

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APPROVED
MINUTES AND SUMMARY

SUMMARY

Thursday, June 1, 2023
2425 Reddie 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, June 1, 2023, beginning at 9:08 a.m. and adjourning at 12:17 p.m.

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

Items 1 through 8 were discussed in that order and reported in the attached Minutes.

Vice Chair Piñero left the meeting at 11:15 a.m. and was absent for Items 7 and 8.

There being no further business, the meeting was adjourned 12:17 p.m. The next regular meeting of the Planning Board will be held on Thursday, June 8, 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. Sandy Spring Meadow Preliminary Plan Amendment No. 11982092A – MCPB No. 23-046
2. Sandy Spring Meadow Site Plan Amendment No. 81982092A – MCPB No. 23-046
3. Sandy Spring Missing Middle Pilot Project, Preliminary Plan/Final Forest Conservation Plan No. 120220050 – MCPB No. 23-047
4. Sandy Spring Missing Middle Pilot Project Site Plan No. 820220090 – MCPB No. 23-048

BOARD ACTION

Motion: Pedoeem/Hedrick

Vote: 5-0

Other:

Action: Adopted the Resolutions cited above, as submitted.

5. Wheaton Regional Park FCP No. F20230090 – MCPB No. 23-055

BOARD ACTION

Motion: Hedrick/Piñero

Vote: 3-0-2

Other: Commissioner Bartley and Vice Chair Pedoeem abstained due to being absent for the underlying matter.

Action: Adopted the Resolution cited above, as submitted.

6. Diener School Preliminary Forest Conservation Plan No. CU-23-06 – MCPB No. 23-037
7. Clarksburg Chase Pre-Preliminary Plan No. 720230020 – MCPB No. 23-056

BOARD ACTION

Motion: Bartley/Hedrick

Vote: 4-0-1

Other: Vice Chair Pedoeem abstained due to being absent for the underlying matter.

Action: Adopted the Resolutions cited above, as submitted.

B. Approval of Minutes

1. Minutes of April 27, 2023
2. Closed Session Minutes of April 27, 2023

BOARD ACTION

Motion: Pedoeem/Bartley

Vote: 5-0

Other:

Action: Approved Open Session and Closed Session Planning Board Meeting Minutes of April 27, 2023, as submitted.

C. Other Preliminary Matters

1. Adoption of Corrected Resolution for Grand Park Development Site Plan Amendment No. 82022004A – MCPB No. 23-054

BOARD ACTION

Motion: Bartley/Hedrick

Vote: 4-0-1

Other: Vice Chair Pedoeem abstained due to being absent for the underlying matter.

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

2. Selection of Vice Chair, Montgomery County Planning Board

BOARD ACTION

Motion: Bartley/Hedrick

Vote: 5-0

Other:

Action: Approved nomination and selection of Mitra Pedoeem as Vice Chair of the Planning Board for a one-year term.

Chair Zyontz requested nominations for Planning Board Vice Chair. Commissioner Bartley made a motion to nominate Commissioner Mitra Pedoeem for Vice Chair and Commissioner Hedrick seconded the motion. The Board held further discussion regarding length of term for the Vice Chair position. It was suggested and agreed upon that a one-year term for the position would be sufficient due to the composition of the Planning Board being further solidified.

Item 2. Record Plats (Public Hearing)

Subdivision Plat No. 220200940, Woodmont

CR zone; 1 lot; located on the west side of Wisconsin Avenue (MD 355), 150 feet south of Cordell Avenue; Bethesda Downtown Sector Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: Pedoeem/Hedrick

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)

BOARD ACTION

Motion:

Vote:

Other:

Action: There were no Regulatory Extension Requests submitted for approval.

Item 4. Roundtable Discussion

Planning Director's Report

T. Stern

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing.

Acting Planning Director Tanya Stern offered a multi-media presentation regarding an update on the recent events and activities the Planning Department has participated in.

Acting Director Stern began the presentation by highlighting the recent visit of Governor Wes Moore on May 31, 2023. Acting Director Stern stated Governor Moore attended a walking tour of the Georgia Avenue corridor in downtown Wheaton, which informed Governor Moore and State officials on the corridor's pedestrian safety and economic development needs. The event was organized and hosted by County Councilmember Natali Fani-Gonzalez, and Planning Staff provided several informational posters for a presentation at one of the stops highlighting elements of the Pedestrian Master Plan.

It was noted that Acting Director Stern, Countywide Planning & Policy Division Chief Jason Sartori, and MidCounty Planning Supervisor Jessica McVary were 2023 Leadership Montgomery graduates. Acting Director Stern and Mr. Sartori graduated from the CORE (Connecting Our Region's Executives) program, while Ms. McVary graduated from the Emerging Leaders program. Over the course of nine months, the programs provided valuable training and insights for current and future leaders across sectors in Montgomery County to continue their professional development.

Acting Director Stern then shared feedback regarding the ULI Spring Conference which took place in Toronto from May 16-18, 2023. During the conference Ms. Stern attended the Mt. Dennis tour as well as Downtown Toronto tours which included highlighting the tower building structures, transit development, the West Don Lands waterfront area, and a creative placemaking gathering. Acting Director Stern also attended many conference sessions and served as a moderator for "The Welcoming City: Encouraging Diversity and Inclusion through Creative Placemaking".

Lastly, Ms. Stern explained some recent Montgomery Planning activities which included the ULI Washington panel, "Exclusionary Zoning: Overcoming Segregation in our Communities", Bike To Work Day pit stops, and the University Boulevard Corridor Plan community meetings.

The Board asked questions regarding conference participation and attendance, as well as the unique architecture found within downtown Toronto.

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

Item 5. Evolution Labs North Bethesda: Sketch Plan Amendment No. 32013001A, Preliminary Plan No. 12015001B, and Site Plan No. 82015001B (Public Hearing)

CR-3.0, C-1.5, R-2.5, H-70 and CR-4.0, C-2.0, R-3.5, H-250; 5.11 acres; located at the southeast corner of the intersection of Old Georgetown Road and Banneker Avenue; 2010 White Flint Sector Plan.

A. Sketch Plan Amendment: Request to establish conceptual massing, conceptual access points, and the Public Benefit schedule for the proposed development of up to 150 feet in height comprised of up to 709,396 square feet of Research and Development use.

B. Preliminary Plan Amendment: Request for up to 709,396 square feet of Research and Development use, adjust lot lines, and establish street grid.

C. Site Plan Amendment: Request for approval of Phase 1 development, including up to 236,466 square feet of Research and Development use in Building A, with a maximum height of 150-feet, and 692 parking spaces in a stand-alone structured parking garage.

Staff recommendation: Approval with Conditions

P. Smith/T. Leftwich

A. BOARD ACTION

Motion: Pedoeem/Hedrick

Vote: 5-0

Other:

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

B. 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 including revised Condition Number 6, which will be reflected in an associated Resolution to be adopted by the Planning Board at a later date.

C. BOARD ACTION

Motion: Pedoeem/Hedrick

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval of the Site Plan Amendment cited above, subject to conditions including revised Condition Number 10, which will be reflected in an associated Resolution to be adopted by the Planning Board at a later date.

Parker Smith, Planner II, offered a multi-media presentation regarding Evolution Labs Bethesda. Further information can be found in the Staff Report dated May 22, 2023.

Mr. Smith stated Sketch Plan Amendment Number 32013001A sets massing, conceptual access points, phasing, and public benefit points for development of 709,396 square feet of Research and Development use over three phases. Preliminary Plan Amendment Number 12015001B subdivides the subject property into Parcels A and B, and Site Plan Amendment Number 82015001B will be limited to Phase 1. Phases 2 and 3 of the project will require future site plan amendments.

Phase 1 of the proposed development, covered by the Site Plan Amendment 82015001B, will include the development of 236,466 square feet of Research and Development uses, and includes the development of a 692-space parking garage, including 100 parking spaces to be leased by the Montgomery County Department of General Services as public parking for users of the Kennedy Shriver Aquatic Center (KSAC), Wall Local Park and Josiah Henson Museum. Access to the parking garage will be via an internal east-west private driveway, as well as via a future access driveway connecting the KSAC drop-off area to the entrance at the southwest of the proposed garage. The public parking spaces provided by agreement in the proposed parking garage will provide enough parking to accommodate users of KSAC, Wall Local Park, and Josiah Henson Museum, allowing for the future removal of the existing surface lot in Wall Local Park and the repurposing of that land into enhanced and usable park spaces. The Applicant will also provide the southern portion of a north-south, through- block connection, and east-west private driveway, and an interim seeded lawn for public use on the area for future phases.

Natasha Fahim, Urban Designer Planner III, highlighted some of the design elements of the project including the surrounding area, central open space connecting the commercial and residential uses, internal drive, and architecture of the buildings.

Mr. Smith also noted revisions to Preliminary Plan Condition 6 and Site Plan Condition 10.

Matt Gordon of Selzer Gurvitch offered comments on behalf of the Applicant regarding the project as well as the Applicant's agreement to the conditions proposed by Staff.

Christopher Smith of Stonebridge (the Applicant) offered comments regarding the project's opportunity to establish a walkable, premier life sciences community within the particular prime location Montgomery County. Mr. Smith further noted the Applicant had no objections to the conditions proposed by Staff.

The Board asked questions regarding pedestrian access requirements for the building, access to the open space area, right-of-way dedication at Georgetown Road, access and parking for patrons of Wall Local Park and KSAC, lack of bicycle lanes on the private drive, party responsible for removal of pavement for construction of the parking garage, reasoning for the private cut through

Montgomery County Planning Board
Public Meeting Minutes of June 1, 2023

drive, and future plans regarding the interim seeded lawn and open space once future development takes place.

Staff, including Midcounty Planning Supervisor Matthew Folden, offered comments and response to the Board's questions.

Christopher Smith offered comments and responses regarding Wall Local Park and KSAC access, pedestrian experience being centered on Banneker Avenue, and future open space.

Doug M. Firstenberg of Stonebridge offered further comments and responses regarding the interim and future open space.

Item 6. Zoning Text Amendment (ZTA) 23-04 and Bill 22-23, Residential Uses – Short-Term Residential Rental (Public Hearing)

A. Bill 22-23 reassigns enforcement of Short-Term Residential Rentals to the Department of Housing and Community Affairs, increases penalties for violations, amends the application and renewal process, and clarifies the process for challenges, suspensions, revocations, and appeals.

B. ZTA 23-04 modifies the use standards for Short-Term Residential Rentals to remove owner-authorized residents as allowable applicants and to cap the total number of guests at 6 regardless of age.

Staff Recommendation: Transmit comments to the District Council on Bill 22-23 and ZTA 23-04
B. Berbert

A. BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval to transmit comments regarding Bill 22-23 regarding non-support for policy changes to the District Council, as stated in a transmittal letter to be prepared at a later date.

B. BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval to transmit comments regarding ZTA 23-04 supporting only administrative updates to the District Council, as stated in a transmittal letter to be prepared at a later date.

Benjamin Berbert, Planner III, offered a multi-media presentation regarding ZTA 23-04 and Bill 22-23. Further information can be found in the Staff Report dated May 25, 2023.

BILL NO. 22-23

Bill 22-23 amends the provision for Short-Term Residential Rentals. Bill 22-23 reassigns enforcement of short-term rentals from the Department of Health and Human Services (DHHS) to the Department of Housing and Community Affairs (DHCA). The bill also increases the maximum penalty, amends the application process, and clarifies the processes related to challenges, suspensions, revocations, and appeals.

Lisa Govoni, Planner IV, explained Bill 22-23 as introduced as well as the updates included within the Bill. Ms. Govoni then gave an overview of the recommendations for Bill 22-23.

ZTA NO. 23-04

ZTA 23-04 makes changes to the use standards for Short-Term Residential Rental, under Section 3.3.3. Accessory Residential Use, subsection I. Short-Term Residential Rental. The first three changes, in subsections b. and c. on ZTA lines 17, 19 and 22 remove the phrase ‘or owner-authorized resident’. The current standards in subsection b. allow an eligible dwelling unit to be the owner’s, or owner authorized resident’s primary dwelling. With this change, an eligible dwelling unit may only be the owner’s primary residence. Subsection c. provides differing standards for how many days a dwelling may be rented based on whether the owner or authorized resident is present or not. The ZTA removed the ‘authorized resident’ language in keeping with the change to the previous section. The final change in the ZTA modifies subsection e. on line 29 to remove ‘who are 18 years or older’. Currently, there is a limit of up to six overnight guests who are 18 years or older, but otherwise no total limit on the number of guests. The effect of the ZTA caps total guests, regardless of age, at six.

Ben Berbert explained ZTA 23-04 as introduced and the updates included in the ZTA. Mr. Berbert explained the recommendations

Planning Staff recommends the Planning Board transmit a memo to the District Council supporting Bill 22-23 and ZTA 23-04 with the following modifications:

1. Do not support removing “owner-authorized residents” from the Code
2. Protect the ability for immediate families larger than six to still travel together
3. Not in support of amending the maximum penalties

The Board asked questions regarding the party responsible for investigation and policing of violations, who would be penalized if violation is determined, evidence of complaints or violations, and limitations regarding number of people per bedroom for short term rentals.

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

The Board held further discussion regarding lack of support for the policy changes. Commissioner Hedrick made a motion to transmit comments supporting only the administrative updates to ZTA 23-04 and not the policy changes listed above as recommended by Staff.

Item 7. Poplar Grove, Preliminary Plan Amendment No. 12019004B (Public Hearing)

Application to amend Conditions 2, 14, and 15 to extend the Preliminary Plan validity period by 3.5 years to match the existing APF validity period, adjust the validity period phasing schedule, and add a new Condition 33 to incorporate a cemetery maintenance agreement; located on the east side of Century Boulevard, between Father Hurley Boulevard and the future Dorsey Mill Road; 27.15 acres; CR-2.0, C-1.75, R-1.0, H-145T zone and Germantown Transit Mixed-Use Overlay Zone; 2009 Germantown Employment Area Sector Plan.

Staff Recommendation: Approval with Conditions

J. Server/S. Pereira

BOARD ACTION

Motion: Bartley/Hedrick

Vote: 4-0

Other: Commissioner Piñero absent.

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

Jeffrey Server, Planner III, offered a multi-media presentation regarding Poplar Grove. Further information can be found in the Staff Report dated May 12, 2023.

Mr. Server stated that currently, the Subject Property is 27.15 acres of undeveloped land, and is mostly rolling meadow with a hedge row dividing the Property. The Application requests to extend the Preliminary Plan validity period by 3.5 years to match the existing Adequate Public Facilities (APF) validity period of 17.5 years, adjust the validity period phasing schedule, and add a new Condition 33 to incorporate a cemetery maintenance agreement that meets the requirements of the 2019 Montgomery County Planning Board Guidelines for Burial Sites, Standards for Maintenance of Burial Sites. The cemetery maintenance agreement will include landscaping, mowing, and other upkeep.

Mr. Server noted correspondence was received from the Germantown Historical Society, and the proposed cemetery maintenance agreement addresses the Society's concerns.

The Board asked questions regarding potential outcomes if the cemetery maintenance agreement is violated, if the cemetery overlaps any right-of-way or other property, and background or potential lineage of the cemetery.

Staff, including Chief of UpCounty Planning Patrick Butler, offered comments and responses to the Board's questions.

Brian Crane, Archeologist, offered responses regarding the background of the cemetery and stating it is a burial ground for the Waters Family who were of European decent.

Nicole Totah of Symmetry (the Applicant) offered comments regarding the maintenance of the cemetery and potential future concepts for the proposed development and community.

Item 8. Park Potomac, Preliminary Plan Amendment No. 12003029B and Site Plan No. 820230030 (Public Hearing)

A. Preliminary Plan Amendment No. 12003029B: Request to create one lot from two platted parcels for a 307-unit multi-family building (including 12.5% MPDU), comply with trip cap and Adequate Public Facilities requirements, and modify previously approved 2016 trip reduction agreement; CRT-1.25, C-0.5, R-0.75, H100T zone; 54.84 acres; located on Park Potomac Ave. approximately 290 feet north of Montrose Road; 2002 Potomac Subregion Master Plan.

B. Site Plan No. 820230030: Request to construct a new 307-unit multi-family building (including 12.5% MPDU) and improvements to open space around existing stormwater management facility; CRT-1.25, C-0.5, R-0.75, H100T zone; 4.2 5.7 acres; located on Park Potomac Ave. approximately 290 feet north of Montrose Road; 2002 Potomac Subregion Master Plan.

Staff Recommendation: Approval with Conditions

R. Sigworth/P. Estes/S. Pereira

A. BOARD ACTION

Motion: Pedoeem/Bartley

Vote: 4-0

Other: Commissioner Piñero absent.

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.

B. BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 4-0

Other: Commissioner Piñero absent.

Action: Approved staff recommendation for approval of the Site Plan cited above, with conditions including the striking of Condition 7b entirely, which will be reflected in an associated Resolution to be adopted by the Planning Board at a later date.

Ryan Sigworth, Planner II, offered a multi-media presentation regarding Park Potomac. Further information can be found in the Staff Report dated May 19, 2023.

Mr. Sigworth began by noting minor changes to the Staff Report and providing a brief overview of the previous approvals associated with Park Potomac.

Mr. Sigworth stated Preliminary Plan Amendment No. 12003029B proposes to consolidate existing Parcels DD and EE, Block H into proposed Parcel PP, and Block H to accommodate an apartment building (Building A/B); submit supporting data confirming proposed development scenarios comply with the trip cap associated with the valid APF determination; address previously approved private drive between proposed Building A/B and future Building C; include previously

approved 2016 trip reduction agreement with additional minor modifications; and provide off-site traffic-calming measures to improve pedestrian safety movements on Park Potomac Avenue.

Mr. Sigworth noted the Applicant also proposes changes at the Park Potomac Avenue roundabout, and the Cadbury and Park Potomac Avenues intersection. The Applicant will improve the roundabout by widening the existing splitter island as well as tightening the curb radii. Extended mountable curbs and curb islands, designed to decrease vehicular speeds and vehicle turning movements, are proposed at the Cadbury and Park Potomac intersection. These proposed improvements are consistent with Montgomery County Department of Transportation (MCDOT) and County Fire and Rescue design standards regarding fire department vehicle access, adequate curb radii, and lane widths.

Philip Estes, Planner III, gave an overview of Site Plan No. 820230030, which proposes to construct a five story multi-family residential building (Building A/B) with 307 dwelling units, including 12.5 percent (39 units) Moderately Priced Dwelling Units (MPDUs), and 357 below-grade parking spaces; provide additional public open space and improve pedestrian circulation with new walking paths and other amenities around the existing stormwater management facility; and improve wayfinding signs to the existing trail system.

Mr. Estes further discussed the Public Open Space which will include walking paths, seating, playscape, fitness and sculptural elements as well as the architecture of the building. There will also be Public Art featuring a mural concept feature using color and lighting to produce a movement effect.

Lastly, Mr. Estes noted one minor revision to the conditions to strike Condition 7b entirely.

Bruce Fonoroff of the Park Potomac Coalition offered testimony regarding concerns for pedestrian safety along Park Potomac Avenue, and need for additional traffic calming measures.

Phil Hummel of Miles and Stockbridge offered comments on behalf of the Applicant regarding the project and noted agreement to all conditions proposed by Staff.

Josh Etter with Folger Pratt offered comments regarding excitement for the project, the proposed traffic improvements recommended by Staff, and agreement to conditions proposed by Staff.

The Board asked Mr. Fonoroff if he had additional recommendations to offer regarding traffic calming measures, and Mr. Fonoroff offered comments and responses.

The Board asked questions regarding pedestrian concerns for further traffic calming measures, and possible creation of a new intersection from the private road to Park Potomac Avenue.

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

Montgomery County Planning Board
Public Meeting Minutes of June 1, 2023

Rebecca Torma of MCDOT offered comments regarding crosswalks being an operational issue to be determined during time of permitting.

Kofi Meroe of Foulger Pratt offered comments regarding the creation of the new intersection from the private drive to Park Potomac Avenue.

Item 9. REMOVED - Fairland and Briggs Chaney Master Plan Work Session #3

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: REMOVED.