

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**APPROVED
MINUTES AND SUMMARY**

SUMMARY

Thursday, May 18, 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, May 18, 2023, beginning at 12:03 p.m. and adjourned at 2:43 p.m.

Present were Chair Jeff Zyontz, Vice Chair Roberto Piñero, and Commissioners Shawn Bartley, James Hedrick and Mitra Pedoeem.

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

There being no further business, the meeting was adjourned 2:43 p.m. The next regular meeting of the Planning Board will be held on Thursday, May 25, 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. Heritage Potomac Preliminary Plan No. 120230070 – MCPB No. 23-050
2. Waters Village Preliminary Plan No. 120220200 – MCPB No. 23-039
3. Waters Village Site Plan No. 820220260 – MCPB No. 23-040
4. Flats at Knowles Station Preliminary Plan Amendment No. 12021003A – MCPB No. 23-041
5. Flats at Knowles Station Site Plan Amendment No. 82021003A – MCPB No. 23-042

BOARD ACTION

Motion: Hedrick/Bartley

Vote: 5-0

Other:

Action: Adopted the Resolutions 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

BOARD ACTION

Motion:

Vote:

Other:

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

Item 2. Record Plats (Public Hearing)

Subdivision Plat No. 220220020, Long Corner

AR zone; 1 lot; located on the east side of Long Corner Road, approximately 2,500 feet north of Damascus Road (MD 108); Damascus Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220230430, Edgemoor

R-60 zone; 1 lot; located in the northwest quadrant of the intersection of Hampden Lane and Denton Road; Bethesda – Chevy Chase Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220230810, Willis-Slater Addition to Luxmanor

R-200 zone; 2 lots; located in the southeast quadrant of the intersection of Poindexter Lane and Huntover Road; North Bethesda – Garrett Park Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: Hedrick/Piñero

Vote: 5-0

Other:

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

Item 3. Regulatory Extension Requests (Public Hearing)

7126 Wisconsin Avenue, Sketch Plan Amendment, Preliminary Plan, Site Plan, Extension Request No. 3 - Extend the review period, from May 25, 2023 to September 28, 2023.

A. Sketch Plan Amendment 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, of which up to 130 units may be converted to short-term rental 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 the Extension Request

A. Bossi

Kingsview Station – Preliminary Plan No. 120210210 and Site Plan No. 820210130 – Regulatory Review Extension Request No. 5 - Extend the regulatory review period from May 19, 2023 to July 27, 2023.

Application to create sixty-one (61) lots for Townhouses, two (2) lots for Retail/Service Establishments and six (6) HOA parcels and to construct 61 Townhouses including 8 MPDUs; located in the southeastern quadrant of the intersection of Clopper Road/MD 117 and Germantown Road/MD 118; 9.94 acres; CRNF-1.0, C-0.25, R-0.75, H-55 zone; 1989 Approved and Adopted Germantown Master Plan.

Staff Recommendation: Approve with Conditions

R. Sigworth

BOARD ACTION

Motion: Hedrick/Piñero

Vote: 5-0

Other:

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

Item 4. Chick-fil-A Tech Road, Site Plan Amendment No. 82005022F (Public Hearing)

Request for (1) a minor building expansion; (2) additional pedestrian access from the back of the building to the front as well as a safe pedestrian connection from the rear drive aisle; (3) relocation of the utility transformer locations; and (4) dumpster enclosure concrete replacement; on approximately 8.54 acres zoned CR-0.75, C-0.75, R-0.25, H-75; within the 2014 White Oak Science Gateway Master Plan area.

Staff Recommendation: Approval with Conditions

E. Tettelbaum

BOARD ACTION

Motion: Bartley/Piñero

Vote: 5-0

Other:

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.

Matthew Folden, Regulatory Supervisor, offered a multi-media presentation regarding Chick-fil-A Tech Road. Further information can be found in the Staff Report dated May 5, 2023.

The Subject Property is located at 12289 Tech Road in Silver Spring near the intersection of Route 29 and Tech Road in the eastern quadrant of the intersection of Tech Road and Prosperity Drive. Each pad site was reviewed and approved as an amendment to the Site Plan. The Property consists of approximately 8.54 acres and is developed with the Westech Village Shopping Center. The shopping center includes approximately 35,980 square feet of restaurant and retail uses distributed among seven pad sites.

The Application proposes the following modifications to the Chick-fil-A restaurant on Pad Site 2: minor building expansion of 180 square feet, dumpster enclosure concrete replacement, additional pedestrian access on the northwest side of the building as well as relocated landscaping, and utility transformer relocation.

The Board asked questions regarding for the intended use of the additional pedestrian improvements. The Board also recommended that Staff consider procedural amendments that would allow a modification of this size be reviewed administratively.

Staff, including Deputy Planning Director Robert Kronenberg, offered comments and responses to the Board's questions and comments.

Stacy Silber of Lerch, Early and Brewer offered brief comments on behalf of the Applicant regarding the expanded pedestrian access and agreement with Staff's recommendations.

Timothy Vanburen of JLL and the Applicant team offered brief comments.

Item 5. Saul Centers White Flint West – Preliminary Plan Amendment No. 12016008A (Public Hearing)

Request to extend the Preliminary Plan validity period by six (6) years which is set to expire on July 10, 2023, and extend the Adequate Public Facilities (“APF”) validity period phasing schedule by six (6) years which is set to expire on July 10, 2025, for Parcel A and July 10, 2035, for Parcel B; associated with a 2016 approval for redevelopment on the Site with up to 655 multi-family dwelling units and up to 204,000 square feet of non-residential uses; Located at 11520, 11560, and 11564 Rockville Pike on the west side of Rockville Pike (MD 355), south of Marinelli Road, and east of the proposed Woodglan Drive extension; 5.48 acres of land in the CR-4.0, C-3.5, R-3.5, H-300 Zone; within the 2010 White Flint Sector Plan area.

Staff Recommendation: Approval with Conditions

T. Graham

BOARD ACTION

Motion: Pedoeem/Bartley

Vote: 5-0

Other:

Action: Approved staff recommendation for approval of the Preliminary 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.

Tamika Graham, Planner III, offered a multi-media presentation regarding the Saul Centers White Flint West Preliminary Plan Amendment. Further information can be found in the Staff Report dated May 5, 2023.

The 5.48-acre Property is a combination of three lots (11520, 11560 and 11564 Rockville Pike) and generally located on the west side of Rockville Pike between Marinelli Road and Nicholson Lane, east of the proposed Woodglan Drive Extended, also known as the Metro Pike Shopping Center. The Property is currently improved with approximately 66,000 square feet of a variety of retail stores in a two-story strip center and the surrounding neighborhood has predominately commercial uses including retail shopping centers, mid-rise office buildings, auto-related uses, multifamily housing, and surface parking.

Ms. Graham gave a brief background of the history of the project and stated the Applicant has requested approval to extend the Preliminary Plan validity period by six years (currently set to expire on July 10, 2023) and to revise existing Condition No. 25 to extend the Adequate Public Facilities (“APF”) validity period phasing schedule by six years per phase (Phase I currently set to expire on July 10, 2025, and Phase II to expire on July 10, 2030). As proposed, the Applicant's extension request is effectively a combined total of 12 years for the APF validity period (Phases I and II).

Ms. Graham stated Staff’s recommendation to extend the Preliminary Plan validity period by three (3) years from its current expiration date of July 10, 2023 and to extend the APF validity period phasing schedule by six (6) years with a three (3) year extension for each phase.

Montgomery County Planning Board
Public Meeting Minutes of May 18, 2023

Matthew Gordon of Selzer Gurvitch offered comments on behalf of the Applicant in support of Staff's recommendation.

Brian Downie of Metro Pike Center offered comments regarding the economic circumstances including high construction costs and flat rental rates have prevented the project from moving forward thus far, therefore creating a need for the extension of time. Mr. Downie further expressed agreement and support of Staff's recommendation as well.

The Board asked questions regarding timeline of prior approvals, projected building model/make-up of future construction including building height, outcome for current retail tenants occupying the site, and potential plan for next steps if the three-year extension is insufficient.

The Board asked further questions and held discussion regarding the reasoning for the delay and lack of development on the site.

Mr. Downie offered comments and responses to the Board's questions.

Item 6. Broadmeadow Farm, Preliminary Plan Amendment No. 12013015A (Public Hearing)

Request to modify the Adequate Public Facilities finding to allow for the existing house located on Lot 1 to remain on the existing private water well and septic system after houses have been constructed and connected to public infrastructure on Lots 2 and 3; 10.12 acres; RE-2; 2002 Potomac Subregion Master Plan.

Staff Recommendation: Approval with Conditions

R. Sigworth

BOARD ACTION

Motion: Hedrick/Bartley

Vote: 5-0

Other:

Action: Approved staff recommendation for approval of the Preliminary 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.

Ryan Sigworth, Planner II, offered a multi-media presentation regarding Broadmeadow Farm. Further information can be found in the Staff Report dated May 5, 2023.

Mr. Sigworth stated the Subject Property is located at 9460 River Road and currently has two, single-family detached dwellings with horse stables and various accessory structures. The three-lot subdivision is a result of Preliminary Plan No. 120130150.

Preliminary Plan Amendment No. 12013015A is to amend the approved conditions and modify the Adequate Public Facilities finding to allow the house located on Lot 1 to remain on the existing private well and septic system after Lot 2 and Lot 3 have been developed as part of Preliminary Plan No. 120130150. The Application proposes no new construction, and the only change would be to the record plat currently filed in the Montgomery County Land Records.

The Board asked questions regarding the sufficiency for the current well and septic, communication or comments from the Department of Environmental Protection (DEP) or Washington Suburban Sanitary Commission (WSSC), and the potential costs to connect to public water and sewer.

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

Alan Soukup of DEP offered comments regarding the approved exception from DEP, which Mr. Soukup noted is not uncommon to grant when the depth from the house to public connection is substantially long. Mr. Soukup further noted the onsite costs to connect due to the depth of this project would be substantial.

Jason Azar of Clark Azar and Associates offered comments on behalf of the Applicant regarding the substantial costs of connecting to public water and sewer.

Item 7. Fairland and Briggs Chaney Master Plan Work Session Number 1

Staff Recommendation: Discuss testimony received on Fairland and Briggs Chaney Master Plan during the public comment period and at the Public Hearing and provide direction to staff for revisions to the plan. The Planning Board may choose to continue discussion of plan revisions at additional work sessions.

C. Larson/M. Jackson

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing.

Clark Larson, Planner III, and Molline Jackson, Planner III, offered a multi-media presentation regarding Work Session Number 1 for the Fairland and Briggs Chaney Master Plan. Further information can be found in the Staff Report dated May 12, 2023.

The Fairland and Briggs Chaney Master Plan is a corridor-focused amendment to the 1997 Fairland Master Plan that seeks to establish a renewed vision for a portion of Columbia Pike (U.S. 29) over the next 10 to 20 years. The Plan embraces a future for this corridor as a more complete, equitable, transit-oriented, and compact community.

Ms. Jackson discussed the main objectives of the Master Plan and stated that there is overwhelming support for the Plan. Overall, 57 comments were received on the Plan. Planning Staff has identified a selection of these comments to discuss with the Planning Board and have excluded those comments that met one of the following criteria that are not anticipated to be included in work session discussions:

1. Expressing overall support to the Fairland and Briggs Chaney Master Plan
2. Expressing support for a particular plan recommendation or statement
3. Asking a question about the plan that does not pertain to plan policy
4. Support or opposition to a specific issue that is beyond the scope of the Fairland and Briggs Chaney Master Plan

Mr. Larson discussed the below sections of the Plan:

Executive Summary and Introduction

Mr. Larson discussed public testimony comments received and Staff's responses, which were mainly editorial in nature including minor text corrections, map design improvements and additional photographs of people and concepts, for the following sections: Plan Section 1, p. 1; 2.B.2, p. 4; 2.B.2, p. 4; 2.B.4, p. 5; 2.B, p. 5; 2.C.2, p. 9; 2.D.4, p. 15; 2.D.2, and pp. 12-15.

The Board held discussion regarding Staff's responses and agreed with Staff's recommendations. The Board recommended additional editorial changes.

Housing

Mr. Larson discussed comments received for Section 2.D.5, p. 17, which requested that the Plan define certain housing-related terms in the glossary. Mr. Larson presented Staff's responses.

The Board asked questions regarding workforce housing policy and testimony on Moderately Priced Dwelling Units (MPDUs) within the Plan area.

The Board also offered comments regarding need for additional definitions, specifically for "naturally occurring affordable housing".

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

The Board agreed with Staff's response, and Mr. Larson gave a brief overview of the goals and recommendations.

Transportation (Park-related recommendations)

Mr. Larson discussed comments received for Section 3.c.3.1, p 47 as well as Staff's recommended revisions, which were editorial in nature. The Board agreed with Staff's changes. Mr. Larson then gave a brief overview of the goals and recommendations.

Community Health and Culture

No testimony was received. Mr. Larson gave a brief overview of the goals and recommendations.

Parks and Public Open Space

Mr. Larson discussed a comment received for Section 4.b.4.2.d, pp 92-94 regarding the Plan's recommendation for a minimum 3-acre contiguous public open space as a part of major redevelopment and possible location of a major public facility creates in the Auto Sales Park creates uncertainty in the planning and design of new projects.

The Board held discussion regarding minimum acreage and need for recommendation to be more clearly defined.

The Board offered a suggestion to Staff to draft language and revisit section at a future work session.

Community Facilities

Mr. Larson discussed comments received and Staff's responses and proposed editorial revisions for Sections 2.D.7, pp. 20-21; 3.G.2.5.b and c, p. 61; and 4.A.4.3, p. 69.

The Board agreed with Staff's responses and editorial changes.

Montgomery County Planning Board
Public Meeting Minutes of May 18, 2023

Mr. Larson then gave an overview of the goals and recommendations.

Historic Preservation and Cultural Resources

No testimony was received, although Mr. Larson noted a proposed Staff revision to Section 3.H.2.2, p. 62, and the Board agreed with staff's revision.

Mr. Larson then gave a brief overview of the goals and recommendations.

Lastly, Mr. Larson explained the anticipated next steps for the Plan and topics of discussion for the upcoming work sessions.