

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APPROVED MINUTES AND SUMMARY

SUMMARY

Thursday, February 16, 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, February 16, 2023, beginning at 9:04 a.m. and adjourned at 12:56 p.m.

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

Commissioner Branson was necessarily absent through Item 1C and joined the meeting during the Legislative Update at 9:12 a.m.

Items 1 through 3 and Items 5 through 8 were discussed in that order and reported in the attached Minutes.

Item 4 was removed from the agenda prior to the public meeting, and Item 9 was postponed in open session during the Planning Board meeting.

There being no further business, the meeting was adjourned 12:56 p.m. The next regular meeting of the Planning Board will be held on Thursday, February 23, 2023, in the Wheaton Headquarters Building in Wheaton, Maryland, and via video conference.

Rachel Roehrich

Rachel Roehrich
Technical Writer/Legal Assistant

MINUTES

Item 1. Preliminary Matters

A. Adoption of Resolutions

1. Rock Spring Centre Preliminary Plan No. 11998092C – MCPB No. 23-004
2. Rock Spring Centre Tower I Site Plan No. 82003036C – MCPB No. 23-005
3. Rock Spring Centre Tower II Site Plan No. 82004017C – MCPB No. 23-006
4. Rock Spring Centre Site Plan No. 82009003A – MCPB No. 23-007

BOARD ACTION

Motion: Hill/Piñero
Vote: 4-0
Other: Commissioner Branson Absent.
Action: Adopted the Resolutions cited above, as submitted.

B. Approval of Minutes

1. Closed Session Minutes of January 19, 2023

BOARD ACTION

Motion: Piñero/Hill
Vote: 4-0
Other: Commissioner Branson Absent.
Action: Approved Planning Board Closed Session Meeting Minutes of January 19, 2023.

2. Minutes of February 2, 2023

BOARD ACTION

Motion: Hill/Presley
Vote: 4-0
Other: Commissioner Branson Absent.
Action: Approved Planning Board Meeting Minutes of February 2, 2023.

C. Other Preliminary Matters

- A. Bethesda Downtown Plan Implementation Advisory Committee Reappointment of Members**
S. Dickel

BOARD ACTION

Motion: Presley/ Piñero

Vote: 4-0

Other: Commissioner Branson Absent.

Action: Approved staff recommendation for approval of the Reappointment of Members for the Bethesda Downtown Plan Implementation Advisory Committee cited above.

Staff nominated for second and final three-year terms, Joyce Gwadz and Dedun Ingram to resident seats, as well as Christopher Smith to a business seat.

Staff offered responses and comments to Board questions regarding diversity of members comprising the Bethesda Downtown Plan Implementation Advisory Committee.

B. State Legislative Update

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing.

General Counsel Debra Borden presented a multi-media presentation regarding two State legislative items: SB526/HB723 Natural Resources – Forest Preservation and Retention bill and HB 556/SB516 regarding legalizing usage of recreational cannabis

The Forest Preservation and Retention bill proposes major changes to the Natural Resources Article Title 5 (Forests and Parks), Subtitles 1 (In General) and 16 (Forest Conservation). All of the proposed changes will have widespread implications for Forest Conservation and Tree Canopy programs in both Montgomery and Prince George’s Counties, which in turn will affect the counties’ master plan goals, specifically for economic development and affordable housing.

Ms. Borden raised concerns that the proposed amendments would make it difficult for development projects to reasonably replace forest cleared on-site or off-site, establish and/or use off-site mitigation credits (forest conservation bank) to mitigate for forest cleared, and obtain approval of a variance.

Ms. Borden stated that concerns regarding the bill are shared by other counties, and if the bill is projected to move forward Ms. Borden will provide an update to the Planning Board as well as request the Board’s recommended position at that time.

Ms. Borden further stated there may be a study done during summer 2023, in which the Maryland Association of Counties (MACo) would lead.

The Board offered comments regarding the bill causing potential detriment to developers, concern for the amount of time spent on a study, and potential useful information a study could produce.

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Regarding the proposed bill regarding legalizing usage of recreational cannabis, Ms. Borden discussed the two sections of the bill that the Maryland-National Capital Park & Planning Commission (MNCPPC) is focused on including the sections regarding zoning provisions and employee/employer relations.

Specifically, the limited comments and questions were listed for the following sections: Section 36-405(B)(2), Section 36-405(B)(4), Section 36-405(c), Section 36-1301(E)(1), and Section 36-1301(A).

The Board offered comments regarding alternate language for “unduly burden” text, and clarity needed regarding local zoning jurisdiction.

Ms. Borden offered comments, and stated no position was requested from the Board at this time.

Item 2. Record Plats (Public Hearing)

Subdivision Plat No. 220230360, North Bethesda Center

CR zone; 1 parcel; located in the northeast quadrant of the intersection of Wentworth Place and Marinelli Road; White Flint Sector Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: Presley/Branson

Vote: 5-0

Other:

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

Item 3. Regulatory Extension Requests (Public Hearing)

Sketch Plan No. 320230020, 9801 Georgia Avenue, Regulatory Extension Request No. 1 - Request to extend regulatory review period for the Sketch Plan for six weeks, from February 16, 2023 to March 30, 2023.

On approximately 3.97 acres zoned CRT-2.5 C-2.5 R-2.5 H-120; within the 2020 Forest Glen/Montgomery Hills Master Plan area.

Staff Recommendation: Approval

A. Lindsey

BOARD ACTION

Motion: Piñero/Hill

Vote: 5-0

Other:

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

Item 4. Roundtable Discussion

Parks Director's Report
M. Riley

BOARD ACTION

Motion:

Vote:

Other:

Action: REMOVED FROM AGENDA

Item 5. Battery Lane Site C, Site Plan No. 820220230 (Public Hearing)

CR 3.5, C-0.5, R-3.5, H-120 & Bethesda Overlay Zone, 3.19 acres; request to construct a multifamily building with a maximum density of 367,500 square feet for up to 315 units with 15% MPDUs, structured parking, three through-block connections; located on Battery Lane approximately 350 feet west of the Woodmont Avenue intersection; 2017 Bethesda Downtown Sector Plan.

Staff recommendation: Approval with Conditions

G. Bogdan

BOARD ACTION

Motion: Piñero/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.**

Adam Bossi, Planner III, presented a multi-media presentation regarding Battery Lane Site C. Further information can be found in the Staff Report dated February 6, 2023.

The project is located within the Battery Lane District of the 2017 *Bethesda Downtown Sector Plan*. The Battery Lane District is bounded by Old Georgetown Road to the west and Woodmont Avenue to the east and is characterized by mid-rise garden apartments and taller condominium buildings, with the Bethesda Trolley Trail bisecting through the district. The Subject Property is located within the recently approved Battery District Sketch Plan which includes five sites (Lots A, B, C, D, and E as located in Figure 1 below) on the north and south side of Battery Lane. This Application is only for Site C.

The Applicant proposes the construction of a new multi-family residential building up to 120 feet in height, for up to 315 units with 15% Moderately Priced Dwelling Units (MPDUs), with structured parking in the rear and three partial through-block connections, two of which are Sector Planned through-block connections. These partial connections will be located along the eastern and western property lines to connect to Rugby Avenue in the future, as allowed by private redevelopment, and will connect within the site by the proposed southern path along the rear of the Property.

The Board previously approved a Preliminary Forest Conservation Plan (FCP) and associated tree variances with Preliminary Plan No. 120190240. The Final Forest Conservation Plan (FFCP) No. SC20220150 was approved administratively and required 0.47 acres afforestation for Site C to be met by a fee-in-lieu payment. The Site Plan application amends the FFCP by modifying the final planting locations of mitigation trees related to the prior variance approvals.

Staff noted corrections to Staff Report page 25 under the Forest Conservation and Variance sections, as well as Staff Report pages 36-40 for finding 2 (e).ii, Forest Conservation.

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Holly Clemans, individual, offered testimony regarding the need for greater setback from Battery Lane, through block connections, improved greenery, and overall need to provide a better pedestrian experience.

Mohammed Saad, individual, offered testimony regarding late notification and asked questions regarding relocation of existing tenants.

Nancy Reglin, of Shulman Rogers, offered comments on behalf of Brown Development, the Applicant, and stated the applicant is in favor of all conditions presented.

Doug Wrenn, the Applicant, then presented a multi-media presentation and offered comments regarding the project and overall pedestrian experience. Mr. Wrenn discussed the social interaction and environmental connectivity aspects of the project and presented a series of slides to portray the pedestrian experience throughout different locations surrounding the building. Mr. Wrenn also stated he recently met with County Staff to discuss potential partnership for further improvements along the connection at Rugby Lane.

The Board asked questions regarding the setback and width from the building to the street, potential for perviousness between the bikeway and the street, aligning crosswalk with through-block connection along the frontage of the property, if the building would be 100% rental, tenant relocation, parking spaces as well as parking allocation, amenities for children, how the percentage of MPDUs will be distributed throughout the other properties as Site C only has 15% MPDUs of the 20% required, and the regulation of minimum number of efficiency units.

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

Ms. Reglin offered extended comments and responses to the Board's questions regarding setback, perviousness, tenant relocation, parking, rental units, and MPDU distribution.

Robert Graham, of Rogers Consulting, representing the Applicant, offered comments regarding the street trees.

Trini Rodriguez, of Parker Rodriguez, representing the Applicant, offered comments regarding the building amenities and close proximity of amenities within the general area of the building such as playgrounds.

Item 6. 7340 Wisconsin Avenue, Sketch Plan Amendment No. 32020001A, Preliminary Plan Amendment No. 11994080C, and Site Plan No. 820230010 (Public Hearing)

Staff recommendation: Approval with Conditions

A. Bossi

A. Sketch Plan No. 32020001A – Request to amend previous approved uses senior living and commercial to multi-family residential and commercial, to redistribute density between uses, to revise the public benefit schedule, and to revise plans to reflect an updated design; located at the northwest quadrant of the intersection of Hampden Lane and Wisconsin Avenue; zoned CR-5.0 C-5.0 R-4.75 H-250 and Bethesda Overlay Zone; 2017 Bethesda Downtown Sector Plan.

B. Preliminary Plan No. 11994080C – Request to amend the previous approval to allow for a maximum of 315,500 square feet of development density, to include 306,849 square feet of multi-family residential density use, consisting of no more than 308 multi-family dwelling units, and including up to 8,651 square feet of commercial use and Live/Work Units; located at the northwest quadrant of the intersection of Hampden Lane and Wisconsin Avenue; zoned CR-5.0 C-5.0 R-4.75 H-250 and Bethesda Overlay Zone; 2017 Bethesda Downtown Sector Plan.

C. Site Plan No. 820230010- Request to develop a 250-foot tall, 315,500 square-foot mixed-use building comprised of 306,849 square feet of residential uses for a maximum of 308 units with 15 percent MPDUs, and 8,651 square feet of commercial uses, with 142,475 square feet of Bethesda Overlay Zone (BOZ) density and associated PIP payment. located at the northwest quadrant of the intersection of Hampden Lane and Wisconsin Avenue; zoned CR-5.0 C-5.0 R-4.75 H-250 and Bethesda Overlay Zone; 2017 Bethesda Downtown Sector Plan.

BOARD ACTION

Motion: Hill/Branson

Vote: 5-0

Other:

Action: Approved request for Continuance until the March 30, 2023 Planning Board meeting.

Chair Zyontz noted the Applicant would like to request a continuance for 7340 Wisconsin Avenue Sketch Plan Amendment No. 32020001A, Preliminary Plan Amendment No. 11994080C, and Site Plan No. 820230010. Further information regarding the project can be found in the Staff Report dated February 6, 2023.

Patricia Harris, of Lerch, Early & Brewer, offered comments on behalf of the Applicant. Ms. Harris noted the need for the buyer and seller work out contractual issues regarding moving forward with the project, hence the request for a continuance.

The Board asked questions regarding potential time certain date, the relationship between a continuance and extension, and if the date proposed is sufficient for the Applicant.

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

Item 7. University Boulevard Corridor Plan

Staff Recommendation: Approve the proposed Scope of Work
N. Yearwood

BOARD ACTION

Motion: Branson/Presley

Vote: 5-0

Other:

Action: Approved staff recommendation for proposed Scope of Work cited above.

Carrie Sanders, Chief of Midcounty Planning, gave a brief overview of the Plan, and Nkosi Yearwood, Planner III, presented a multi-media presentation regarding the Scope of Work for the University Boulevard Corridor Plan. Further information can be found in the Staff Report dated February 2, 2023.

The University Boulevard Corridor Plan is a new comprehensive plan for an approximately three-mile segment of University Boulevard (MD 193), between Amherst Avenue at the edge of the Wheaton Central Business District (CBD) to the area immediately south of the Capital Beltway (I-495). The Scope of Work for the University Boulevard Corridor Plan includes the proposed plan area boundaries, context and background, planning framework, issues to address for the plan, public engagement, and the plan schedule.

This Corridor Plan will amend the 2012 Wheaton Central Business District and Vicinity Sector Plan, 1989 Master Plan for the Communities of Kensington-Wheaton, 1996 Four Corners Master Plan, and 2001 Kemp Mill Master Plan.

The proposed plan boundary includes both sides of University Boulevard to include segments of residential neighborhoods, public facilities, such as schools and parks, and institutional uses, including places of worship. The northern portion of the proposed corridor plan area begins at Amherst Avenue, which is adjacent to the Wheaton Central Business District (CBD), and continues to the Arcola Avenue area. The proposed plan boundary includes key residential and commercial properties along Arcola Avenue, including Kemp Mill Shopping Center, Yeshiva of Greater Washington, and the Warwick Apartments. The plan area also includes the Kemp Mill Urban Park, the Northwood Chesapeake Trail, which is adjacent to Northwood High School, and a segment of Sligo Creek Stream Valley Park.

Staff proposes to divide the corridor into three planning phases, beginning with the University Boulevard Corridor Plan as phase one. The second phase of planning is anticipated to occur as part of the Silver Spring Communities Plan, led by the Downcounty Planning Division. The Silver Spring Communities Plan will address the portion of University Boulevard inside the Capital Beltway and will update the Silver Spring East Master Plan. A third and final phase for the corridor will include the area between the Wheaton CBD and Kensington-Wheaton plan areas.

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Mr. Yearwood discussed the land use, existing zoning, area demographics, broad planning framework items that will be tackled during development of the Plan recommendations, public facilities, and Parks and Open Spaces.

Mr. Yearwood then explained the public engagement that has been held thus far which included public meetings, several virtual meetings with community stakeholders, meetings with business owners, and Montgomery County Commission on People with Disabilities.

Zubin Adrianvala, Planner III, highlighted the analysis based on public engagement information received by the community, which illustrated the need for biking infrastructure, pedestrian safety, wider protected sidewalks, more street trees, slower traffic, and more crosswalks.

Lastly, Mr. Yearwood described the ULI Technical Assistance Panel that was recently conducted, as well as the projected schedule for the Plan.

The Board asked questions and provided comments regarding how the corridor boundary was defined; relationship of this corridor plan with underlying areas of the corresponding Sector Plans; potential outreach to the elderly communities along University Boulevard; and representation of public feedback in opposition to bicycle lanes.

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

Item 8. Wheaton Downtown Study

Staff Recommendation: Receive briefing on the Wheaton Downtown Study and transmit to the Montgomery County Council

L. Estrada

BOARD ACTION

Motion: Presley/Hill

Vote: 5-0

Other:

Action: Receive briefing on the Wheaton Downtown Study and transmit comments to the Montgomery County Council.

Luis Estrada, Planner III, presented a multi-media presentation regarding the Wheaton Downtown Study. Further information can be found in the Staff Report dated February 10, 2023.

The Wheaton Downtown Study seeks to advance implementation of the 2012 Wheaton Central Business District and Vicinity Sector Plan. It explores how to further Wheaton's economic diversity by strategically leveraging new investment and economic benefits created by large scale redevelopment, while fostering the successful and entrepreneurial nature of the existing small property owners and businesses interested in evolving and adapting. The Study establishes strategies to create a cohesive downtown that integrates recent development with Wheaton's small-scale character while meeting the needs and aspirations of small businesses, property owners, and residents of the Wheaton Central Business District.

Mr. Estrada explained the strategies are based on Staff-led research and analysis, community input, and consultant expertise aimed at progressively enhancing the area to support existing businesses and improve the public realm to attract future investment.

To develop the Study, Staff researched and documented development that has occurred in the last decade, catalogued recent and anticipated public infrastructure investments, and examined individual properties to identify ownership patterns and opportunities. Consultants for economic analysis (Partners for Economic Solutions) and architectural development (Hord Coplan Macht Architects) were also engaged to work with property owners to evaluate redevelopment potential at jointly owned properties of various sizes. Staff also engaged property owners, agency partners, community members, and other stakeholders to evaluate the potential for furthering the vision of the 2012 Plan.

Abigail Ferretti, of Partners for Economic Solutions, gave an overview of the residential market, office market, retail market, and financial feasibility for downtown Wheaton. Overall, Ms. Ferretti stated the market strengths in the area are the accessibility and retail opportunities, which will continue to benefit the retail sector. Ms. Ferretti emphasized the opportunity to build and expand on the arts within Wheaton.

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Ms. Ferretti also discussed the market challenges for the Wheaton area that included the pedestrian environment, few gathering places, the retail parking inconvenience, limited number of events, not fully developed arts and entertainment, and aging retail spaces.

The financial analysis findings highlighted that development costs are high, rents would need to increase 20-28% for new construction, mid-rise buildings have lower costs, and new condominiums would not be feasible to bring in development. Overall, the structured parking is a major cost factor, retail parking ratios are particularly high, and there were some challenges with the community accepting the recently built below-grade parking.

Lastly, Ms. Ferretti discussed the appeal of Wheaton and key points to emphasize for the area which included the need to build the public trust and move at the pace of the public trust, emphasizing the programming, focusing on the Community Development Corporation, and building on the arts and entertainment within the area.

Mr. Estrada then explained the strategies for near-term, mid-term, and long-term visions, as listed in the Wheaton Downtown Study.

Mr. Estrada then explained the vision for the districts including Blueridge, Westfield/Core, Price, and Kensington View/Wheaton Hills would encompass the same priorities as the local strategies.

Lastly, Mr. Estrada stated the implementation of the Study's strategies requires further coordination, collaboration, advocacy, leadership, and investment between public agencies, community stakeholders, and property owners.

The Board asked questions regarding the identification of long-term causes for the office market within the area, suggestions for expanding the arts and entertainment within Wheaton, potential need to push temporary tax credits in order to effect short-term change, pedestrian difficulties, the market gap between market costs and supportive value, and potential sufficient synergies between the Arts Center Capital Improvements Program (CIP) target at the edge of the Downtown Wheaton study area and retailers.

The Board offered comments regarding potential incentives/benefits to residents moving into the area within a certain time period and the need for more mixed-income development to encourage neighborhood change within Wheaton.

Ms. Ferretti offered detailed comments and responses to the Board's questions.

Anita Morrison, Partners for Economic Solutions, offered comments regarding recommendations for the potential development opportunities (the future Arts Center) that should incorporate concepts of linking to the outdoors and encouraging the connection to other areas within Wheaton.

Ms. Morrison offered further comments regarding the parking, the market gap between cost and supportable value which is also being seen across the country, and the performance and potential vision for the Wheaton Mall.

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The Board recommended updates to the arts and entertainment sections of the report, and suggested comments transmitted to the County Council should be updated to reflect the CIP recommendation for the Wheaton Cultural Arts Center.

Item 9. Briefing: Overview of Rental Housing in Montgomery County, MD

Staff will give an overview presentation on rental housing in Montgomery County, MD as presented to the Planning, Housing, and Parks committee on January 30, 2023.

L. Govoni

BOARD ACTION

Motion:

Vote:

Other:

Action: Postponed.

Tanya Stern, Acting Planning Director, noted the presentation will be postponed until the March 2, 2023 Planning Board meeting.