

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APPROVED MINUTES AND SUMMARY

SUMMARY

Thursday, February 9, 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 9, 2023, beginning at 9:03 a.m. and adjourned at 1:04 p.m.

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

Debra Counsel Debra Borden introduced Michael Aniton, the new Deputy Counsel for the Office of General Counsel, and gave a brief overview of his career background as well.

Items 1 through 5, 7, 8, and 6 were discussed in that order and reported in the attached Minutes.

There being no further business, the meeting was adjourned 1:04 p.m. The next regular meeting of the Planning Board will be held on Thursday, February 16, 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

Corrected Resolution for Chevy Chase Center Site Plan Amendment 82001021J MCPB No. 22-085

BOARD ACTION

Motion: Presley/Branson

Vote: 5-0

Other:

Action: Adopted the Corrected Resolution cited above, as submitted.

B. Approval of Minutes

1. Minutes for January 19, 2023

BOARD ACTION

Motion: Hill/Presley

Vote: 4-0

Other: Commissioner Branson was absent.

Action: Approved Planning Board Meeting Minutes of January 19, 2023 with revisions.

2. Minutes for January 26, 2023

BOARD ACTION

Motion: Branson/Hill

Vote: 5-0

Other:

Action: Approved Planning Board Meeting Minutes of January 26, 2023 with revisions.

3. Closed Session Minutes for January 19, 2023.

BOARD ACTION

Motion:

Vote:

Other:

Action: The Board postponed approval of the Planning Board Closed Session Meeting Minutes of January 19, 2023 to a future date.

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. 220220960, Section 4, Kenwood

R-90 zone; 1 lot; located on the north side of Kenwood Avenue, 300 feet west of Brookside Drive; Bethesda – Chevy Chase Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: Branson/Piñero

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)

Reddemeade: Preliminary Plan No. 120190010 – Regulatory Review Extension Request No. 2 - Request to extend the regulatory review period from February 13, 2023, to June 1, 2023

Application to create six (6) lots for six detached houses; located at 1701 Ednor Road; 32.85 acres; RC Zone; 1997 Cloverly Master Plan.

Staff Recommendation: Approval of the Extension Request

R. Sigworth

BOARD ACTION

Motion: Hill/Presley

Vote: 5-0

Other:

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

Flats at Knowles Station Preliminary Plan Amendment No. 12021003A & Site Plan Amendment No. 82021003A Extension Request No. 2 - Request to extend the regulatory review period for the Preliminary Plan Amendment and Site Plan Amendment for 90-days, from February 12, 2023 to May 13, 2023.

The Application proposes to amend previously approved live/work units to a hotel use and add rooftop amenity spaces to the project; on approximately 0.84 acres of land zoned CRT-1.5, C-1.0, R-0.5, H-60; located on 10509 Summit Avenue; within the 2012 Kensington Sector Plan area.

Staff Recommendation: Approval of the Extension Request

T. Leftwich

BOARD ACTION

Motion: Branson/Piñero

Vote: 5-0

Other:

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

The Board asked questions regarding need and reasoning for extension request as well as the change in building type.

Tom Brault, the Applicant offered responses to the Board's questions.

Staff offered responses to the Board's questions as well.

Item 4. Roundtable Discussion

Planning Director's Report

T. Stern

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing.

Acting Planning Director Tanya Stern presented a multi-media presentation regarding an update on Bill 104-23, the M-NCPPC Restructuring Task Force bill. Acting Director Stern noted the Planning Department, the Montgomery County House Delegation of the Maryland General Assembly, and the County Executive agreed to form a workgroup by May 1, 2023, to examine the County's development review process and recommend possible improvements. This workgroup is expected to hold three community listening sessions, one of which Montgomery Planning will host, and have public working sessions. The workgroup will then deliver a report to the Montgomery County Delegation by October 15, 2023. As result of this agreement, the Montgomery County Delegation voted to not move forward with Bill 104-23, the M-NCPPC Restructuring Task Force bill.

The Board asked questions regarding workgroup representation, if the workgroup will be an oversight of the development review process, and if the Planning Board will have the opportunity to review details and recommendations made by the workgroup.

Acting Director Stern offered comments and responses to the Board.

Acting Director Stern also discussed the recent Urban Land Institute (ULI) Washington Technical Assistance Panel (TAP) for the University Boulevard Corridor Plan, which occurred February 7, 2023 and February 8, 2023. ULI Washington convened development, design, transportation, and real estate experts from around the region to explore opportunities to transform the corridor into a more multimodal, thriving, and livable community for residents, employees, and students. After touring the corridor between Wheaton and Four Corners and meeting with stakeholders, the TAP presented recommendations to staff and community members. ULI Washington will also produce a report that will be accessible by the public as well.

Item 5. Pedestrian Master Plan Working Draft Acceptance

Staff Recommendation: Accept the Working Draft as the Public Hearing Draft and set the Public Hearing date.

E. Glazier

BOARD ACTION

Motion: Branson/Hill

Vote: 5-0

Other:

Action: Approved staff recommendation for approval of the Working Draft of the Pedestrian Master Plan as the Public Hearing Draft.

BOARD ACTION

Motion: Branson/Piñero

Vote: 5-0

Other:

Action: Approved staff recommendation to set Public Hearing Date for March 23, 2023 at 6:00 p.m.

Eli Glazier, Multimodal Transportation Planner III, presented a multi-media presentation regarding the working draft of The Pedestrian Master Plan. Further information can be found in the Staff Report dated February 2, 2023.

The Pedestrian Master Plan is Montgomery County's first comprehensive master plan dedicated to making walking or rolling (with a mobility device) safer, more comfortable and more accessible throughout the county. Today, walking or rolling conditions vary greatly in different parts of Montgomery County. Some roads and intersections are safer and more accessible than others.

To create a high-quality walking environment throughout the county, 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 explained the plan vision is supported by the following four goals: to 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 then gave an overview of comments received thus far including: removing verbs from headings, adding text to the plan abstract explaining what Master Plan the Pedestrian Plan supersedes, adding additional references to Thrive Montgomery 2050, assigning unique identification of BiPPAS on the interactive map, clarifying legibility of figure 3, "rolling" as a term of art, additional Emphasis on "Last Mile", and determining how amenable the State Highway Administration (SHA) may be toward granting the County more control of state highways.

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Mr. Glazier continued by discussing the Plan timeline as well as encouraging Public Hearing testimony.

The Board asked questions regarding the “rolling” terminology, why the Plan included bicycling as there is a separate Bicycle Master Plan, and if the Pedestrian Plan includes recommendations focused on the population that walk slower such as older individuals, people with disabilities, or young children.

The Board also offered comments regarding encouraging the younger population to walk to school, potential educational objectives, other avenues for outreach to encourage participation at the public hearing, and what could be done to regulate pedestrians.

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

Item 7. Silver Spring Downtown and Adjacent Communities Plan: Design Excellence

Staff will request approval of revised Silver Spring Downtown and Adjacent Communities Plan Design Guidelines and revised Silver Spring Downtown Design Advisory Panel Rules of Procedure.

Staff recommendation: Approval of Design Guidelines and Design Advisory Panel Rules of Procedure

A. Margolies

BOARD ACTION

Motion: Branson/Presley

Vote: 5-0

Other:

Action: Approved staff recommendation to approve Silver Spring Downtown and Adjacent Communities Plan Design Guidelines as amended during the hearing.

BOARD ACTION

Motion: Hill/Branson

Vote: 5-0

Other:

Action: Approved staff recommendation to approve the Design Advisory Panel Rules of Procedure as amended.

Atara Margolies, Planner III, presented a multi-media presentation regarding the revised Silver Spring Downtown and Adjacent Communities Plan Design Guidelines and revised Silver Spring Downtown Design Advisory Panel Rules of Procedure. Further information can be found in the Staff Report dated February 2, 2023.

On January 26, 2023, the Planning Board accepted public comment on the Draft Design Guidelines, and staff reviewed all comments received and discussed responses with the Planning Board.

Ms. Margolies noted the revised Design Guidelines document has been provided, supported by a separate document detailing all substantive text revisions. Several editorial revisions were also made to the document. Additional Public comments were received February 7, 2023 and February 8, 2023, and Ms. Margolies gave a brief overview of comments for the following sections: 2.3.4 Parking; 1.2.2 Design Guidelines Flexibility; 2.1.2 Street Types Guidelines; 2.3.5 Adaptive Reuse of Buildings; and 3.4.3 Heights Along Eastern Avenue.

The Board offered comments regarding section 1.2.2 Design Guidelines Flexibility and suggested different use of text/wording.

Staff offered comments and responses as well as agreement for removal of “better” from the text.

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In addition, on January 26, 2023, Staff presented the nominees for the Silver Spring Downtown Design Advisory Panel (DAP) and the DAP Draft Rules of Procedure. The Planning Board approved the nominee panel but asked that additional information be added to the Draft Rules of Procedure outlining the conduct of a DAP meeting.

Ms. Margolies also gave a brief overview of the revised Rules of Procedure.

Item 8. County Executive’s Recommended Biennial FY23-28 Capital Improvements Program and FY24 Capital Budget for the Department of Parks (Public Hearing)

Staff Recommendation: Transmit response to County Executive request for an affordability reduction to the Biennial FY23-28 CIP to the County Council and County Executive Applicant R. Peele

BOARD ACTION

Motion: Presley/Piñero

Vote: 5-0

Other:

Action: Approved staff recommendation to transmit response to the County Executive’s request for an affordability reduction to the Biennial FY23-28 CIP to the County Council and County Executive.

Andrew Frank, Division Chief of Park Development, presented a multi-media presentation regarding the County Executive’s Recommended Biennial FY23-28 Capital Improvements Program (CIP) and FY24 Capital Budget. Further information can be found in the Staff Report dated February 6, 2023.

On May 26, 2022, the County Council adopted the Montgomery Parks FY23-28 CIP with a total 6-year budget of \$274,747,000. On November 29, 2022, the County Council approved a Supplemental Appropriation to the FY23-28 CIP for the new Bethesda Lots 10-24 Parks Project Description Form (PDF) P872302 with a total 6-year budget of \$9,432,000 funded with a combination of State aid, intergovernmental contributions, and Bethesda Park Impact Payments. Most recently, on January 17, 2023, the County Executive issued his Recommended CIP, which added an Affordability PDF that decreased General Obligation (GO) Bonds by \$500,000 each year between FY26 and FY28, for a total reduction of \$1.5 million.

The Parks Department reviewed the requested funding reduction and did not find any projects that could be reduced without impacting our intended work program. However, to be responsive to the County Executive’s request, Parks identified a non-recommended reduction in Legacy Open Space (PDF P018710) of \$500,000 per year of County General Obligation (GO) Bonds in FY26, FY27, and FY28, as well as shifting that funding into the Beyond Six Years (BSY) to balance the FY23-28 CIP with the Affordability PDF. The impact of this reduction constrains the amount of funding Parks will have for this land acquisition program. It may also reduce the ability to execute acquisition transactions as opportunities arise, as well as delay implementation of a program that has protected over 3,850 acres of land to date.

The Board asked questions and offered comments regarding other Parks programs that could possibly have funding cut, the need for not only short-term acquisition vision but mid-term and long-term vision as well, and unforeseen opportunities for park acquisition as well as need to request Supplemental Appropriation.

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

Item 6. Rustic Roads Functional Master Plan Update – Work Session #3

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

J. Pratt/R. Duke

BOARD ACTION

Motion: Branson/Presley

Vote: 5-0

Other:

Action: **Approved Rustic Roads Functional Master Plan Update with approved revisions as the Planning Board Draft and transmit to the County Council.**

Jamey Pratt, Planner III and Roberto Duke, Planner III, presented a multi-media presentation regarding the Rustic Roads Functional Master Plan Update. Further details can be found in the Staff Report dated February 6, 2023.

Work Session Number 3 included discussion of the following: continuation of previous Work Session items with sizeable discussion about bridges, focus primarily on public testimony received concerning the composition and duties of the Rustic Roads Advisory Committee (RRAC), and a final vote on the Plan. The following list was presented:

Continuation of Work Sessions Number 1 and Number 2:

Individual Road Recommendations

Awkard Lane - Planning Staff and the Planning Board reached a consensus during the second work session that the road meets some of the criteria necessary for a rustic designation, primarily because it is within the historic Holly Grove community, but to be designated, a road must meet all the criteria.

Staff continued to recommend that Awkard Lane not be designated rustic.

Kacy Rohn, Historic Preservation Planner II, offered comments and responses regarding potential historic marker/plaque.

The Board offered discussion regarding Awkard Lane, and ultimately agreed not to designate the road as rustic, but to add language to the Plan for a potential marker/plaque regarding the history of Awkard Lane and Holly Grove.

Bridges

Bridges as Significant Features

Introduction Chapter: Staff recommends removing the current second sentence of the Bridges section of the Introduction Chapter and replacing it with revised text. Staff also recommends

adding another new paragraph after the current second paragraph to explain how maintenance and improvements are handled.

The Board offered discussion regarding potential conflict of text when describing the width of the bridge deck must be compatible with the width of the road, when later text throughout the Plan states a bridge should be replaced to resemble what they are historically.

Staff offered comments and responses.

The Board and Staff discussed additional wording such as “the width of the road at the approach of the bridge”. The Board agreed with the addition of the suggested wording for bridges along rustic roads.

Implementation Chapter: The Planning Board asked for legislative clarity—that is, a change to Chapter 49, “Streets and Roads”—on how to treat bridges on rustic roads whether they have been designated significant features or not.

Staff has changed the word “maintenance” to “improvements” to be consistent with the use of the two terms in the Executive Regulations, and the Board agreed with Staff’s recommendation.

Executive Regulation – Bridge Improvements: Staff agreed to return to the third work session with proposed language for the amendment to Chapter 49. Because of the unique characteristics of each bridge, it is difficult to formulate a revision to Chapter 49 that adequately covers the expected treatment of each bridge. Although the current Executive Regulations regarding bridges on rustic roads, when combined with the required review by the RRAC, are well suited to protect these important features, Staff suggests the following changes to avoid unnecessary limits when improvements are necessary on the more “ordinary” bridges: additional text at the end of the Section 49-78, subitem (d), where significant features are defined.

The Board and Staff also agreed to omit the word “special” from the second sentence of the additional text Staff drafted.

Dedicated Funding for Rustic Road Maintenance

Staff received testimony regarding dedicated funding for the maintenance of rustic roads. The RRAC also submitted a letter in support.

The Board offered discussion regarding outlines for funding, and noted such funding outlines should be represented the same way in all Master Plans.

Acting Director Stern and Staff offered comments and responses.

Staff does not propose any plan changes to address maintenance funding as MCDOT and/or the County Executive should determine maintenance funding. The Board agreed on inclusion of a general statement for exploration of appropriate funding levels, not necessarily a dedicated funding source.

Other Comments Received

MCDOT

The RRAC asked for confirmation of publicly posting MCDOT's comments. Staff noted MCDOT's comments were previously included on the Planning Board agenda website for the January 5, 2023 work session as "Attachment 1" under Item 8.

DBU Policy

Staff proposed a new section discussing DBUs be added to the Introduction Chapter in the Related Plans, Programs, and Policies Section. Staff also proposed text for a Plan recommendation to be added to the Implementation Chapter. The Board agreed with Staff's recommendations.

Road Widths

Staff proposed clarifying text in the Road Characteristics section of the Road Profiles Chapter to address concerns regarding the road width ranges, and to add a plan recommendation to the Implementation Section that MCDOT should document road widths before action.

Drainage

In the staff report for the second work session, Staff committed to revising Recommendation 13 to be more explicit in its reference to the "Drainage" section of the Executive Regulations. The RRAC requested additional language regarding ditches, storm drains, and culverts.

Staff proposed revised text to the introductory text in the Drainage section. Staff also proposed revisions to the Implementation Chapter for Recommendation 13 regarding drainage, as well as a new Plan recommendation after Recommendation 13 regarding culverts, including MCDOT as the agency responsible for inspections.

The RRAC also requested that MCDOT provide the committee with their inventory of culverts so that the Committee can help identify blocked culverts along rustic roads.

Staff does not support this request or that the RRAC add identifying blocked culverts as another responsibility as it is the responsibility of MCDOT.

The Board agreed that RRAC should also receive an inventory of culverts for anyone to inspect.

Board suggested and staff agreed to change text on page 10 of the Staff Report beginning with "The criteria for rustic roads do not exclude roads from the program if such features exist, but their presence should not be used as the sole reason to remove a road from the program.", by removing the word "but" from the sentence and adding a semicolon.

Design Exceptions

The RRAC requested additional note that the Federal Highway Administration allows design exceptions be reinserted in the new combined recommendation regarding design exceptions.

Staff does not support this request, and the Board agreed with Staff's recommendation.

RRAC Membership and Duties

The Rustic Roads Advisory Committee (RRAC), with support from other groups and individuals, proposed that the number of members of the RRAC be expanded from seven to nine members, and that the 50 percent farm income requirement for the farmer members on the committee be removed. Several groups and individuals from the County's agricultural community are opposed to the RRAC's proposal.

Staff received much testimony opposed to the proposed changes to the RRAC Committee.

RRAC Membership and Membership Criteria

Staff does not support eliminating the income requirement for the three farmer members.

To add diversity to the Committee while continuing to give commodity farmers a strong voice, Staff recommended increasing membership to nine members with revisions to Sections 49-80 that outline each of the nine members qualifications as follows:

1. Three members who operate commercial farmland earning 50 percent or more of their income from farming, one of whom is a representative of the Agricultural Advisory Committee (AAC) and has been recommended to the County Executive by the AAC;
2. One member who grows primarily table crops along a rustic road;
3. One member who knows rural preservation techniques through practical experience and training, is an expert in tourism or historic sites along the roads, or is a member of a religious institution on a rustic road;
4. One member who knows roadway engineering through practical experience and training;
5. One member who lives in an area where there are rustic roads;
6. One member who operates an agritourism business, such as a winery, brewery, farm stand, or recreation or entertainment venue on a rustic road;
7. One member who regularly uses the roads to engage in or reach places for outdoor recreation, such as to bike, boat, kayak, hike, fish, ride horses, or go birding.

The Board held discussion regarding the proposed revisions to criteria proposed by Staff, the 50 percent earning requirement, the seat reserved for the AAC, the possibility of more at-large seats with less mandating of criteria, omitting religious institution from the rural preservation criteria, and leaving the County Executive to determine diversity.

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Laura Van Etten, Chair of the RRAC, suggested withdrawal of the RRAC's request to revise the criteria.

Acting Director Stern and Patrick Butler, Chief of Upcounty Planning, offered comments regarding Staff's revised qualifications as an effort to expand on criteria in order to incorporate more diversity within the committee.

Commissioner Branson moved to accept Staff's recommendation to increase RRAC membership to nine members with Commissioner Pinero seconding the motion with a vote of 5-0; with Chair Zyontz, Vice Chair Presley, and Commissioners Branson, Hill and Pinero voting in favor.

Commissioner Branson then moved to accept the Staff's recommendation for three of the nine members operate commercial farming earning 50 percent or more of their income from farming, with one officially designated by the AAC and recommended to the County Executive by the AAC.

Commissioner Hill offered a friendly amendment, accept by Commissioner Branson, to keep the three farming member seats with an additional farming member seat added which would be officially designated by the AAC without enforcement of the earning requirement.

Therefore, the RRAC members would be comprised of the following:

- 1) three farming members required to earn 50 percent or more of their income from farming,
- 2) one farmer member officially designated by the AAC who would not need to meet the 50 percent earning requirement,
- 3) one member with rural preservation qualifications,
- 4) one member with roadway engineering qualifications, and
- 5) three at-large seats.

The Board agreed by consensus to accept the above criteria for the RRAC committee.

Duties of the Committee

Staff recommended that Chapter 49 be amended to specify and be more explicit as to the duties of the RRAC. The Board agreed with Staff's recommendation with the elimination of "courtesy" duties.

Full-time Staff Member

Staff received testimony suggesting that there should be a fulltime staff person dedicated to the Rustic Roads Program to work with and support the volunteers on the RRAC. Staff offered responses and confirmed Darcy Buckley of MCDOT is the current designated liaison.

Staff does not recommend a full-time position for the Rustic Roads Program, and the Board agreed with Staff's recommendation.

“Stakeholders”

The RRAC requested revising the Plan language that refers to the RRAC as one of the “stakeholders” of the Master Plan and the Rustic Roads Program, arguing that their role is to “oversee and promote” the Program as mentioned in the Plan.

Staff does not recommend the change to language in the Plan, and the Board agreed with Staff’s recommendation.