

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APPROVED MINUTES AND SUMMARY

SUMMARY

Thursday, February 2, 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 2, 2023, beginning at 10:10 a.m. and adjourned at 4:20 p.m.

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

Items 1 through 7 were discussed in that order and reported in the attached Minutes.

The Planning Board recessed for lunch at 1:17 p.m., and the Board reconvened in the auditorium and via video conference at 2:00 p.m. to discuss Items 9, 8, and 10 as reported in the attached Minutes.

There being no further business, the meeting was adjourned 4:20 p.m. The next regular meeting of the Planning Board will be held on Thursday, February 9, 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. 8001 Wisconsin Avenue Sketch Plan No. 320210050 – MCPB No. 23-008

BOARD ACTION

Motion: Hill/Piñero

Vote: 5-0

Other:

Action: Adopted the Resolution cited above, as submitted.

2. 8001 Wisconsin Avenue Preliminary Plan No. 120210140 – MCPB No. 23-009

BOARD ACTION

Motion: Piñero/Branson

Vote: 5-0

Other:

Action: Adopted the Resolution cited above, as submitted.

B. Approval of Minutes

BOARD ACTION

Motion:

Vote:

Other:

Action: There were no Planning Board Meeting Minutes submitted for approval.

C. Other Preliminary Matters

MPF Foundation Board of Trustees, New Nominee 2023

Staff Recommendation: Approval

K. Rictor

BOARD ACTION

Motion: Piñero/Branson

Vote: 5-0

Other:

Action: Approved staff recommendation for ratification of the New 2023 Nominee for the MPF Foundation Board of Trustees cited above.

The Board members were enthusiastic and expressed support of the nomination of Catherine Matthews.

Item 2. Record Plats (Public Hearing)

Subdivision Plat No. 220220540, Kefauver Tract – Bradley Hills

R-200 zone; 3 lots; located on the east side of Redwood Avenue, 575 feet south of Bradley Boulevard (MD 191); Bethesda – Chevy Chase Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: Hill/Branson

Vote: 5-0

Other:

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

Subdivision Plat No. 220230120, Grand Park

CR zone; 1 lot; located on the south side of Old Georgetown Road (MD 187), 1200 feet west of Rockville Pike (MD 355); White Flint Sector Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: Piñero/Hill

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)

Clarksburg Chase, Pre-Preliminary Plan, No. 720230020 – Extension Request No. 2 - Request to extend the regulatory review period by three months until May 4, 2023.

A pre-preliminary plan application for 95 dwelling units (69 single-family units and 31 townhouses); located at 22600 Clarksburg Road, northwest quadrant of the intersection of Gosnell Farm Drive and Clarksburg Road; 136.18 acres, RNC zone and Clarksburg West Environmental Overlay zone, 1994 Clarksburg Master Plan & Hyattstown Special Study Area and the 2014 Ten Mile Creek Area Limited Amendment.

The Applicant is requesting binding advice from the Planning Board, regarding 1) Layout and mix of unit type, 2) Access and Circulation and 3) Impervious Calculations.

Staff Recommendation: Approval of the extension request
J. Casey

BOARD ACTION

Motion: Hill/Piñero

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: Received briefing.

Parks Director Mike Riley presented a multi-media presentation regarding the recent presentation Montgomery Parks gave to the Montgomery House Delegation of the General Assembly.

Director Riley highlighted examples of both State and Federal Grants Montgomery Parks received in 2022 totaling upwards of \$15 million that was distributed to support many Parks initiatives, including those in equity focus areas.

Director Riley discussed Program Open Space annual allocations as well as projects from FY 2021 through FY 2023, in which the funds have been used for development of land acquisition and local, regional, and urban parks. Dewey Local Park was noted as a park that was refreshed through Program Open Space funds.

The long-range plan for Montgomery Parks, known as the 2022 Montgomery County Parks, Recreation, and Open Space (PROS) Plan, was discussed as well as the partnership with the Planning department to provide mapping of Park Equity Focus Areas throughout the County.

Many Parks projects both completed or in the design/planning stage were highlighted including: Josiah Henson Museum, The Pit at Fairland Bike Park, Wheaton Adventure Sports Park, Long Branch Parks Initiative, Willett Branch Greenway, Ovid Hazen Wells Recreational Park, Columbia Local Park, Black Hill Regional Park SEED Classroom, and Carroll Knolls Local Park Pump Track. All projects listed were either funded or partially funded by State funds. Director Riley also noted the athletic fields at White Oak Recreation Center and Oakville Elementary School are priorities, but were not included within the State funding.

Lastly, Director Riley noted the outstanding FY 2022 contributions of Park volunteer services and the Whitetail Deer Management program.

The Board asked questions regarding the equity focus areas presented, how community outreach is performed for the Parks Department, and if Long Branch Park will be split into phased projects.

Director Riley offered comments and responses to the Board's questions.

Item 5. 2023 Spring Semiannual Presentation Outline

M. Riley/T. Stern

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing followed by discussion.

Acting Planning Director Tanya Stern and Montgomery Parks Director Mike Riley gave their respective outline overviews regarding the 2023 Spring Semiannual Presentation Outline.

Acting Planning Director Stern presented the Planning Department's outline which included an introduction to the County Council highlighting Thrive Montgomery 2050, specifically focusing on the vision for equitable and complete communities. Acting Director Stern will follow the introduction by discussion and examples for the following topics: equity agenda for planning, Master Plan projects in progress, Master Plans that are about to launch, development review, special studies and projects, and give an updated work program schedule.

The Board offered suggestions regarding emphasizing the Planning Department's expeditious development review as well as noting projects that have been more noteworthy, limiting Historic Preservation discussion to one topic, shorten discussion of No Net Loss discussion regarding the long-range vision for the purpose of mixed-use communities, and the importance of afforestation and inclusion of all types of ecosystems within the County.

Parks Director Riley presented the Montgomery Parks outline which included opening with the Operating Budget overview followed by discussion and examples for the following topics: 2022 Park, Recreation, and Open Space (PROS) Plan, Wheaton Regional Park Master Plan, major CIP project delivery timeline, park refreshers, Long Branch Parks initiative, State and Federal Grants, Park visitation data and trends, athletic fields, trails, program access, sustainability overview, volunteer programs, Enterprise, and awards. Will close with the picture of the plane in the high-tension wires.

The Board offered suggestions regarding noting the Federal grant of approximately \$7.5 million Montgomery Parks received for Vision Zero efforts along trailheads, highlighting the Trail Ambassadors program, the collaboration and teamwork with Montgomery County Public Schools athletic fields, and additional focus on aging-in-place initiatives that cover all demographics.

Item 6. Wheaton Downtown Briefing

Staff Recommendation: Receive briefing on the Wheaton Downtown, including the development progress and public infrastructure investment since approval of the 2012 Wheaton Central Business District and Vicinity Sector Plan.

L. Estrada

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing.

Carrie Sanders, Division Chief of Midcounty Planning, gave a brief introduction for the Wheaton Downtown briefing. Further details can be found in the Staff Report attached to the February 2, 2023 Planning Board Agenda.

Jessica McVary, Planning Supervisor, began with the multi-media presentation by giving a background of the relationship of The Wheaton Downtown Study among other planning initiatives.

Luis Estrada, Planner III, continued with the presentation by providing an overview of Wheaton's demographics and business characteristics. Mr. Estrada explained that downtown Wheaton is home to a very diverse group of small businesses, has a younger age group demographic moving into the area, is a major hub for the metro, and has a lot of appeal to the surrounding communities of the area.

Wheaton is socio-economically diverse and growing more so. It is comprised mainly of Hispanic, African American, Asian, and Non-Hispanic White populations, with the Hispanic population growing most rapidly increasing by four percent since 2010.

Wheaton is comprised mainly of small structures that define the character of the area, and many are individually owned. Of these structures, most small businesses within the area rent the space they occupy, and 84 percent of the small businesses employ nine or fewer employees.

Mr. Estrada described Wheaton's planning history including the vision for the 2012 Wheaton CBD and Vicinity Sector Plan noting the recommendations, density and heights for the Plan area. The development progress within downtown Wheaton as well as the anticipated private development and public improvements within the Plan area will also further fulfill the Plan's vision. Development progress was discussed regarding private development since 2000, development under review, County-owned property, mid-term development opportunities, and long-term potential for development.

The strengths and opportunities of the Wheaton area include regional accessibility, unique character, development potential, County investment, and planned infrastructure improvements. Some challenges in the area include the major roadways throughout the Plan area, comfortable pedestrian connections, public open space, and storefront maintenance.

Montgomery County Planning Board
Public Meeting Minutes of February 2, 2023

Lastly, it was noted that The Wheaton Downtown Study has been comprised of planner expert analysis, community input and outside expert consultation.

The Board asked questions regarding the long-term viability of the Wheaton Mall, the vision for commercial reserve for the future, if Wheaton is overparked, and whether a bicycle census or bicycle study has been done for the area.

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

Item 7. Administrative Subdivision No. 620230010, Donner Property (Public Hearing)

Request to create two lots for two new single-family detached dwelling units and two parcels with covenants for future dedication; on approximately 2.28 acres zoned R-90; within the 2001 Kemp Mill Master Plan area.

Staff Recommendation: Approval with Conditions

A. Lindsey

BOARD ACTION

Motion: Piñero/Presley

Vote: 5-0

Other:

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

Amy Lindsey, Planner III, presented a multi-media presentation regarding the Donner Property. Further details can be found in the Staff Report dated January 20, 2023.

Although this Application is an Administrative Subdivision Plan, typically acted on by the Planning Director, the Application requires a Planning Board public hearing and action because of the correspondence received opposing this Application.

The project proposes two single-family detached residential dwelling units on two lots and two parcels encumbered with a covenant for the future dedication of Grays Lane. Lot 1 is approximately 30,167 square feet with a septic field, septic reserve area, and meets all zoning requirements. Lot 2 is approximately 61,752 square feet and includes a septic field, septic reserve area, Category I Conservation Easement, and meets all zoning requirements. Parcel A is approximately 5,291 square feet and provides for the future dedication of land for Grays Lane to meet the 70-foot right-of-way requirement. Parcel B is a 10-foot wide parcel for future dedication to Montgomery County Parks Department for pedestrian access to Wheaton Regional Park. A turnaround for fire and rescue vehicles incorporates a shared driveway for the new residential units. The proposed development will be served by public water and private septic systems.

Staff received one letter and two phone calls from members of the community opposing the project due to the following issues: impacts on neighbor trees, placement of the septic tanks, expansion of the private road to provide parking for guests, changes in drainage patterns due to grading and road improvement, access issues with Grays Lane, and maintenance and repair of Grays Lane due to construction damage.

Don Schwartz, a neighbor, offered testimony regarding maintaining the area and potential damage to Grays Lane.

Montgomery County Planning Board
Public Meeting Minutes of February 2, 2023

Marilyn Schwartz, a neighbor, offered testimony regarding the nature of Grays Lane as well as the potential future public entrance to Wheaton Regional Park causing parking issues and disruption on Grays Lane.

Richard Shore, a neighbor, offered testimony regarding widening concerns on Grays Lane which could have an impact on the aesthetics. Also concern with public parking along the roadway due to the access into the park.

David W. McKee, of Benning & Associates, on behalf of the Applicant, offered comments regarding the paving of the road.

Soo Lee-Cho, of Bregman, Berbert, Schwartz & Gilday, LLC, offered comments on behalf of the Applicant regarding the private road, property frontage, and eligibility. Ms. Lee-Cho offered further comments regarding the creation of more parking and potential for adjustment.

The Board asked questions regarding the fire access, clarity for potential future public access to Wheaton Regional Park, sufficient resident parking without encroaching into fire access, potential for establishment of relationship for forest conservation mitigation into Wheaton Regional Park, and confirmation from the Applicant to commit to repaving any damage along the private portion of Grays Lane during construction.

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

Irah Donner, the Applicant, confirmed commitment to repair or repave portions of the private paved portion if damaged during construction.

Item 9. Pedestrian Master Plan Progress Briefing

Staff Recommendation: Receive briefing

E. Glazier

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing.

Jason Sartori, Division Chief of Countywide Planning & Policy, introduced the team and Eli Glazier, Multimodal Transportation Planner III, presented a multi-media presentation regarding the Pedestrian Master Plan progress and explained the elements of the Plan's forthcoming working draft. Further details can be found in the Staff Report dated January 26, 2023.

The Pedestrian Master Plan is Montgomery Planning's first comprehensive vision to create safer, more comfortable experiences walking or rolling around the county, and to make getting around more convenient and accessible for every pedestrian.

Since work began on the Pedestrian Master Plan in fall 2019, Montgomery Planning has held numerous in-person and virtual community engagement events and activities, designed and distributed a survey to 60,000 households, and collected and analyzed commute and crash data to have a deeper understanding of the issues important to pedestrians of all backgrounds, ages, and types of mobility. Once approved, the Plan recommendations, supported by data, will transform how our entire region thinks about and plans for the pedestrian experience.

The Pedestrian Master Plan provides detailed, actionable recommendations in line with national and international best practices to improve the pedestrian experience, from more and better places to cross the street to a data-driven, equity-focused approach to identifying the county's future pedestrian/bicycle capital investments.

Mr. Glazier stated the Plan vision is supported by four goals that include: increase walking rates and pedestrian satisfaction; create a comfortable, connected, convenient pedestrian network; enhance pedestrian safety; and build an equitable and just pedestrian network.

Mr. Glazier continued by giving an overview of the Plan's progress thus far as well as some of the Plan's major milestones including: the Countywide Pedestrian Survey carried out in November 2020, the Pedestrian Audit Toolkit published in September 2021, and the Existing Conditions Report published in March 2022. Mr. Glazier further highlighted the data sources which the Existing Conditions Report relies upon including the Countywide Pedestrian Survey, Pedestrian Level of Comfort Mapping Analysis, Student Travel Tally, and the 2015-2020 Pedestrian Crash Analysis.

Mr. Glazier and Multimodal Transportation Supervisor, David Anspacher, discussed the recommendations included within the Plan listed as follows: Design, Policy, and Programming;

Montgomery County Planning Board
Public Meeting Minutes of February 2, 2023

Bicycle and Pedestrian Priority Area Prioritization; Complete Streets Design Guide Area Type Designations; and Pedestrian Infrastructure including pedestrian shortcuts and county sidepaths.

Lastly, Mr. Glazier presented the overall Plan outline as well as the proposed timeline and next steps.

The Board asked questions regarding the mapping of the Pedestrian Level of Comfort tool, if the Pedestrian Plan will target short-term or long-term pedestrian issues, the extent to which the pedestrian changes will be evaluated, potential future discussion for signage and distracted walking/driving, and correlation between plan approval and implementation.

Staff offered responses to the Board's questions.

Item 8. Second briefing on the Mapping Segregation Project. Staff requests any comments prior to transmittal to County Council.

B. Kraft/J. Liebertz

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing followed by discussion and comments to transmit to the County Council.

Rebeccah Ballo, Benjamin Kraft, and John Liebertz presented a multi-media presentation regarding a second briefing on Phase 1 of the Mapping Segregation Project. Further details can be found in the Staff Report dated January 26, 2023.

Rebeccah Ballo, Historic Preservation Supervisor, began the briefing by providing a recap of the previous the working draft of the "Racial Restrictive Covenants, Black Homeownership, and HOLC Loans in the Downcounty Planning Area" report and project mapping tool presented to the Planning Board on December 1, 2022. The report presented the historic context regarding the various forms of legal prejudicial housing practices that existed in the United States prior to adoption of the Fair Housing Act (1968) and results of the research and documentation of land records. The team accomplished the initial project goal to research and map the trend of racial restrictive covenants within the Downcounty Planning Area, and then analyzed property, people, and lender specific information to develop a narrative describing the pervasiveness of racial discrimination in Montgomery County real estate and building practices. Newspaper articles produced regarding the project has also led to increased communication with neighboring governmental agencies, organizations both regionally and nationally, and residents.

Following the previous briefing to the Board, the project team reviewed the initial findings and determined that no clear analysis could directly connect racial restrictive covenants alone with present-day housing and demographic conditions in Montgomery County. Population shifts, transportation improvements, immigration, and insufficient data to conduct statistically accurate comparisons, among other factors that occurred after racial restrictive covenants became unenforceable have complicated the ability to determine the lasting impacts of covenants.

Benjamin Kraft, Planner III, continued with an overview describing the long legacy of racial restrictive covenants, but noted it is difficult to pinpoint where the legacy still resides within specific neighborhoods. While the rapid demographic changes of the past 50 years may have obscured a direct correlative through line from the enactment of deed covenants to present day housing conditions, the era of broad-based systemic racism in which they were created cannot be put aside as either unrelated or inconsequential in understanding how racism can be manifested through private actions in real estate and through cultural practices at the community and neighborhood level.

Montgomery County Planning Board
Public Meeting Minutes of February 2, 2023

Mr. Kraft proceeded by showing a series of maps portraying the differences between areas with no racial restrictive covenants and areas with racial restrictive covenants. The two maps presented included the Chevy Chase Village Tract and the New Hampshire Estates Census Tract.

John Liebertz, Historic Preservation Planner III, offered comments regarding the history of Chevy Chase. Although the mapping tool may not portray racial restrictive covenants for Chevy Chase, Mr. Liebertz discussed the many techniques and discriminatory practices that occurred in which other types of covenants were enforced within the area.

Lastly, racial restrictive covenants were but one piece of a larger effort to deny people of color ownership and opportunities in the suburbs. The accumulation of all the various prejudicial acts by developers, property owners, and government led to the patterns of segregation that still effect our communities.

The Board offered suggestions regarding connecting the discriminatory practices from the time period studied to events that have happened since and contributed to the presently built environment, offering easily accessible information to residents regarding home ownership, and excluding overall statement relating to lack of correlation.

Commissioner Branson emphasized the existence of racial restrictive covenants is but one indicia among a panoply of practices in the Jim Crow Era that excluded black people from land and home ownership.

Acting Director Stern and staff offered comments to the Board's conversation and suggestions.

Item 10. Briefing on the Master Plan for Historic Preservation: Goals, Policies, Designated Resources; Amendment Procedures; Chapter 24A; the Locational Atlas; Role of the Historic Preservation Commission in Master Planning

R. Ballo

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing.

Rebecca Ballo, Historic Preservation Supervisor, presented a multi-media presentation regarding the Master Plan for Historic Preservation. Further details can be found in the Staff Report dated January 26, 2023.

Ms. Ballo gave an overview of what historic preservation does and what it does not do. The Historic Preservation Office supports the Planning Board and the Historic Preservation Commission by providing for the identification, designation, and regulation of historic sites in Montgomery County. Historic Preservation staff also maintain an archive and library of documentation on historic resources in Montgomery County and provide preservation outreach and guidance on preservation best-practices to the public.

Ms. Ballo continued by discussing the National Register of Historic Properties, the Locational Atlas of Historic Sites, Chapter 24A: Historic Resources Preservation, and the Master Plan for Historic Preservation.

The National Register of Historic Properties is a federal list of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture. Properties listed under the Maryland or National Registries are also eligible for state and federal tax credits for certain interior and exterior rehabilitation projects. There are 86 resources in the county listed in the National Register of Historic Places and examples include: C&O Canal, Seneca Stone Quarries, Brookeville Historic District, Carderock Springs Historic District, Rachel Carson House, and the Walker Prehistoric Village Archaeological Site.

The Planning Board then created the Locational Atlas and Index of Historic Sites in 1976. The Locational Atlas includes resources that are potentially significant and provides partial protection from demolition and substantial alteration until the resource or district is evaluated for the Master Plan for Historic Preservation. There are 13 Locational Atlas Historic Districts and 130 Locational Atlas Historic Site resources, with the majority being farmsteads.

The County Council adopted the Master Plan for Historic Preservation (a functional master plan with countywide application) in 1979, and Chapter 24A of the Montgomery County Code governs how Historic Preservation in Montgomery County is conducted. Currently, there are 454 Master Plan historic sites and 25 Master Plan historic districts within Montgomery County.

Montgomery County Planning Board
Public Meeting Minutes of February 2, 2023

Ms. Ballo then discussed the major differences in local designations between the Locational Atlas and Index of Historic Sites and the Master Plan for Historic Preservation. Ms. Ballo also highlighted the role of the Historic Preservation Committee (HPC), which is comprised of 9 members appointed by the County Executive with the confirmation of the County Council, with regard to Master Planning efforts. The designation process was outlined, and environmental settings examples were also presented to the Board.

Lastly, many examples of adaptive reuse and redevelopment of Master Plan Sites and Locational Atlas Sites in Silver Spring were presented to show the range of possibilities and level of flexibility once a site has been designated.

The Board commented about the need to update the Master Plan for Historic Preservation, Locational Atlas and Index of Historical Sites.