

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APPROVED MINUTES AND SUMMARY

SUMMARY

Thursday, February 23, 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 23, 2023, beginning at 9:08 a.m. and adjourned at 5:45 p.m.

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

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

Vice Chair Presley was necessarily absent for Items 1 through 4 and 6. She joined the Planning Board meeting during Item 5 at 11:59 a.m.

The Planning Board recessed for lunch at 1:02 p.m. during Item 5 and reconvened in the auditorium and via video conference at 1:50 p.m. to finish Item 5 and discuss Items 7 through 10 and Item 12 as reported in the attached Minutes.

Vice Chair Presley was necessarily absent for Items 10 and 12.

There being no further business, the meeting was adjourned 5:45 p.m. The next regular meeting of the Planning Board will be held on Thursday, March 2, 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. Battery Lane District Site C, Site Plan No. 820220230, MCPB No. 23-011

BOARD ACTION

Motion: Hill/Piñero

Vote: 4-0

Other: Vice Chair Presley absent.

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

Item 2. Record Plats (Public Hearing)

Subdivision Plat No. 220220810, Cabin Branch

CR (formerly MXPD) zone; 1 lot; located on the south side of Little Seneca Parkway, 600 feet east of Cabin Branch Avenue; Clarksburg Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220221030, Falconhurst

RE-1 zone; 1 parcel; located on the north side of River Road (MD 190), 1200 feet east of Persimmon Tree Road; Potomac Sub-Region 2002 Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220221130 – 220221180, PSTA

CR zone; 97 lots, 12 parcels and right of way dedication; located in the southwest quadrant of the intersection of Great Seneca Highway (MD 119) and Key West Avenue (MD 28); Great Seneca Science Corridor Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: Branson/Piñero

Vote: 4-0

Other: Vice Chair Presley absent.

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

Item 3. Regulatory Extension Requests (Public Hearing)

Edgemoor, Administrative Subdivision No. 620230060, Extension Request No. 1 - First Extension Request to extend the review period from March 14, 2023 to September 29, 2023. R-60 zone, 0.96-acres, within the 1990 Bethesda Chevy Chase Master Plan area; request to create two lots for one single-family dwelling unit on each lot. Located at 7611 Fairfax Road in Bethesda, approximately 100ft S of Wilson Lane.

Staff Recommendation: Approval of the Extension Request

T. Gatling

BOARD ACTION

Motion: Branson/Piñero

Vote: 4-0

Other: Vice Chair Presley absent.

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

Item 4. Roundtable Discussion

Planning Director's Report
T. Stern

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing.

Acting Planning Director Tanya Stern introduced the historic preservation team, Rebecca Ballo (Historic Preservation Supervisor), Kacy Rohn (Historic Preservation Planner II), and Darrell Godfrey (Graphic Designer Communications), to give an overview of the historic markers program.

Montgomery Planning and Montgomery Parks as well as the Communications Department have collaborated to place Remarkable Montgomery: Untold Stories markers. These markers are a new initiative for the Historic records department. The Remarkable Montgomery: Untold Stories initiative is designed to bring the stories to the forefront, that have often been overlooked and marginalized in the telling of Montgomery County's History.

Ms. Rohn gave an overview of the Remarkable Montgomery: Untold Stories markers highlighting two markers, out of the four, that highlight black history within Montgomery County.

The first marker, titled The Beltway March of 1966: A Call for Housing Justice, will be placed (in English and Spanish) in a pedestrian walkway near the entrance of the Forest Glen Metro. This marker commemorates the movement led by J. Charles Jones, a veteran's civil rights activist who led other peaceful protests in the Nation. While in Maryland he formed ACCESS: Action Coordinating Committee to End Segregation in the Suburbs, and coordinated a 66-mile/4-day March around the Capital Beltway to draw attention to the housing segregation that kept black residents out of the suburbs. Progress was finally made in July of 1967, when the Montgomery County Council adopted a fair housing ordinance.

The second marker will be placed in Wheaton Veterans Park and commemorates a very powerful local African American Homestead in Wheaton, Maryland. With this marker there is an attempt to catch the broad sweep of the family's history while focusing on the achievements of two of its members, Elsie S. Horad and Romeo W. Horad, Sr., whose brick home is the center of the marker.

Ms. Rohn described the history of the Webster and Sewell families, and stated that in April 1894 Jane and Charles Webster bought an acre of land along the country road that became University Boulevard. Later, in 1938, the brick home at 2118 University Boulevard West was built for their granddaughter, Elsie Sewell Horad, and her husband, Romeo W. Horad, Sr. Over the years the families developed several homes, an orchard, barns, smokehouse, chicken house and a playhouse for grandchildren. The home and farm were a gathering place for the family as well as the African

Montgomery County Planning Board
Public Meeting Minutes of February 23, 2023

American community for several generations. The family included trailblazing figures, a schoolteacher, a doctor, a lawyer, and a civil rights activist.

All Remarkable Montgomery: Untold Stories markers will have the same logo. The markers will be approximately 2 feet by 3 feet, and other markers will be translated on the website, which will be accessible through a QR code. The goal is to move towards onsite translations on markers in the future. Installation and ribbon cutting of the markers is projected for the Spring of 2023. Ms. Rohn further stated the stories can also be found in more detail on the Planning Board website under www.montgomeryplanning.org/remarkablemontgomery.

Tanya Stern, Acting Planning Director, also noted this program is entirely in house by collaboration between the Planning and Parks departments.

Item 6. Ourisman Ford at Montgomery Mall, Site Plan Amendment No. 82009014C (Public Hearing)

Request to modify Condition No. 10 (to reflect removal of the sound fence) and make other minor revisions to the approved site plan; located at the northeast corner of the intersection of Motor City Drive and Westlake Terrace in Bethesda; on approximately 4.08 acres zoned CRT-2.5 C-1.5 R-2.0 H-150; within the 2017 Rock Spring Sector Plan area.

Staff Recommendation: Approval with Conditions

E. Tettelbaum

BOARD ACTION

Motion: Piñero/Hill

Vote: 4-0

Other: Vice Chair Presley absent.

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

Emily Tettelbaum, Planner III, presented a multi-media presentation regarding Ourisman Ford at Montgomery Mall. Further information can be found in the Staff Report dated February 13, 2023.

The Subject Property is surrounded by a mix of existing commercial, institutional, multi-family residential, office, and retail uses. Immediately to the north of the Property is an existing multi-story office building with a surface parking lot, and to the east across the I-270 spur is the Rock Spring Office Park. Across Westlake Terrace is the Westfield Montgomery Mall site including the Transit Center with Metrobus and Ride On buses is located to the south. A United States Post Office and Home Depot store are located to the northwest and west, respectively. Further to the west, condominiums and townhouses are located on the west side of Westlake Drive, along with the entrance to the Cabin John Regional Park.

On October 5, 2018, the Planning Board approved Site Plan Amendment No. 82009014B to allow 355,822 square feet of residential development with 343 dwelling units in a multi-unit building, which is currently under construction. Despite the Applicant's diligent efforts, both Maryland Department of Transportation (MDOT), State Highways Administration (SHA), and Potomac Electric Power Company (Pepco) have denied the Applicant's request to install sound fencing within either the MDOT/SHA right-of-way adjacent to the Property or the Pepco easement on the Property.

Roma Malkani, Individual, offered testimony regarding the noise level from inside her existing office building, front entrance to the building, and severe traffic congestion.

The Board asked questions and commented on the following: timeframe between the beginning of construction and rejection of sound barrier/fencing location, internal noise abatement, exterior noise levels, changes to the stormwater management facilities, and traffic patterns around the building.

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

Montgomery County Planning Board
Public Meeting Minutes of February 23, 2023

Phillip Hummel of Miles & Stockbridge offered comments on behalf of the Applicant regarding timeline of events involving the fence and communication between the Applicant, SHA, and Pepco. Mr. Hummel further stated coordination between the Applicant and Pepco began in 2017, and it was not until May 2022 that SHA stated the fence would not be granted within the right-of-way.

Cassie Schupp, of Foulger Pratt, offered comments regarding building structure and construction.

Chris Karner, of Acoustics & Technology Consulting, offered comments regarding the sound barrier and interior model for the building.

Item 5. Master Plan for Historic Preservation Amendment (Public Hearing)

Worksession, Public Hearing, and Action on an Amendment to the Master Plan for Historic Preservation and Listing in the Locational Atlas & Index of Historic Sites. Weller’s Dry Cleaning (8237 Fenton Street, Silver Spring) and Edward U. Taylor School (19501 White Ground Road).

Staff Recommendation: Staff recommends approval the Public Hearing Draft Plan and approval of the listing of both resources to the Locational Atlas & Index of Historic Sites.

J. Liebertz

A. BOARD ACTION

Motion: Hill/Branson

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval to list the Edward U. Taylor School in the Locational Atlas & Index of Historic Sites.

B. BOARD ACTION

Motion: Hill/Presley

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval to transmit recommendation to the County Council for Amendment to the Master Plan for Historic Preservation to include the Edward U. Taylor School for historic designation.

C. BOARD ACTION

Motion: Hill/Zyontz

Vote: 2 Yea (Hill, Zyontz) and 3 Nay (Branson, Piñero, Presley)

Other:

Action: Motion to approve Staff recommendation to list Weller’s Dry Cleaning in the Locational Atlas & Index of Historic Sites failed; Weller’s Dry Cleaning will not be listed on the Locational Atlas & Index of Historic Sites.

D. BOARD ACTION

Motion: Presley/Branson

Vote: 3 Yea (Branson, Piñero, Presley) and 2 Nay (Hill, Zyontz)

Other:

Action: Denied Staff recommendation for approval to transmit recommendation to the County Council for Amendment to the Master Plan to include Weller’s Dry Cleaning for historic designation.

E. BOARD ACTION

Motion: Presley/Piñero

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval of the Public Hearing Draft as the Planning Board Draft and transmit to the County Council.

Montgomery County Planning Board
Public Meeting Minutes of February 23, 2023

John Liebertz presented a multi-media presentation regarding an Amendment to the Master Plan for Historic Preservation and listing in the Locational Atlas & Index of Historic Sites. Further information can be found in the Staff Report dated February 16, 2022.

The Maryland-National Park and Planning Commission approved the resolution to adopt the *MARC Rail Communities Sector Plan* in 2019. The plan recommended staff, "...evaluate the Edward U. Taylor Science Materials Center for designation as an historic site to commemorate its role as one of the few modern schools constructed in Montgomery County for black students during the era of segregation."

On October 12, 2022, the Historic Preservation Commission (HPC) recommended that the Planning Board list the Edward U. Taylor Elementary School in the Locational Atlas & Index of Historic Sites and requested that the County Council approve an amendment to the Master Plan for Historic Preservation to designate the school as a Master Plan Historic Site.

The Maryland-National Park and Planning Commission approved the resolution to adopt the *Silver Spring Downtown and Adjacent Communities Plan* in 2022. The plan recommended Staff study Weller's Dry Cleaning for listing in the Master Plan for Historic Preservation and encouraged the adaptive reuse of the building if the occupant and use changed.

On December 7, 2022, the HPC recommended that the Planning Board list Weller's Dry Cleaning in the Locational Atlas & Index of Historic Sites and requested that the County Council approve an amendment to the Master Plan for Historic Preservation to designate the building as a Master Plan Historic Site.

Staff gave a multimedia presentation and gave an overview of the history for both the Edward U. Taylor Elementary School and Weller's Dry Cleaning.

Staff noted the Edward U. Taylor Elementary School satisfies three designation criteria as listed in 24A-3 of the County Code including 1.A, 1.D, and 2.E. Staff also determined that Weller's Dry Cleaning satisfies two designation criteria as listed in 24A-3 of the County Code including 2.A and 2.E.

Additionally, Staff finds that designating the properties and environmental settings as detailed in the Public Hearing Draft Plan and Attachments 2 and 3 is consistent with master plan guidance and in the benefit of the public interest.

The following individuals offered testimony:

- Karen Burditt (Vice Chair of Montgomery County Historic Preservation Commission) - Offered testimony for both Weller's Dry Cleaning and the Edward U. Taylor School.
- Gary Mosesman (MCPS) - Offered testimony regarding the Edward U. Taylor School.
- Dan Seamans (Boyd's Civic Association) - Offered testimony regarding the Edward U. Taylor School.
- Joan Taylor Kelly (Individual) - Offered testimony regarding the Edward U. Taylor School.

Montgomery County Planning Board
Public Meeting Minutes of February 23, 2023

- Rita Prather (Edward Taylor Alumna) - Offered testimony regarding the Edward U. Taylor School.
- Miriam Schoenbaum (Boyd's Historical Society) - Offered testimony regarding the Edward U. Taylor School.
- Della (Turner) Douglas (Individual) - Offered testimony regarding the Edward U. Taylor School.
- Bekelech Deleagne (Property Owner) - Offered testimony regarding Weller's Dry Cleaning.
- Steve Knight (Individual) - Offered testimony regarding Weller's Dry Cleaning.
- Mary Reardon (Community Association Representative) - Offered testimony regarding Weller's Dry Cleaning.
- Deborah Chalfie (Art Deco Society of Washington) - Offered testimony regarding Weller's Dry Cleaning.
- Liz Brent (Individual) - Offered testimony regarding Weller's Dry Cleaning.
- Dan Reed (Greater Greater Washington) – Offered testimony regarding Weller's Dry Cleaning.
- Alan Hess (Individual) – Offered testimony regarding Weller's Dry Cleaning.
- Marcie Stickle (Individual) – Offered testimony regarding Weller's Dry Cleaning.
- George French (Individual) – Offered testimony regarding Weller's Dry Cleaning.
- Carter Dougherty (Individual) – Offered testimony regarding Weller's Dry Cleaning.
- Dagmawi Lakew (Individual) – Offered testimony regarding Weller's Dry Cleaning.
- Noah Lakew (Individual) – Offered testimony regarding Weller's Dry Cleaning.
- Bob Bachman (Individual) – Offered testimony regarding Weller's Dry Cleaning.
- Eileen McGuckian (Montgomery Preservation Inc) - Offered testimony for both Weller's Dry Cleaning and the Edward U. Taylor School.
- Han Combs (Individual) – Offered testimony regarding Weller's Dry Cleaning.
- Helen C. Wilkes, AIA (Individual) - Offered testimony regarding Weller's Dry Cleaning.

The Board asked questions and held discussion regarding the Edward U. Taylor School. Questions were asked regarding the designation of the entire site, potential to exclude the recreation area from the environmental setting, as well as clarity regarding what outbuildings could be demolished.

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

The Board further suggested to include amendment regarding the demolition of outbuildings, as well as recommendation to the County Council for additional consideration and determination that the entire site not be included within the environmental setting for designation.

The Board asked questions and held discussion regarding Weller's Dry Cleaning. Questions were asked regarding the benefits historic designation would offer the owners, potential restrictions or fees incurred if designated historic, if other Google-style architecture has been designated historic within Montgomery County, and potential for designation of the sign only or building façade.

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

Montgomery County Planning Board
Public Meeting Minutes of February 23, 2023

Vice Chair Presley asked questions and stated that she had missed some of the earlier testimony and presentations. Accordingly, the Board determined that Vice Chair Presley should have an opportunity to review the video before participating in deliberations and decision-making. At that time, Commissioner Hill moved, and Commissioner Piñero seconded, with a vote of 5-0, with Chair Zyontz, Vice Chair Presley, and Commissioners Branson, Hill and Piñero voting in favor, to continue further consideration until after lunch to provide Vice Chair Presley time to review testimony received when she was necessarily absent.

Upon reconvening, and Vice Chair Presley's review of the earlier proceedings, the Board held further discussion regarding Weller's Dry Cleaning, followed by recommendations and votes as cited above.

Item 7. Preston Place: Preliminary Plan No. 120220130 and Site Plan No. 820220180 (Public Hearing)

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

A. Preliminary Plan No. 120220130 - Request to subdivide one parcel and four lots to create 147 lots and 16 parcels for 156,132 square feet of residential development for up to 147 single-family attached (townhouse) units, with Waiver of distance for residential roads paralleling railroads per Section 50.4.3.E.1.f.

B. Site Plan No. 820220180 – Request to construct 147 single-family attached (townhouse) units with 15% MPDUs and associated site features.

Staff recommendation: Approval with Conditions

A. Bossi/G. Bogdan

BOARD ACTION

Motion: Branson/Piñero

Vote: 4-0

Other: Vice Chair Presley absent.

Action: Approved Request for Continuance until the March 9, 2023 Planning Board meeting.

Chair Zyontz noted the Applicant would like to request a continuance for the cases cited above. 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 regarding the request for Continuance.

Item 8. Proposed Amendments: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan Proposed Category Map Amendments

County Council's November 2022 Seven Water/Sewer Service Category Change Requests
Staff Recommendation: Transmit Comments to County Council

K. Nelson

BOARD ACTION

Motion: Hill/Piñero

Vote: 5-0

Other:

Action: Approved staff recommendations for deferral or denial of Seven Water/Sewer Service Category Change Requests; transmit comments to the County Council in a transmittal letter to be drafted at a later date.

Commissioner Hill disclosed previous experience as a Municipal Commissioner with the City of Rockville with water/sewer service change requests but stated the knowledge he has would not give way to any biases that would exclude his participation on the requests below.

Katherine Nelson, Planner III, presented a multi-media presentation regarding seven water/sewer service change requests. Further details can be found in the Staff Report dated February 17, 2023.

The seven Water/Sewer service category change requests are listed below as follows:

WSCCR 22-TRV-01A: National Sikh Heritage Trust- The water and sewer plan generally excludes the RE-2 and other low-density zones from access to the public sewer system. Although one of the two properties is adjacent to the Lower Greenbriar Branch subdivision, which was built using a pressure sewer system, the 2002 Potomac Subregion Master Plan excludes this part of the sewer envelope from the peripheral service policy which allows limited extensions in other locations. Thus, this property is not eligible for access to public sewer service. *Staff Recommendation: Deny S-3, Maintain S-6*

The Board asked if there would be trenching and destruction to forest on the property, as well as the possibility for septic on the property.

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

Komal Kaul, Eric McKim, Amy Eber and Gilbert Terrier, all Adjacent Owners, offered testimony regarding request WSCCR 22-TRV-01A (National Heritage Trust).

Ms. Nelson gave an overview of the Glen Hill area in which the following six water/sewer requests fall under. Due to the complexity of the area, the Master Plan mandated the Glen Hill Sewer Study.

At this time, Alan Soukup, Montgomery County Department of Environmental Protection (MCDEP), summarized the Glen Hill Sewer Study conducted by MCDEP and DPS. Mr. Soukup stated development within the neighborhood primarily occurred during the 1950's and 1960's

under different septic regulations than are required currently. The conditions of the area have made it difficult to determine suitable replacement septic areas for some of the properties, and septic systems required currently would not be accepted as well. The Glen Hill Sewer Study examined a variety of potential limitations within the Glen Hill area in order to make recommendations to the County Council. Ultimately, the recommendation from the 2002 Master Plan stated the only reason to provide new sewer service within the area would be for documented public health problems, such as failed septic systems. The Glen Hill Sewer Study was completed in 2012, and as a result, it was determined the entire neighborhood does not have a septic problem area. Properties within this area can request public sewer on a case by case basis due to the peripheral sewer service policy, but the entire neighborhood is not necessarily eligible for public sewer.

WSSCR 22-TRV-04A: Jonathan Maizel, the applicant, has requested approval of sewer category S-3. This 2.02-acre, RE-1-zoned lot is adjacent to the Potomac sewer envelope as shown in the 2002 Potomac Subregion Master Plan at a single point. However, the Master Plan's peripheral sewer policy is intended for "properties which already abut existing or proposed mains and on properties which can be serviced by sewer extension within public rights-of-way". WSSC has indicated an 850-foot-long sewer extension would be required to serve the property. This considerable infrastructure extension does not meet the intention of the peripheral sewer policy. *Staff Recommendation: Deny S-3, Maintain S-6*

WSSCR 22-TRV-13A: Arthur Eisenhour, the applicant, has requested approval of sewer category S-1 to allow for public sewer service for an existing single-family home. This property is 0.92-acres in size and zoned RE-1. The property is located at the periphery of the planned public sewer service envelope. To qualify for the Potomac Peripheral Service Policy, the property must at a minimum abut or confront the 2002 Potomac Subregion Master Plan sewer envelope. The applicant has requested a sewer category change from S-6 to S-3 to allow for the provision of public sewer service for an existing single-family house. Although the property is adjacent to the Jasmine Hill Terrace properties, which are within the planned sewer envelope, it is within a different subdivision and on another street. The policy is intended to provide service to properties that are part of a contiguous area. *Staff Recommendation: Deny S-1, Maintain S-6*

WSSCRs 22-TRV-05A (Sinay), 22-TR-06A (Rao), & 22-TRV-09A (Reinhold): Each of these three applicants has requested a sewer category change from S-6 to S-3 to allow for the provision of public sewer service for an existing single-family house. The lots total 6.77 acres in size and are zoned RE-1. The applicants have requested approval for public sewer service under the Potomac peripheral sewer service policy. The part of the planned public sewer service envelope adjacent to these properties is within the City of Rockville, not the recommended 2002 Potomac Subregion Master Plan sewer service area. The planned sewer service envelope in the City has no relationship to properties outside the City in the County. *Staff Recommendation: Defer S-3 pending the State's concurrence with the 2022 update of the Water and Sewer Plan.*

WSSCR 22-TRV-10A: Max Shevitz, the applicant, has requested a sewer category change from S-6 to S-3 to allow for the provision of public sewer service for an existing single-family house. The lot totals 3.48 acres in size in the RE-1 Zone. The applicant has requested approval for public sewer service under the Potomac peripheral sewer service policy. The property is within the City

Montgomery County Planning Board
Public Meeting Minutes of February 23, 2023

of Rockville public water/sewer service area, not the Washington Suburban Sanitary District (WSSD). As such, the provision of public service depends on the City, not the County. *Staff Recommendation: Defer S-3, pending development of an annexation agreement for the property with the City of Rockville.*

Item 9. Tregoning Property, Pre-Preliminary Plan No. 720220020 (Public Hearing)

Application to obtain binding direction from the Planning Board on the Hoffman Drive connection, the off-site connection to Damascus Recreational Park, and the location and distribution of MPDUs; located on Kings Valley Road, west of Preakness Drive; 17.81 acres; RE-1 zone; 1994 Clarksburg Master Plan & Hyattstown Special Study Area.

Staff Recommendation: Approval with Conditions

J. Server

A. BOARD ACTION

Motion: Hill/Branson

Vote: 5-0

Other:

Action: Approved staff recommendation for approval of the Pre-Preliminary Plan cited above, with binding two options for Hoffman Drive connection, which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.

B. BOARD ACTION

Motion: Hill/Piñero

Vote: 5-0

Other:

Action: Approved staff recommendation for approval of the Pre-Preliminary Plan cited above, with binding location and distribution of MPDUs, which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.

Jeffrey Server, Planner III, presented a multi-media presentation regarding the Tregoning Property. Further information can be found in the Staff Report dated February 13, 2023.

The Tregoning Property is composed of two existing parcels, Parcel 104 and Parcel 617. Both parcels are zoned RE-1 and located southwest of the intersection of Kings Valley Road and Preakness Drive in Clarksburg. Parcel 104 (“Subject Property”) is a triangular shaped parcel that is the primary focus for development within this Pre-Preliminary Plan Application (“Application”). Parcel 617 is an irregularly polygonal-shaped parcel that will remain in its existing state. Surrounding properties are predominantly residential in character with single-family detached residential houses on a mix of lot sizes.

The Applicant is proposing to develop Parcel 104, using Optional Method with MPDUs, for a total of 44 dwelling units (37 single-family detached dwelling units and seven duplex/triplex MDPUs) on 17.81 acres. Under the Optional Method of Development, a minimum of 15 percent MPDUs is required. Combined, both parcels are allotted a total density of 46 dwelling units (Parcel 104 with 22 units and Parcel 617 with 24 units). Twenty dwelling units would be transferred from Parcel 617 to Parcel 104, with Parcel 617 retaining the two remaining development rights on 19.80 acres. The 37 single-family detached dwelling units will be sited on 9,000 sq. ft. lots, while the seven MPDUs will be located within two duplexes and a single triplex, each with building massing

similar to the single-family detached houses. Recreational facilities will be provided within the development as well as a connection to existing facilities within Damascus Recreational Park.

Mr. Server noted the Applicant is seeking binding decisions from the Planning Board on the issues of: 1) the Hoffman Drive connection; 2) the off-site connection to Damascus Recreational Park; and 3) the layout and distribution of Moderately Priced Dwelling Units (MPDUs).

Tammy Cheraghi, Adjacent Property Owner, offered testimony.

Mary Gene Martin, Sweepstakes Home Owners Association, offered testimony on behalf of the Sweepstakes community.

Gina King, Individual, offered testimony.

Kate Kubit of Elm Street Development, the Applicant, gave an overview of Elm Street Development and offered comments regarding the site, the pre-preliminary plan as well as modifications that will be addressed during the preliminary plan and site plan process.

Bob Harris of Lerch, Early & Brewer offered comments on behalf of the Applicant regarding concerns with Staff's proposed Hoffman Road connection and off-site shared-use path along Kings Valley Road to provide a pedestrian connection to Damascus Recreational Park.

The Board asked questions regarding the off-site shared-use path and potential for an alternative connection to Damascus Recreational Park, additional cost incurred on the developer per unit due to the bikeway path, potential layouts for Hoffman Drive connection to Preakness Drive, and MPDU compatibility issues.

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

Henry Coppola, Development Review Coordinator, offered comments and responses regarding the proposed shared-use connection to Damascus Recreational Park.

Patrick Butler, Division Chief of Upcounty Planning, explained that the shared-use path extension was viewed as a way to provide a safe off-site pedestrian connection to Damascus Recreational Park.

Mr. Butler further noted the off-site shared-use path could be removed as a binding condition for the project. The Board, by consensus, declined to include the shared-use path as a binding condition.

Item 10. Review of County Executive’s FY23 Capital Budget and FY23-28 CIP – Transportation

Review of transportation elements of the County Executive’s Recommended FY23 Capital Budget and FY23-FY28 Capital Improvements Program (CIP)

Staff Recommendation: Transmit comments to County Council

S. Aldrich

BOARD ACTION

Motion: Approved by consensus.

Vote:

Other: Vice Chair Presley absent.

Action: Approved staff recommendation by consensus to transmit comments for the transportation elements of the County Executive’s Recommended FY23 Capital Budget and FY23-FY28 Capital Improvements Program (CIP) to the County Council, as stated in transmittal letter to be drafted at a later date.

Steve Aldrich, Transportation Planner IV, presented a multi-media presentation regarding the County Executive’s Recommended Capital Budget and Transportation Capital Improvements Program (CIP). Further information can be found in the Staff Report dated February 16, 2023.

Mr. Aldrich then gave an overview of the County Capital Budget Process and summarized the recommended amendments and changes to the FY23-28 CIP compared to the approved FY23-28 CIP.

Mr. Aldrich stated the transportation funding in the County Executive’s Recommended FY24 Capital Budget and Amendments to the 6-year CIP shows a \$89 million reduction compared to the Approved FY23-28 CIP. This reduction, which is approximately 5.4 percent, is largely due to significant budget increases for Montgomery County Public Schools and other non-transportation projects and a corresponding reduction in transportation funding within the CIP.

Mr. Aldrich noted the project most impacted by the reduction in transportation funding is the Capital Crescent Trail tunnel, which would replace the underpass that existed beneath Wisconsin Ave (MD 355) until 2017 when Purple Line construction began. With the proposed schedule in this Recommended Capital Budget, the tunnel would not meet opening day estimates for the Purple Line (FY27).

Mr. Aldrich then gave an overview of two new projects recommended to be added to the CIP, seven projects recommended with major funding decreases, and three transportation concerns not addressed in the County Executive’s recommendations. Mr. Aldrich also noted one transportation project in the Board’s Top 100 list shows no changes to funding but has a two-year delay.

The two new projects recommended to be added to the CIP included the Farm Women’s Market Parking Garage and the new Transit Maintenance Depot.

The projects recommended with major key CIP funding reductions included the Capital Crescent Trail, Observation Drive Extended, Summit Avenue Extension, Falls Road bikeway and pedestrian facility, Bradley Boulevard bikeway and pedestrian facility, and Goldsboro Road bikeway and pedestrian facility.

The Forest Glen passageway has no change in CIP funding but will incur a two- year delay.

The three major transportation concerns not addressed in the CIP included the Aspen Hill Bicycle-Pedestrian Priority Area Project, the Systemic Safety Countermeasure Program, and bike racks.

Therefore, Mr. Aldrich presented the Planning Department's four recommendations listed in order of priority, which included:

1. Capital Crescent Trail (P501316): It is critical that this project be completed to coincide with the completion of the Purple Line (now scheduled for FY27). The proposed delay in this project's schedule beyond FY28 is unacceptable. Given the uncertainty of state aid, Staff recommends that budget adjustments to other lower-priority projects be made to fully fund this project to ensure that it will be constructed by FY27.
2. Aspen Hill Bicycle-Pedestrian Priority Area Project: Fund a new project to implement the safety recommendations in the Aspen Hill Vision Zero Study.
3. Systemic Safety Countermeasure Program: Initiate a funding program focused on systemic improvements that address crash risks identified in the Predictive Safety Analysis.
4. Bike Racks: Create a new program to upgrade deficient bike racks at all public libraries and recreation centers over the next two years and expand and upgrade bicycle parking availability at all public schools over a ten-year period.

Jason Sartori, Division Chief of Countywide Planning & Policy, noted the role of Planning Staff and the Planning Board is to help identify County transportation priorities.

The Board held discussion and asked questions regarding how much the County Council has implemented the recommendations, what information is provided with the recommendations to convey priority connections to the County Council, and where Upcounty priorities fall in the list of priorities.

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

The Board further suggested a change to recommendations priorities listed as follows:

1. Aspen Hill Bicycle-Pedestrian Priority Area Project
2. Systemic Safety Countermeasure Program
3. Bike Racks
4. Capital Crescent Trail

The Board also suggested providing detail for the description for the Capital Crescent Trail as to why the delay is unacceptable.

Item 12. ZTA 23-01 and Bill 06-23 Sharing Economy Rental (Public Hearing)

ZTA 23-01 establishes a new Accessory Residential Use called Sharing Economy Rental, establishes limited use standards for the use, and allows this use as a limited use in all zones.

Bill 06-23 Establishes a new chapter of the County Code, Chapter 25C, providing the framework for license applications, renewals, suspensions, and revocations for Sharing Economy Rentals.

Staff Recommendation: Transmit Comments to County Council. (Action required for County Council public hearing on 03/7/2023)

B. Berbert

BOARD ACTION

Motion: Hill/Branson

Vote: 4-0

Other: Vice Chair Presley absent.

Action: Approved staff recommendation to transmit comments to the County Council, as stated in transmittal letter to be drafted at a later date.

Ben Berbert, Planner III, presented a multi-media presentation regarding Zoning Text Amendment (ZTA) 23-01 and Bill 06-23. Further information can be found in the Staff Report dated February 16, 2023.

ZTA 23-01 and Bill 6-23 were introduced on January 31, 2023, by Councilmember Jawando. ZTA 23-01 and Bill 6-23 define, authorize, and regulate the business of hourly rentals of private residential property. ZTA 23-01 establishes a new use for Sharing Economy Rental under the Accessory Residential Uses section and establishes limited use standards for the use. Bill 6-23 establishes a licensing authority under the Department of Health and Human Services, including application criteria and processes for approval, renewal, suspension, and revocation.

Mr. Berbert gave an overview of both ZTA 23-01 and Bill 6-23 as introduced as well as analysis for recommendations regarding the standards within ZTA 23-01. Planning staff is amenable to the following Sharing Economy Rental standards as introduced within ZTA 23-01, which were based on the standards for Short-Term Residential Rental Use, listed as *b, c, e, and h*. Mr. Berbert then noted the standards in which staff had recommendations that included *a, d, e, f, and g*.

Mr. Berbert also noted staff recommended incorporating a daily restriction (1 event per day), or use the number of rental events as a substitute for the number of rental days under standard *d*; standardizing language between Chapters 59 and 25C; and removing standards (*c* and *h*) involving ownership or owner responsibility from Chapter 59.

ZTA 23-01 will also have an indeterminate impact on greenhouse gas (GHG) emissions, and on adaptive capacity, and a small positive impact on community resilience.

In conclusion, Planning staff recommends the Planning Board transmit a memo to the District Council in support of ZTA 23-01 and Bill 6-23 with comments including: concerns regarding a

Montgomery County Planning Board
Public Meeting Minutes of February 23, 2023

one size fits all set of standards based on the Short-Term Residential Rental use; and the need for there to be key distinctions for the size of rentals and location on a property.

The Board asked questions regarding the licensing, oversight and enforcement, and the standards for when an activity within a residential setting becomes commercial.

The Board also offered comments regarding the need for clarity for owner-authorized resident language, confusion regarding the “Sharing Economy Rental” term, and the need to clarify the standard for parking.

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

Tanya Stern, Acting Planning Director, also offered comments regarding need for clarity or further description for the terms “owner-authorized resident” and “Sharing Economy Rental”.