

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APPROVED
MINUTES AND SUMMARY

SUMMARY

Thursday, June 22, 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, June 22, 2023, beginning at 10:08 a.m. and adjourning at 5:06 p.m.

Present were Chair Artie Harris, Vice Chair Mitra Pedoeem, and Commissioners James Hedrick and Josh Linden.

Commissioner Bartley was necessarily absent.

Items 1 through 5, Item 10, and Items 6 and 7 were discussed in that order and reported in the attached Minutes.

The Planning Board recessed for lunch at 1:52 p.m. and reconvened in the auditorium and via video conference at 2:51 p.m. to discuss Items 8, 9, 11, and 12 as reported in the attached Minutes.

Commissioner Hedrick necessarily left the meeting at 3:25 p.m. during Item 11 and rejoined the meeting virtually at 4:14 p.m. for Item 12.

There being no further business, the meeting was adjourned 5:06 p.m. The next regular meeting of the Planning Board will be held on Thursday, June 29, 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

BOARD ACTION

Motion:

Vote:

Other: Commissioner Bartley absent.

Action: There were no Resolutions submitted for approval.

B. Approval of Minutes

BOARD ACTION

Motion:

Vote:

Other: Commissioner Bartley absent.

Action: There were no Minutes submitted for approval.

C. Other Preliminary Matters

BOARD ACTION

Motion:

Vote:

Other: Commissioner Bartley absent.

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

Item 2. Record Plats (Public Hearing)

Subdivision Plat No. 220230380, R. Holt Easley Subdivision of Silver Spring

CRT zone; 1 lot; located on the north side of Sligo Avenue, 175 feet west of Ritchie Avenue; East Silver Spring Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220230420, PSTA

CR zone; 12 lots, 2 parcels; 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

Subdivision Plat No. 220230750 & 220230760, West Side at Shady Grove Metro

CRT zone; 37 lots, 3 parcels; located on the north side of Flatbush Street and Front Street, respectively, west of Columbus Avenue; Shady Grove Minor Master Plan Amendment Area.

Staff Recommendation: Approval

BOARD ACTION

Motion: Pedoeem/Hedrick

Vote: 4-0

Other: Commissioner Bartley absent.

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

Item 3: Regulatory Extension Requests (Public Hearing)

BOARD ACTION

Motion:

Vote:

Other: Commissioner Bartley absent.

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

Item 4. Roundtable Discussion

Parks Director's Report
M. Riley

BOARD ACTION

Motion:

Vote:

Other: Commissioner Bartley absent.

Action: Received briefing.

Montgomery Parks Director Mike Riley welcomed Chair Harris and Commissioner Linden to the Planning Board. Mr. Riley offered a multi-media presentation regarding Parks items that will come before the Board in the near future, as well as highlighting different events taking place throughout Montgomery Parks.

Director Riley began by giving a brief overview of the organizational and leadership structure of the Parks Department, as well as introducing Deputy Directors Miti Figueredo and Gary Burnett.

Mr. Riley displayed an excerpt from the Green Tree Report, which is an inventory of the land and facilities regarding the number of individual Parks, owned or managed parkland, linear miles of streams, total park boundary, number of athletic fields, number of basketball courts, number of pickleball courts, number of outdoor tennis courts, miles of natural surface trails, and number of historic structures. Mr. Riley highlighted the 420 individual Parks, 37,220 acres of parkland that is either owned or managed, as well as the 290 athletic fields that Montgomery Parks manages.

Mr. Riley briefly discussed the recently approved Parks, Recreation, and Open Space (PROS) Plan, which is Montgomery Parks long range Plan, and Mr. Riley noted the Board will be briefed on the Plan in the near future. Three of the main themes and components of the Plan include: physical activity, social connections and civic engagement, and natural resources and environmental stewardship.

Director Riley described the timeline for the FY25-30 Capital Improvements Program (CIP), and stated it will be introduced to the Board in June followed by worksessions through October. Statutory submission to the County Executive and County Council will be November 1, 2023, with the County Executive's recommendation in January 2024, preceded by the Planning, Housing and Parks (PHP) Committee and County Council worksessions and adoption February through May of 2024.

Director Riley highlighted the different Parks Activation events happening across the County including the Acoustics and Ales, The Rocky Horror Picture Show, Roller Disco, and the Brookside Gardens Twilight Summer Concert Series to name a few. Mr. Riley further noted the priority and focus area of Urban Parks throughout the County and spoke about the Gene Lynch Park ribbon cutting, as well as the demolition party that took place for the future South Silver Spring Urban Park.

Montgomery County Planning Board
Public Meeting Minutes of June 22, 2023

Lastly, Director Riley gave an overview of the Scotland Juneteenth Heritage Festival. Montgomery Parks was a sponsor and host for the festival to help raise funds for the Scotland community. Mr. Riley displayed pictures from the portion of the event which took place in Cabin John Regional Park with an attendance of approximately 1,500 people. Director Riley also highlighted the Clarence “Pint” Isreal Juneteenth Baseball Classic that took place during the Scotland Juneteenth Heritage Festival at Shirley Povich Field. The Bethesda Big Train team hosted the baseball game, and both Chair Harris and Director Riley had the honor to throw out the first pitch of the game.

Item 5. Strathmore Square Site Plan No. 820230050, Site Plan No. 820230070, and Forest Conservation Plan No. F20230150 (Public Hearing)

CR-3.0 C-0.5 R-2.75 H-300; 14.6 acres; located at the southeast corner of the intersection of Rockville Pike and Tuckerman Lane adjacent to the Grosvenor-Strathmore Metro Station; 2017 Grosvenor-Strathmore Metro Area Minor Master Plan.

- A. Strathmore Square, Building 2, Site Plan No. 820230050: Request to construct a 382,298 square foot mixed-use building with up to 14,000 square feet of commercial uses and up to 368,298 square feet of residential uses (400 dwelling units).
- B. Reserve at Strathmore Square, Site Plan No. 820230070: Request to construct a 336,700 square foot building with up to 4,000 square feet of commercial uses and up to 335,800 square feet of Residential Care Facility uses (166 independent living units and 110 assisted living/memory care beds).
- C. Strathmore Square Buildings 2 and 5, Forest Conservation Plan No. F20230150: Request to amend the Final Forest Conservation Plan for the overall site that was approved with Site Plan 820220070 for the first phase of the Strathmore Square development.

Staff Recommendation: Approval with Conditions

E. Tettelbaum

A. BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 4-0

Other: Commissioner Bartley absent.

Action: Approved staff recommendation for approval of the Site Plan cited above, with corrections to the Staff Report as noted, 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 Bartley absent.

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

C. BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 4-0

Other: Commissioner Bartley absent.

Action: Approved staff recommendation for approval of the Forest Conservation Plan 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.

Montgomery County Planning Board
Public Meeting Minutes of June 22, 2023

Emily Tettelbaum, Planner III, offered a multi-media presentation regarding Strathmore Square. Further information can be found in the Staff Report dated June 12, 2023.

Ms. Tettelbaum gave an overview of the background and prior approvals as well as the building layouts, which is comprised of six total buildings, a 1.2-acre Central Park, and dog park. The Applications seek to continue construction of Strathmore Square, the transit-oriented, mixed-use, walkable neighborhood envisioned in the 2018 Grosvenor-Strathmore Metro Area Minor Master Plan.

Ms. Tettelbaum explained the Phase 2 Proposals for Buildings 2 and 5. Building 2 will include 400 dwelling units with 25 percent moderately priced dwelling units (MPDU's), 14,000 square feet of commercial space, the Urban Plaza, Feature Stair, and completion of Strathmore Hall street. Building 5 will include a Residential Care Facility with 166 independent living beds with 15 percent MPDU's, 110 assisted living/memory care beds, Plaza/extension of the Central Park and valet parking.

The Final Forest Conservation Plan (FFCP) will amend and replace the FFCP approved with Site Plan 820220070 for the first phase of the Strathmore Square development, and includes a requirement to provide 1.855 acres of off-site forest banking.

Natasha Fahim, Planner III, then highlighted the architectural features, building massing, and public amenities for Buildings 2 and 5, as well as the Public Benefit points for Buildings 2, 3, and 5.

Lastly, Ms. Tettelbaum noted corrections to the Staff Report on pages 34, 38, and 52 regarding the square footage and BLTs.

Steven Robins of Lerch Early & Brewer offered comments on behalf of the Applicants and noted the Applicants agreement to all conditions proposed by Staff.

Andy Altman of Fivesquares Development, LLC offered a multi-media presentation and comments regarding Strathmore Square as well as a brief overview of the background and vision. Mr. Altman also offered comments regarding the timeline of events.

William Maggard of Experience Senior Living (ESL) offered a multi-media presentation and comments regarding the Senior Living Center including the architectural design, vision, and philosophy.

The Board asked questions regarding the parking garage, how the height of the buildings fit in with surrounding development, pedestrian and biking connectivity between the south side of the development to surrounding communities, public open space, the proposed sidewalk dimension along Tuckerman Lane, long term bicycle parking, and reasoning for approach to provide more than the required parking spaces due to proximity to the Metro.

Staff including Midcounty Planning Supervisor Matt Folden offered comments and responses to the Board's questions.

Mr. Altman offered comments regarding the number of parking spaces.

Item 10. Conditional Use No. CU202313 and Forest Conservation Plan No. F20230110: Associacao Cultural de Lingua Portuguesa, Inc. (Portuguese Community Center) – (Public Hearing)

A. Forest Conservation Plan No. F20230110

B. Conditional Use No. CU202313: Request to transmit comments to the Hearing Examiner on a proposed Conditional Use for a Private Club, Service Organization pursuant to the 2014 Montgomery County Zoning Ordinance Sections 59.3.4.8 (Specific Conditions) and 59.7.3.1 (General Conditions) at 4407 Muncaster Mill Road, Rockville; RE-1 Zone; 2005 Olney Master Plan

Staff Recommendation: Approval with Conditions

M. Beall

A. BOARD ACTION

Motion: Hedrick/Linden

Vote: 4-0

Other: Commissioner Bartley absent.

Action: Approved staff recommendation for approval of the Forest Conservation Plan cited above, with corrections to the Staff Report as noted, 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/Linden

Vote: 3 Yaw and 1 Nay (Vice Chair Pedoeem)

Other: Commissioner Bartley absent. Vice Chair Pedoeem voted Nay due to concerns with maximum capacity of 49 people.

Action: Approved staff recommendation to transmit recommendations with conditions as modified during the meeting to the Hearing Examiner regarding the Conditional Use request cited above, as stated in a transmittal letter to be prepared at a later date.

Mark Beall, Zoning Planner IV, offered a multi-media presentation regarding Associacao Cultural de Lingua Portuguesa, Inc. (Portuguese Community Center) located at 4407 Muncaster Mill Road. Further information can be found in the Staff Report dated June 9, 2023.

Before moving forward with the presentation Mr. Beall noted corrections to the Staff Report including Attachment A, which did not include the updated Forest Conservation Plan, as well as the latest Conditional Use Plan and Landscape Plan that did not get pasted in Figures 4 and 5.

Mr. Beall proceeded by explaining the vicinity of the Subject Property and stated the Applicant proposes to convert an existing single-family dwelling unit into a Private Club, Service Organization. The proposed work includes installation of a parking lot and associated screening, landscaping, lighting, as well as a fire department turnaround for Fire Department Access. The

Applicant will also be relocating the existing shed to the rear yard and will be reconfiguring the driveway entrance. There are no changes proposed for the existing house other than cosmetic work. The Applicant is also proposing minimal weekday visits to help prepare for weekend meetings and events. Most visits will involve less than 10 people, and the vast majority of visits will occur on weekends and holidays, except when any of the following traditional Portuguese celebrated holiday dates fall during the week including April 25th, June 10th, and October 5th. These events would be expected to include between 11 to 49 people, as allowed per the minimal parking spots on site.

Joshua Penn, Planner III, stated the Subject Property has a Final Forest Conservation Plan submitted with a total reforestation requirement of 0.41 acres, which will be met by the Applicant planting 0.84 acres of forest on-site within the stream buffer. A variance has been requested for impact to four trees due to the construction of the building, driveway, and associated stormwater management. All four trees will be retained, and no mitigation is requested for the variance trees impacted but not removed.

Andrea Kohn, Individual, offered testimony in opposition to the proposed Portuguese Community Center.

Dr. Sandra Mitchell, Individual, offered testimony in opposition to the proposed Portuguese Community Center.

Michele Rosenfeld of The Law Office of Michele Rosenfeld offered testimony on behalf of Arbor Place Dementia Care in opposition to the Portuguese Community Center. Ms. Rosenfeld also offered further comments regarding a previous decision from the Hearing Examiner denying a potential daycare on the left side of the property.

Walter Fanburg, Owner and Founder of Arbor Place Dementia Care, offered testimony in opposition to the Portuguese Community Center as well as offered comments and showed pictures of the patients and environment at Arbor Place.

Sean Hughes of Miller, Miller and Canby offered comments on behalf of the Applicant regarding the Portuguese Club, attendance at the property, and commitment of the Applicant to be respectful neighbors. Mr. Hughes offered further comments regarding Condition Number 2 limiting attendance of people visiting the site to 10 people at one time, and requested modification to allow up to 20 people at one time for any event two weekends per month.

Gracie Woltering, President of the Portuguese Community Center, offered testimony in support of the Portuguese Community Center and gave a brief overview of the Portuguese Club, members and events.

The Board asked questions regarding what a typical week and weekend would consist of, the maximum capacity for people within the house, how many patients resided at Arbor Place, and number of allotted parking spaces.

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

Montgomery County Planning Board
Public Meeting Minutes of June 22, 2023

Mr. Hughes and Ms. Woltering offered responses to the Board's questions regarding the Portuguese Community Center.

Mr. Fanburg offered responses to the Board's question regarding the number of patients residing at Arbor Place.

Vice Chair Pedoeem offered concerns regarding the maximum number of people being as high as 49. The Board held further discussion regarding the maximum capacity of 49 people, potential screening measures, on street parking, and Sunday morning events.

The Board added and modified the following Conditions:

1. Additional condition requiring additional screening along the property line shared with Arbor Place;
2. Additional Condition for no on street parking along the road;
3. Additional Condition for no events on Sundays earlier than 1:00 p.m.;
4. Additional Condition for Community Liaison for communication between neighbors; and
5. Modification to Condition Number 3 regarding max capacity of 49 people will be subject to approval of Fire Marshal and any other regulatory agencies.

The Board denied the Applicant's request to modify Condition Number 2 to allow up to 20 people at one time for any event two weekends per month.

The Applicant agreed to all additional and modified Conditions listed above.

Item 6. Overview of the Growth and Infrastructure Policy

High level overview of the 2020-2024 Growth and Infrastructure Policy in preparation for subsequent related agenda items.

Staff Recommendation: Receive briefing

J. Sartori

BOARD ACTION

Motion:

Vote:

Other: Commissioner Bartley absent.

Action: Received briefing.

Jason Sartori, Chief of Countywide Planning and Policy, offered a multi-media presentation regarding the Growth and Infrastructure Policy. Further information can be found in the Staff Report dated June 15, 2023.

Mr. Sartori stated the Growth and Infrastructure Policy (GIP) is a set of policy tools that guide the timely delivery of public facilities (schools, transportation, water, sewer, and other infrastructure) to serve existing and future development. These policy tools are the guidelines for the administration of Montgomery County's Adequate Public Facilities Ordinance (APFO). The GIP is updated every four years and adopted by County Council Resolution.

Mr. Sartori noted the components of the GIP include: General Guidelines, Public School Facilities, Transportation Facilities, Water and Sewerage Facilities, and Police, Fire and Health Facilities. Montgomery Planning provides data for the Public School Facilities and Transportation Facilities.

Mr. Sartori explained the key GIP update deadlines to the Board as follows:

- June 15, 2024: Planning Staff must submit a draft GIP to the County Council
- August 1, 2024: Planning Board must approve and submit a recommended GIP to the County Council
- November 15, 2024: County Council must adopt the new GIP by Resolution

The Transportation Element

Mr. Sartori stated forty-two transportation policy areas are grouped into four color categories (red, orange, yellow, and green) based on current land use patterns, the prevalence and use of different modes of transportation, and the planning vision for the policy area. The Policy Area categories determine how the GIP is administered.

The primary transportation adequacy tool identified in the GIP is a series of multimodal infrastructure tests known as Local Area Transportation Review, or LATR. The tests evaluate the geography around a development application for motor vehicle, pedestrian, bicycle, and bus transit system adequacy. The Planning Board approved the LATR Guidelines which also provide

guidance to applicants, staff and the Board on how to conduct and interpret the results of the LATR tests.

The Schools Element

Mr. Sartori then discussed the School Impact Areas, which groups 44 neighborhood areas into three school impact areas. These three types of geographic areas are based on recent and anticipated development and its impact on public school enrollments. The three impact areas include: Greenfield Impact Areas, Infill Impact Areas, and Turnover Impact Areas. The GIP also requires the Planning Board to certify the results of an Annual School Test that establishes the adequacy status of each school service area for the next fiscal year.

Mr. Sartori then discussed the Calculated School Impact Tax Rate Increases, Expedited Bill 25-23, new Impact Tax Rates effective July 1, 2023, and new Utilization Premium Payment Rates also effective July 1, 2023.

Planning staff will begin organizing the 2024 GIP update effort next month. Data gathering efforts will begin internally first, and stakeholder engagement will begin immediately thereafter in the fall. Planning Board briefings will also begin in the fall and work sessions to finalize the Planning Board's draft of the policy will take place in spring 2024.

The Board asked questions regarding clarity on red policy areas, if transit adequacy is reviewed, if the LATR Guidelines need to be provided to the County Council, defining Greenfield Impact Areas, and why parks are not considered as a public facility to be included in the GIP.

Staff, including Acting Planning Director Tanya Stern offered comments and responses to the Board's questions.

Item 7. FY24 Annual School Test and School Utilization Report

Planning Board certification of the FY24 Annual School Test, which is to become effective July 1, 2023, review of the FY24 School Utilization Report, and briefing on updates to the School Impact Tax rates.

Staff Recommendation: Planning Board Approval

H. Baek

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 4-0

Other: Commissioner Bartley absent.

Action: Approved staff recommendation certify the results of the FY2024 Annual School Test and Utilization Report.

Hye-Soo Baek, Planner II, offered a multi-media presentation regarding the FY24 Annual School Test and School Utilization Report. Further information can be found in the Staff Report dated June 8, 2023.

Ms. Baek gave an overview of the Annual School Test and stated it evaluates the adequacy of Montgomery County's Public School facilities to determine the appropriate conditions of approval during development review throughout the fiscal year.

Each individual Montgomery County Public Schools (MCPS) school is evaluated based on their utilization rate and seat deficit level projections four school years in the future. If, based on the adequacy standards set by the 2020-2024 Growth and Infrastructure Policy, a school is expected to be overutilized, the school service area is placed in a Utilization Premium Payment (UPP) tier. A Tier 1 UPP placement indicates a moderate level of overutilization, Tier 2 intermediate overutilization, and Tier 3 signifies a high level of overutilization being projected.

Ms. Baek noted the Annual School Test also determines the adequacy ceiling to subsequent UPP tier levels for each school. If it is estimated that a development will generate more students than the adequacy ceiling of a school serving the development, then the next UPP tier level is triggered, and the payment factor is adjusted to reflect the number of students beyond the adequacy ceiling. Even if a school service area is not placed in a UPP tier by the Annual School Test, a development application can still be charged a partial UPP if the project is estimated to generate more students than the Tier 1 UPP adequacy ceiling.

Ms. Baek discussed the FY2024 Annual School Test results in which two High Schools (James Hubert Blake and Paint Branch) were placed in the Tier 1 UPP, one High School (Clarksburg) was placed in the Tier 2 UPP and no High Schools were placed in the Tier 1 UPP. Ms. Baek noted that no High School or Middle School service area has an adequacy ceiling with fifteen or less seats to the next tier, although four Elementary Schools were placed in Tier UPP's. One Elementary School (Arcola) was placed in the Tier 1 UPP, two Elementary Schools (Ashburton and Oakland Terrace) were placed in the Tier 2 UPP, and one Elementary School (Mill Creek Towne) was

Montgomery County Planning Board
Public Meeting Minutes of June 22, 2023

placed in the Tier 3 UPP. Three Elementary Schools also have adequacy ceilings with less than 15 seats.

Ms. Baek then explained the Countywide trends in greater detail for enrollment/utilization and individual school utilization levels for High Schools, Middle Schools and Elementary Schools.

Lastly, Ms. Baek discussed the 2022 housing analysis for High School service of single-family detached units, single-family attached units, and multi-family units. Comparisons were shown for both sold housing units as well as new housing units.

The Board asked why the school adequacy numbers seem to be getting better, and Ms. Baek offered comments and responses.

Item 8. LATR Proportionality Guide Updates and Briefing on Updates to the Transportation Impact Taxes (Public Hearing)

The Board will consider an update to the LATR Proportionality Guide rates, which are used to calculate the maximum cost of improvements a development applicant is required to construct or fund to address deficiencies identified in the review of the Growth and Infrastructure Policies Pedestrian System Adequacy, Bicycle System Adequacy and Bus Transit System Adequacy tests. *Staff Recommendation: Approve LATR Proportionality Guide Rates*
D. Buckley

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 4-0

Other: Commissioner Bartley absent.

Action: Approved staff recommendation for approval of LATR Proportionality Guide Rates of the LATR Guidelines to tie the proportionality rates directly to the Transportation Impact Tax.

David Anspacher, Multimodal Transportation Supervisor, offered a multi-media presentation regarding the Local Area Transportation Review (LATR) Proportionality Guide Updates. Further information can be found in the Staff Report dated June 16, 2023.

Mr. Anspacher stated the Planning Board approved the LATR Guidelines, which articulate a methodology for documenting and analyzing the anticipated impacts of a proposed development on pedestrian, bicycling, bus transit, and motor vehicle travel. The guidelines were revised in March 2022 by the Planning Board to include the LATR Proportionality Guide and again in September 2022 by Staff to reference the Non-Auto Driver Mode Share goals in the Downtown Silver Spring and Adjacent Communities Master Plan.

The LATR Proportionality Guide uses available and accepted measurements of a project's impact on transportation infrastructure. The LATR Proportionality Guide Rates in Appendix 5 of the LATR Guidelines were based on the Transportation Impact Tax rates for orange policy areas, which are approved by the County Council. New Transportation Impact Tax rates take effect on July 1, 2023, and the LATR Proportionality Guide rates should be updated accordingly.

Mr. Anspacher then discussed the LATR Improvement Cap Rates and Adjustment Factors followed by two examples of uses and policy areas.

Lastly, Mr. Anspacher noted Planning Staff recommends amending Appendix 5: LATR Proportionality Guide Rates of the LATR Guidelines to tie the proportionality rates directly to the Transportation Impact Tax. The revised appendix is in Attachment C. The change would be effective immediately and the rates would automatically update with subsequent tax updates.

The Board asked if the LATR Proportionality Guide rates will need to be updated every two years, and Staff offered comments and responses.

Item 9. Amendment to Planning Board Policy 2022-01 (De Minimis Payments) – (Public Hearing)

The Board will consider an update to the per linear foot de minimis payment rate identified in Planning Board Policy 2022-01, which determines when to approve waivers for pedestrian and bicycle frontage improvements and how to calculate applicable de minimis payments.

Staff Recommendation: Approve changes to de minimis payment rate.

D. Buckley

BOARD ACTION

Motion: Pedoem/Hedrick

Vote: 4-0

Other: Commissioner Bartley absent.

Action: Approved staff recommendation to increase the de minimis rate by \$22.72 to \$137.91 per linear foot effective July 1, 2023.

David Anspacher, Multimodal Transportation Supervisor, offered a multi-media presentation regarding Amendments to the De Minimis Payments Planning Board Policy 2022-01. Further information can be found in the Staff Report dated June 8, 2023.

Mr. Anspacher stated de minimis payments may be accepted in lieu of constructing pedestrian and bike frontage improvements on very small residential and commercial projects. Planning Board Policy 2022-01 determines when to approve waivers for pedestrian and bicycle frontage improvements and how to calculate applicable de minimis payments.

Mr. Anspacher explained the proposed methodology will adjust the de minimis rates based on the two-year cumulative change in the Engineering-News Record's Baltimore Construction Cost Index. This is the same source used by the Montgomery County Director of Finance to adjust Development Impact Taxes for Transportation Improvements and Public School Improvements. For the two-year period encompassing calendar years 2021 and 2022, the cumulative increase is 19.72 percent. Applying this index to the \$115.20 per linear foot de minimis rate results in an increase of \$22.72 to \$137.91 per linear foot.

Lastly, Mr. Anspacher stated Planning Staff recommends increasing the de minimis rate by \$22.72 to \$137.91 per linear foot. The new de minimis rate will become effective July 1, 2023. The increased rate will apply to development applications accepted by the Planning Department beginning July 1, 2023.

The Board asked questions regarding which policy would need to be changed, criteria of the policy, and responsible party for completing a gap in a sidewalk if there was a gap in payments.

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

Item 11. Bicycle Master Plan Biennial Monitoring Report, 2021 – 2022

The Board will receive a briefing on the Bicycle Master Plan Biennial Monitoring Report, 2021 – 2022, a requirement of the 2018 Bicycle Master Plan.

Staff Recommendation: Transmit the monitoring report to the County Council.

D. Anspacher

BOARD ACTION

Motion: Pedoeem/Linden

Vote: 3-0

Other: Commissioners Bartley and Hedrick absent.

Action: Approved Staff recommendation for approval to transmit comments to the County Council regarding the Bicycle Master Plan Biennial Monitoring Report, as stated in a transmittal letter to be prepared at a later date.

David Anspacher, Multimodal Transportation Supervisor, offered a multi-media presentation regarding the 2021 – 2022 Bicycle Master Plan Biennial Monitoring Report. Further information can be found in the Staff Report dated June 15, 2023.

The Bicycle Master Plan sets forth a transformative vision for transportation in Montgomery County, encouraging people of all ages and bicycling abilities to meet their daily needs by bicycle. The plan envisions a community where bicycling to work, stores, schools, and transit or going for a leisurely ride on the weekend is so embedded in our way of life that bicycling becomes an integral mode of transportation in the daily lives of the county’s residents. The Bicycle Master Plan creates a framework for this transformation with recommendations to build an extensive network of low-stress bikeways connecting the County’s downtowns and town centers, transit stations and public facilities and a plethora of secure and convenient bicycle parking and bicycle-supportive programs and policies. The monitoring report provides the opportunity to offer recommendations to address some of the challenges that have arisen since the Plan was approved and to provide thoughts on how to proceed over the next few years.

Mr. Anspacher described the organization of the monitoring report which includes: goals and objectives, bikeways, bicycle parking, bicycle-supportive programs, bicycle-supportive legal and policy framework, and recommendations.

Mr. Anspacher explained the four goals including: increasing bicycling rates in Montgomery County, creating a highly-connected, convenient and low-stress bicycling network, providing equal access to low-stress bicycling for all members of the community, and improving the safety of bicycling. Mr. Anspacher also discussed the objectives for the percentage of residents who commute by bike within the County as well as Countywide connectivity and number of bicycling fatalities/severe injuries.

Mr. Anspacher then gave a brief overview of bikeway mileage for both existing bikeways and planned bikeways, as well as bikeways built in 2021 and 2022. Some examples included: Woodmont Avenue Cycle Track, Phase 1, Frederick Road Bike Path, Grove Street Neighborhood

Montgomery County Planning Board
Public Meeting Minutes of June 22, 2023

Greenway, Snouffer School Road North, Avocet Towers, Brookeville Preserve. Examples of bikeways under construction by the end of 2022 and forthcoming bikeways were also discussed.

Mr. Anspacher also discussed the shortage of bicycle parking spaces at public facilities, bicycle parking stations, the Countywide Wayfinding Plan, and Policy 2.7 which updates road design standards to include new bikeways. Mr. Anspacher also highlighted the Bicycle Master Plan Bikeway Map as well.

Lastly, Mr. Anspacher discussed Bicycle Master Plan Biennial Monitoring Report recommendations for the following: prioritizing construction of bikeway projects, bicycle parking at Public Schools, bicycle parking stations, design standards, and funding/conducting a travel survey.

The Board asked questions regarding use of counters to monitor biking, expected target years, potential incentives to encourage biking to schools, lack of inclusion of shared lanes within the report, and consideration of low-stress connectivity to retail/commercial as well as other locations that are considered low-stress connectivity.

Staff, including Chief of Countywide Planning and Policy Jason Sartori offered comments and responses to the Boards questions.

Item 12. Clarksburg Gateway Sector Plan – Scope of Work

The Clarksburg Gateway Sector Plan is an update to the 1994 Clarksburg Master Plan & Hyattstown Special Study Area. Planning Staff will be presenting the Scope of Work and plan boundary.

Staff Recommendation: Approve Scope of Work and Plan Boundary
A. Gonzalez/J. Pratt

BOARD ACTION

Motion: Pedoeem/Hedrick

Vote: 4-0

Other: Commissioner Bartley absent.

Action: Approved Staff recommendation for approval of the Scope of Work and Plan Boundary cited above.

Angelica P. Gonzalez, Planner III and Jamey Pratt, Planner III, offered a multi-media presentation regarding the proposed Scope of Work for the Clarksburg Gateway Sector Plan. Further information can be found in the Staff Report dated June 14, 2023.

The Clarksburg Gateway Sector Plan is an update to the 1994 *Clarksburg Master Plan & Hyattstown Special Study Area*, which was last revised with the 2014 *10 Mile Creek Area Limited Amendment*. The Sector Plan focuses on the major employment area located in the Transit District Corridor, and will evaluate the Plan area's trends and conditions as well as develop strategies to align the vision, recommendations, and overall staging requirements for the plan area with the County's adopted plans, policies, and priorities. The Sector Plan will also provide recommendations for land use, zoning, urban design, transportation, environment, historic preservation, and community facilities and will incorporate countywide initiatives into the plan area.

Ms. Gonzalez described the proposed boundary and study area consisting of the Transit Corridor District, the Brink Road Transition Area, the Town Center District, and Cabin Branch Neighborhood.

Previous planning efforts were explained, and Ms. Gonzalez gave a brief overview of how the major themes of Montgomery Thrive 2050 will be integrated into the Sector plan, as well as why an update to the 1994 Plan is needed.

The ten plan elements being explored include the following: Community Identity, Connection, and Social Capital; Land Use and Staging; Housing; Transportation, Access, and Connectivity; Environmental Resilience; Urban Design; Parks and Public Open Space; Community Facilities (including schools); Economic Development; and Historic Resources.

Ms. Gonzalez discussed the plan elements to explore for community identity, connection, and social capital; land use and staging; and housing in greater detail.

Montgomery County Planning Board
Public Meeting Minutes of June 22, 2023

Brett Brown, Planner II, explained the plan elements to explore for transportation, access and connectivity plan elements as well as the road network and transit recommendations.

Jamey Pratt, Planner III, discussed the plan elements to explore for environmental resilience, urban design, parks and public open spaces, community facilities, economic development, and historic resources.

The community engagement strategy for the Clarksburg Gateway Sector Plan includes the following: canvassing (door-knocking, resident interviews, business owner interviews, flyer distribution); virtual and in-person meetings; an Open House/Kick-off Meeting; fall listening sessions; pop-up events; community questionnaires; strategic partnerships with other agencies; and website, social media, E-Letter, and Nextdoor.

Mr. Pratt further explained the Master Plan process and timeline for the Sector Plan, as well as noting a community Kick-Off meeting will take place on July 26, 2023, from 6:30 p.m. to 8:00 p.m. at Clarksburg Neighborhood Park.

Lastly, Mr. Pratt noted an email correspondence received listing a number of concerns regarding property that was part of the 2014 *10 Mile Creek Amendment*, proposed configuration of the interchange, planned Observation Drive, and reference to Village and Town Centers. Staff provided comments and responses to the concerns expressed in the email.

The Board asked questions regarding clarity of the Observation Drive alignment and inclusion of the property within the *10 Mile Creek Amendment* area.

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

Chair Harris noted Staff's acknowledgement and responses to the email received.