

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APPROVED MINUTES AND SUMMARY

SUMMARY

Thursday, March 16, 2023

2425 Reedie Drive
Wheaton, MD 20902
301-495-4605

The Montgomery County Planning Board met in regular session via Microsoft Teams video conference on Thursday, March 16, 2023, beginning at 9:01 a.m. and adjourned at 11:09 a.m.

Present were Vice Chair Roberto Piñero, and Commissioners Shawn Bartley and James Hedrick.

Chair Jeff Zyontz and Commissioner Mitra Pedoeem were necessarily absent.

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

There being no further business, the meeting was adjourned 11:09 a.m. The next regular meeting of the Planning Board will be held on Thursday, March 23, 2023, in the Wheaton Headquarters Building in Wheaton, Maryland, and via video conference.

Rachel Roehrich

Rachel Roehrich
Technical Writer/Legal Assistant

MINUTES

Item 1. Preliminary Matters

A. Adoption of Resolutions

1. Corso Chevy Chase Forest Conservation Plan H-148 MCPB No. 23-020
2. 14511 Jones Lane 11996072A MCPB No. 23-023

BOARD ACTION

Motion: Hedrick/Bartley

Vote: 3-0

Other: Chair Zyontz and Commissioner Pedoeem absent.

Action: Adopted the Resolutions 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. 220221050, Oakmont

R-200 zone; 6 lots, 1 parcel; located on the north side of Central Avenue, 150 feet east of Oakmont Street; Great Seneca Science Corridor Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: Bartley/Hedrick

Vote: 3-0

Other: Chair Zyontz and Commissioner Pedoeem absent.

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

Item 3. Regulatory Extension Requests (Public Hearing)

The Diener School, Preliminary Plan No. 120230040, Extension Request No. 1 – Request to extend the review period from March 16, 2023 to July 28, 2023.

R-60 zone, 2.52-acres, within the 1990 Bethesda Chevy Chase Master Plan area; Request to subdivide part of two parcels to create one lot of 106,616 square feet for the conversion of an existing office use to a school use for up to 120 students and 66 Staff members. Located at 9312 Old Georgetown Road in Bethesda, approximately 550ft N of Alta Vista Road.

Staff Recommendation: Approval of the Extension Request

T. Gatling

BOARD ACTION

Motion: Bartley/Hedrick

Vote: 3-0

Other: Chair Zyontz and Commissioner Pedoeem absent.

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

7126 Wisconsin Avenue, Sketch Plan Amendment, Preliminary Plan, Site Plan, Extension Request No. 2 - Request to extend the review period from March 30, 2023 to May 25, 2023, to resolve site design items and make the final submission.

A. Sketch Plan No. 32019003A: Request to amend the previous approval to add the property at 4708 Bethesda Avenue into the proposal, and to increase the proposal’s Bethesda Overlay Zone density allocation. Located at the southwest quadrant of the intersection of Bethesda Avenue and Wisconsin Avenue; zoned CR-3.0 C-3.0 R-2.75 H-225, CR-3.0 C-3.0 R-2.75 H-200 and Bethesda Overlay Zone; 2017 Bethesda Downtown Sector Plan.

B. Preliminary Plan No. 120230020: Request to consolidate four properties into a single lot for up to 330 multi-family residential units and up to 9,000 square feet of commercial uses. Located at the southwest quadrant of the intersection of Bethesda Avenue and Wisconsin Avenue; zoned CR-3.0 C-3.0 R-2.75 H-225, CR-3.0 C-3.0 R-2.75 H-200 and Bethesda Overlay Zone; 2017 Bethesda Downtown Sector Plan.

C. Site Plan No. 820230020: Request to develop a 418,332 square-foot mixed-use building, up to 225 feet in height, comprised of up to 409,332 square feet of multi-family residential uses for a maximum of 330 units with 15 percent MPDUs, and up to 9,000 square feet of commercial uses, with 280,497 square feet of Bethesda Overlay Zone (BOZ) density and associated PIP payment. Located at the southwest quadrant of the intersection of Bethesda Avenue and Wisconsin Avenue; zoned CR-3.0 C-3.0 R-2.75 H-225, CR-3.0 C-3.0 R-2.75 H-200 and Bethesda Overlay Zone; 2017 Bethesda Downtown Sector Plan.

Staff recommendation: Approval of Extension Request

A. Bossi

BOARD ACTION

Motion: Bartley/Hedrick

Vote: 3-0

Other: Chair Zyontz and Commissioner Pedoeem absent.

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

Arora Estates: Preliminary Plan No. 120230050, Regulatory Review Extension Request No. 1 - Request to extend the regulatory review period by four months until August 13, 2023. Application to create a four-lot subdivision for four single-family detached units; located at the southwest quadrant of Boswell Lane and Glen Mill Road; RE-2 zone, 2002 Potomac Subregion Master Plan.

Staff Recommendation: Approval of the Extension Request

P. Estes

BOARD ACTION

Motion: **Bartley/Hedrick**

Vote: **3-0**

Other: **Chair Zyontz and Commissioner Pedoeem absent.**

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

The Board asked questions regarding reason for length of time requested for particular extension, and Staff offered comments and responses.

Item 4. Roundtable Discussion

Parks Director's Report
M. Riley

BOARD ACTION

Motion:

Vote:

Other: Chair Zyontz and Commissioner Pedoeem absent.

Action: Received briefing.

Montgomery Parks Director Mike Riley offered a multi-media presentation providing an overview of the large diverse Parks System of Montgomery County including Parks leadership, Park plans Park funding, popular Parks activation events, and Park projects.

Director Riley discussed Montgomery Parks organizational and leadership structure including the Montgomery Parks Foundation, which helps to raise money to support the parks.

The Parks, Recreation, and Open Space (PROS) Plan and Green Tree Report were highlighted, and Director Riley also noted the State and Federal Grants Montgomery Parks have received totaling approximately \$15 million. The funding received from the State and Federal Grants has been used for: Legislative Bond Initiatives, Local Parks and Playgrounds Grants, Community Project Funding, and the Land and Water Conservation Fund.

Director Riley noted a few Parks activation events which included the Sunday Serenade, Acoustics and Ales, Petals and Paws, Parks Ale Trail, Roller Disco, and The Rocky Horror Picture Show. These events are a few of the many Parks activation events Montgomery Parks offers, and the Parks activation events have been extremely successful.

Park refreshers such as Edith Throckmorton Neighborhood Park, Montgomery Parks involvement with Montgomery County Public Schools to improve school athletic fields, and Parks sustainability efforts were also discussed.

Lastly, Director Riley provided information regarding the Bethesda Women's Farm Market project, which had the first community meeting on March 15, 2023. The meeting had 115 members of the community attend and engage to provide input for potential visions of the future park at the location.

The Board offered comments and asked questions regarding Montgomery Parks involvement with pools and aquatic centers throughout Montgomery County, function of the Montgomery Parks Foundation, providing a summary of the Bethesda Women's Farm Market project, and participation in Montgomery County Heritage Days specifically relating to the one-room schoolhouse in Poolesville.

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

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The Board further noted interest in meeting more Parks Staff as well as a future tour of parks of interest.

Item 5. Larsen Property, Administrative Subdivision Plan No. 620230030 (Public Hearing)

Administrative Subdivision Plan to convert a parcel (P657) into three (3) lots for three (3) single family detached dwelling units; located at 10420 Oaklyn Drive Potomac; 7.18 acres; RE-2 zone; 2002 Potomac Subregion Master Plan.

Staff Recommendation: Approval with Conditions

A. Duprey

BOARD ACTION

Motion: Hedrick/Piñero

Vote: 2-0-1 (Commissioner Bartley abstained)

Other: Chair Zyontz and Commissioner Pedoeem absent.

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

Alexandra Duprey, Planner II, presented a multi-media presentation regarding the Larsen Property. Further information can be found in the Staff Report dated March 3, 2023.

The Application proposes to convert a 7.18-acre parcel into three buildable lots. Two of the proposed flag lots are intended for two new single-family detached dwelling units and a shared driveway. Lot 3, as proposed, contains the existing single-family home, which has access to the road via an existing private easement across the properties abutting Oaklyn Drive and the Subject Property. The existing gravel drive, basketball court, and barn will be removed. The existing home and the proposed two new houses are to be served by public water and sewer, and stormwater management goals will be met with micro bioretention areas north of the proposed houses.

The Applicant submitted a request for a tree variance in a letter dated January 17, 2023, and proposes to remove two trees and impact but retain six trees, and none of the protected trees are located within forest.

Staff received one letter during the review of the Project, concerned with buffering the shared driveway of the proposed lots from the Montessori school property, with a board-on-board fence. Currently, there is an existing split rail fence at this location. As fence requirements are not part of the Subdivision Regulations, this issue has been raised to the Applicant, and Staff encouraged the two neighbors to find an acceptable solution for both parties. One additional email from the community was received with questions regarding zoning and potential construction of a roadway.

The Board asked questions regarding sufficient access for emergency vehicles, driveway construction, engagement with parents of the Montessori school, fencing, and conversations with Montessori school concerning the fencing issue.

Staff, including Robert Kronenberg, Deputy Director of Planning and Patrick Butler, Chief of Upcounty Planning, offered comments and responses to the Board's questions, as well as

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suggesting an additional condition requiring a discussion to be held during the pre-construction meeting with DPS regarding potential temporary fencing during construction.

Michael Norton of Norton Land Design, on behalf of the Applicant, offered comments regarding the project, driveway construction, and fencing issue proposed by the Montessori School.

Commissioner Hedrick made a motion to approve with the additional condition regarding the pre-construction meeting to address safety concerns as well as potential screening and temporary fencing during construction.

Item 6. Safe Street Act of 2023 Briefing

Staff Recommendation: Receive briefing on Safe Street Act of 2023 and transmit comments to County Council

E. Glazier

BOARD ACTION

Motion: Hedrick/Bartley

Vote: 3-0

Other: Chair Zyontz and Commissioner Pedoeem absent.

Action: Received briefing and approved Staff recommendation to transmit comments, as amended, to the County Council in a transmittal letter to be drafted at a later date.

Jason Sartori, Chief of Countywide Planning and Policy, gave a brief overview regarding occasional legislative bills where the Planning Board's and/or Planning Department's participation is not necessarily required, but are brought before the Board for the opportunity to transmit comments to the County Council if relevant to Planning's work program.

Eli Glazier, Transportation Planner III, presented a multi-media presentation regarding Bill 11-23: The Safe Streets Act of 2023. Further information can be found in the Staff Report dated March 9, 2023.

Mr. Glazier provided a brief description of Bill 11-23 which improves pedestrian safety and enhances pedestrian priority in the areas of the County with the greatest volumes of pedestrians. The bill also aligns with recommendations in the Public Hearing Draft of the Pedestrian Master Plan and aims to advance the County's Vision Zero goals.

The bill requires an infrastructure review for pedestrian-related collisions within school zones across the County, prohibits drivers from making a right turn on red on certain County roads, requires the implementation of a Leading Pedestrian Interval (LPI) at crosswalks in the County's Downtowns and Town Centers, and requires the County Executive to provide and regularly update an automated traffic enforcement plan.

The major change this draft legislation proposes is expanding the requirement for same-side, safe alternative pathways from certain limited locations in the County to all County roads. It is important this legislation pertains to all County roads, as it is currently written, as the County Council has received testimony that would limit the scope to a smaller area.

Mr. Glazier highlighted the below comments and recommended the Planning Board transmit to the County Council in an effort to strengthen the bill and help achieve the goals of the Pedestrian Master Plan:

1. Provide Montgomery County Department of Transportation (MCDOT) flexibility in implementing No Turn on Red (NTOR) and Leading Pedestrian Intervals;
2. Clarify that the NTOR and LPI provisions of the legislation apply only to county-controlled signalized intersections;

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3. Expand the legislation to require LPis at major pedestrian generators outside Downtowns and Town Centers;
4. Convene a working group to advance implementation of NTOR restrictions and LPis at state controlled signalized intersections.

To address the above comments Mr. Glazier provided additional suggestions and potential language modifications as examples for how the draft legislation could be rewritten.

The Board asked questions regarding possible component of the law requiring public service announcements, communications reflected for multiple languages, clarification regarding collisions within school zones or on school property, situations where no turn on red would improve safety for pedestrians within an area, and potential definition of high pedestrian areas that are not included in downtowns and town centers.

The Board also noted concerns with the automated enforcement and installation of cameras in conjunction with pedestrians modifying behavior.

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

Jason Sartori, Chief of Countywide Planning and Policy, offered further comments regarding the bill and suggested modifications.

Tanya Stern, Acting Planning Director, offered comments noting need for additional clarity and explanation noted for comments addressed in transmittal to County Council.

The Board proposed the following: expand and broaden investigation of collisions within school zones or school property to include any person not just students, make no turn on red as expansive as possible, strengthen language to express default would be no right turn on red followed by LPis and other signaling options, and expand language for high pedestrian areas to include areas that are not within downtowns or town centers to be expressed in transmittal to County Council.