public Hearing Draft and provide guidance to staff. J. Pratt/R. Duke

 BOARD ACTION

 Motion:

 Vote:

 Other:

 Action:
 Received briefing followed by discussion and guidance to Staff.

Patrick Butler, gave an overview of the topics to be discussed and overall process to take place during the current and upcoming work sessions for the Rustic Roads Master Plan Update.

Jamey Pratt and Roberto Duke presented a multi-media presentation regarding the discussion topics of Work Session Number 1 of the Rustic Roads Master Plan Update. Further information can be found in the Staff Report dated December 30, 2022.

Work Session Number 1 included discussion of the following: overall support for the Rustic Roads Program, background information by categories, and discussion of road recommendations by categories. The following list below was presented:

Overall Support:

At least 45 individuals and groups as well as at least 18 cyclists submitted testimony that included broad support for the Rustic Roads Program, and desire to see the program continued, strengthened and or expanded.

Background Information:

Dedicated But Unmaintained (DBU) Roads

There are currently five DBU roads, four of which are currently in the Rustic Roads Program and one road that is proposed including: Belle Cote Dr., Bentley Rd., Old Orchard Rd., Poplar Hill Rd. and Aitcheson Rd.

The Board asked questions regarding the standards and policy regarding DBU roads, how the DBU roads were determined to be unmaintained, and if the portion of Poplar Hill Rd. that was unpaved could potentially be paved in the future.

Staff offered responses to the Board's questions.

Tim Cupples, Montgomery County Department of Transportation (MCDOT), offered responses regarding the DBU policy and explained the history of how DBU roads came about.

Laura Van Etten, Rustic Roads Advisory Committee (RRAC) Chair, offered comments and responses regarding the threshold for the percentage of people on DBU roads, and none of the current residents on the DBU roads have requested upgrading.

Leslie Saville, former member of the RRAC, offered comments and responses regarding the maintenance of Poplar Hill Rd., and confirmed MCDOT has been maintaining.

Staff recommended DBU roads remain in the program, but that the DBU policy be updated to provide a path for public acceptance of the road's maintenance, the removal of the portion of Poplar Hill Rd. that is grass, and no new DBU roads be designated as rustic.

The Board agreed with staff's recommendations.

Bridges

Currently, there are 12 existing bridges and 28 bridges are recommended as new significant features. MCDOT rated 24 of the proposed bridges as "ordinary", 14 as "significant", and left 2 bridges with no comment. Planning staff agrees with MCDOT that many of the newly recommended bridges appear "ordinary", but Planning staff also agrees with RRAC that the bridges make significant contributions to the character of the roads they are on.

Chair Zyontz asked MCDOT if any of the bridges propose safety hazards as measured by accidents, and Mr. Cupples offered comments and responses.

Division Chief Patrick Butler offered comments regarding the bridges and safety measures.

The Board asked questions regarding the bridge width standards, safety features before and after bridges, and requested an explanation on the two bridges that were not rated.

Staff recommends retaining the bridges as significant features whether ordinary or not, and adding clarifying text to the plan to specify that MCDOT should work with the RRAC to identify the visual characteristics of the bridge that are important to preserve when substantial work is required.

The Board agreed with Staff recommendations, but also requested legislative clarity on how bridges are treated on Rustic Roads whether classified as significant or ordinary.

State and Park Roads

Staff recommends retaining/designating state and park roads as rustic roads, and the Board agrees. Chair Zyontz further stated that guidance can be given to State Highways and Public Utilities Commission to designate a road as rustic with minimal improvements, unless governed by State Law.

Commissioner Hill asked if the alternative of the State and Park Roads would be to not include in the plan, and staff provided responses.

Road Recommendations by Category:

Roads with No Major Changes

<u>Mount Nebo Road</u>- Testimony was received requesting that the two-one lane culverts be listed as significant features for the road.

Laura Van Etten offered comments regarding the other significant features Mount Nebo Road.

Commissioner Presley asked questions regarding the maintenance of the road and if the RRAC supported the removal of culvert language. Ms. Van Etten offered responses.

Staff could not locate the one-lane culverts and does not agree culverts would be significant features. The Board agreed with staff's recommendation for the road to remain in the program with the removal of the culverts as a significant feature.

Nominated Roads

Staff received comments regarding Awkard Lane and Holsey Road, which were two nominated roads.

<u>Awkard Lane-</u> Staff received testimony from the Holly Grove Historical Preservation Association (HGHPA), the Cloverly Civic Association (CCA), and some individuals requesting the road be designated as rustic, although, staff does not feel the road retains the visual character that distinguishes Rustic Roads.

Commissioner Hill expressed general support for requests made by the public.

The Board recommended revisiting Awkard Road to a later work session.

<u>Holsey Road-</u>Staff received testimony in support from RRAC as well as testimony opposed to the designation of the road from Damascus Connection Committee of Montgomery County Maryland.

The Board offered comments regarding previous testimony from the residents stating the maintenance of Holsey Road was the issue and requested MCDOT provide background information specifically addressing concerns raised by residents.

Tim Cupples, MCDOT, offered comments and responses.

Commissioner Hill further requested reaching out to Mr. Fleming for canvas information regarding support against Holsey Road designated as a road within the Rustic Roads program.

The Board recommended revisiting Holsey Road at a later work session.

Roads to be removed from program

Staff recommends removing Boswell Lane and Link Road from the Rustic Roads program, and the Board agreed with staff's recommendation.

New Road Profiles by Master Plan

<u>Frederick Road and Old Hundred Road (1994 Clarksburg Master Plan and Hyattstown Special</u> <u>Study Area)-</u> Staff recommends leaving road profiles as is, and the Board agreed with staff's recommendation.

<u>Glen Mill Road (2022 Potomac Subregion Master Plan)-</u> Staff received a request from the RRAC to add hedgerows as a significant feature.

Staff did not find that there were apparent hedgerows along the rustic portion and recommend leaving the profile as is, and the Board agreed with staff's recommendation.

<u>Batchellors Forest Road (2005 Olney Master Plan)</u>- Staff recommended including the road with no changes to the text to the travelling experience regarding removal of shared use path/trail along the road and update extents.

Commissioner Hill offered comments regarding the shared use path/trail and meeting the off-road safety requirements for travel.

Commissioner Branson asked for clarity on the on the recommended updated extents, and Staff offered responses and comments.

Tim Cupples, MCDOT, offered comments and recommendations to limit the extents of the road.

Leslie Saville offered comments regarding travel along Batchellors Forest Road and school access to Farquhar Middle School and Our Lady of Good Counsel High School.

The Board agreed with staff's recommendations.

<u>Game Preserve Road (2010 Great Seneca Science Corridor Master Plan)</u>- Staff recommended no change to the extents. MCDOT presented issues of safety along Game Preserve Road, and recommended changes to extents along the road.

Andrew Bossi, MCDOT offered comments on behalf of MCDOT regarding possible extent changes on the western side of Game Preserve Road.

Laura Van Etten offered comments regarding potential development on the western end of Game Preserve Road, and RRAC sees no reason to change extents of the road.

The Board agreed with Staff recommendation and suggested potential safety signage.

Extent Changes

<u>Bentley Road-</u> Staff recommends no change to the extents of the road, and the Board agreed with staff's recommendation.

<u>Meeting House Road-</u> Staff recommends no change to the extents of the road, and the Board agreed with staff's recommendation.

<u>Brookeville Road-</u> Staff recommends changing extents of the road due to the implementation of the Brookeville Bypass, and the Board agreed with staff's recommendation to change extents of the road.

<u>Schaeffer Road-</u> Staff recommends changing the extents of the road to remove portion of the road that has become visually suburban, and the Board agreed with staff's recommendation.

<u>Gregg Road-</u> Add to the extent of the road and designate Gregg Road rustic between Zion Road and Riggs Road.

The Board agreed with staff's recommendation.

Revised Significant Features

<u>West Hunter Road-</u> RRAC suggested to add roadside vegetation and mature forest east of Hillard Farm on south side of road as significant features.

Staff recommends keeping the significant features as they currently are in the plan

Laura Van Etten offered comments regarding adding the vegetation and mature forest as additional protection against utility over-trimming/clearing.

Vice Chair Presley offered support of designating the vegetation as significant features along the road, and Branson also offered support but suggested better definitional framework to describe the vegetation along the road.

The Board agreed to make it significant with clearer explanation as to what aspects of the vegetation and forest constitute significant features.

Change Classification

There were no comments regarding the roads recommended for change in classification from Rustic to Exceptional Rustic.