

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APPROVED
MINUTES AND SUMMARY

SUMMARY

Thursday, July 13, 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, July 13, 2023, beginning at 9:04 a.m. and adjourning at 5:08 p.m.

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

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

The Planning Board recessed for lunch at 12:05 p.m. and reconvened in the auditorium and via video conference at 1:10 p.m. to discuss Items 9 through 14 as reported in the attached Minutes.

There being no further business, the meeting was adjourned at 5:08 p.m. The next regular meeting of the Planning Board will be held on Thursday, July 20, 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. Associacao Cultural de Lingua Portuguesa, Inc. (Portuguese Community Center)
Forest Conservation Plan F20230110 – MCPB No. 23-069

BOARD ACTION

Motion: Hedrick/Pedoeem
Vote: 4-0-1
Other: Commissioner Bartley abstained due to being absent for the initial hearing.
Action: Adopted the Resolution cited above, as submitted.

2. Kings Crossing Preliminary Plan 120220120 – MCPB No. 23-070

BOARD ACTION

Motion: Hedrick/Pedoeem
Vote: 4-0-1
Other: Commissioner Linden abstained due to being absent for the initial hearing.
Action: Adopted the Resolution cited above, as submitted.

3. Community Housing Initiative (Overhill Sr. Living) FCP F20230100 – MCB No. 23-089

BOARD ACTION

Motion: Hedrick/Pedoeem
Vote: 5-0
Other:
Action: Adopted the Resolution cited above, as submitted.

B. Approval of Minutes

1. Minutes for June 22, 2023

BOARD ACTION

Motion: Pedoeem/Hedrick
Vote: 4-0-1
Other: Commissioner Bartley abstained due to being absent on June 22, 2023.
Action: Approved the minutes for June 22, 2023, as submitted.

C. Other Preliminary Matters

BOARD ACTION

Motion:

Vote:

Other:

Action: **There were no other Preliminary Matters submitted for approval.**

Item 2. Record Plats (Public Hearing)

Subdivision Plat No. 220220900, Darnestown Knolls

RE-2 zone (Rural Village Overlay); 3 lots; located on the east side of Seneca Road (MD 112), 750 feet south of Darnestown Road (MD 28); Potomac Subregion 2002 Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: Hedrick/Linden

Vote: 5-0

Other:

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

Subdivision Plat Nos. 220230670 & 220230680, Rock Spring Park

CRF zone; 2 lots; located immediately south of the intersection of Rockledge Drive and Fernwood Road; Rock Spring Sector Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: Linden/ Hedrick

Vote: 5-0

Other:

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

Subdivision Plat No. 220230720, Ellsworth Park Subdivision

R-60 zone; 1 lot; located on the east side of Colesville Road (US 29), 500 feet north of Spring Street; Silver Spring Downtown and Adjacent Communities Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: Hedrick/Linden

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)

Chevy Chase Section 5 Administrative Subdivision Plan No. 620230080, Extension Request No. 1 - Request to extend the review period from July 18, 2023 through January 18, 2024.

Request to create 1 lot for 1 single-family detached dwelling; R-60 Zone; 0.49 acres; located at the terminus of Windsor Place, approximately 550 feet east of its intersection with Brookville Road; 1990 Bethesda-Chevy Chase Master Plan
Staff Recommendation: Approval with Extension
A. Bossi

BOARD ACTION

Motion: Pedoeem/Hedrick

Vote: 5-0

Other:

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

Bradley Hills Grove Section 2, Extension Request No. 1 - Request to extend review period, from August 15, 2023, to February 15, 2024.

Request for a Preliminary Plan application to create four lots for residential use in the R-90 zone; on Meadowlark Lane, 475 feet southeast of Burning Tree Road; 2.26 acres; 1990 Bethesda Chevy-Chase Master Plan.
Staff Recommendation: Approval of the Extension
T. Gatling

BOARD ACTION

Motion: Linden/Pedoeem

Vote: 5-0

Other:

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

National Park Seminary, Preliminary Plan 12005054A, Site Plan 820200050 & Forest Conservation Plan 82005024H, Extension Request No. 1 - Request to extend the review period, from August 3, 2023 to February 29, 2023.

Request to resolve various site design items and make the final submission for three applications to revise the layout of the proposed townhouses, condominium building, and parking, and address associated impacts to forest retention areas.
Staff recommendation: Approval of Extension
M. Fuster

BOARD ACTION

Motion: Pedoeem/Hedrick

Vote: 5-0

Other:

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

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 brief overview of the Development Review Process Workgroup and turned the presentation over to Deputy Director of Planning Robert Kronenberg to describe the Development Review Process Workgroup in greater detail and provide an update on recent meetings held to date.

Mr. Kronenberg offered a multi-media presentation and stated the Workgroup was formed due to State Bill MCPG 104-23, that was introduced in Fall of 2022. Mr. Kronenberg stated the Bill was introduced to investigate the restructuring of M-NCPPC and potential improvements to the Development Review Process. The Workgroup was then formed to identify some areas for improvement for the different agencies involved with the development review process. Mr. Kronenberg further noted the focus of the Workgroup has been economic development and how the process can be streamlined to create greater efficiency.

Mr. Kronenberg explained the Workgroup is Chaired by Delegate Lopez, and is comprised of representatives from the Montgomery County Executive Branch, Montgomery County Council, M-NCPPC, the community, and the development community. Mr. Kronenberg also noted the Workgroup has a facilitator and note taker as well.

Mr. Kronenberg noted the Workgroup meetings are all live-streamed and available for public viewing, and he further described the meetings that have happened thus far. The first meeting was mainly an introduction meeting for the Workgroup members, followed by a second meeting in which a presentation of Montgomery Planning's Dashboard was presented. Montgomery County Departments of Permitting Services and Environmental Protection then presented presentations during the third meeting. Mr. Kronenberg stated that to date, there has been one public meeting to hear testimony from the community, the second will be upcoming on July 18, 2023, and the third public meeting will take place August 2, 2023.

Mr. Kronenberg then discussed some deliverables to be focused on, and noted there are still some questions that need to be addressed such as: what the final deliverable may look like, who will be responsible for drafting the final document, and what the potential changes to the Development Review Process may be.

Lastly, Mr. Kronenberg gave a brief overview of the Development Review website and showed a short video produced by the Communications Division detailing the steps of the Development Review Process, which is displayed for the public on the website as well.

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The Board offered comments regarding interest in reviewing a draft of the final revisions, creation of measurement criteria for the real time process throughout projects, and potential inclusion of all agencies on the dashboard to portray a complete picture of events and status of projects throughout the Development Review Process.

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

Item 5. Edgemoor, Administrative Subdivision No. 620230060 (Public Hearing)

Request to create two lots for one single-family dwelling unit on each lot; R-60 zone, 0.96-acres; located at 7611 Fairfax Road in Bethesda, approximately 100ft S of Wilson Lane; 1990 Bethesda Chevy Chase Master Plan.

Staff Recommendation: Approval with Conditions

T. Gatling

BOARD ACTION

Motion: Hedrick/Linden

Vote: 5-0

Other:

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

Tsaiquan Gatling, Planner III, offered a multi-media presentation regarding Edgemoor. Further information can be found in the Staff Report dated July 3, 2023.

Mr. Gatling gave a brief overview of the property and stated the Application requests to subdivide the property into two lots with one single-family dwelling unit on each lot. The existing house and garage are to remain on proposed Lot 23; however, proposed improvements include a new driveway to access the existing garage and a proposed addition to the rear of the existing home on proposed Lot 23. Lot 24 will also be improved with a new single-family dwelling unit with an attached garage. The existing Category I Conservation Easement, to be located on proposed Lot 24, is proposed to remain, and the existing access easement to Lot 23 from the neighboring property will be removed. The Applicant is requesting to retain the two curbcuts for Lot 23, and Staff does not support the request. Furthermore, Staff recommends consolidation to one curbcut for Lot 23 as conditioned.

Mr. Gatling noted the Applicant submitted a variance request which proposes impact to three trees and removal of four trees. A 15-foot building restriction line and easement fencing is also included as a Condition of approval as well.

Mr. Gatling stated Staff received several letters of correspondence throughout the review of the project which generally addressed the following: potential loss of/impact to the existing conservation easement, removal of significant trees, stormwater management/impervious surfaces, potential changes to street parking, and impacts on neighborhood character. Mr. Gatling explained Staff's responses to address the concerns.

Adrienne Ris, Adjacent Property Owner, offered testimony in support of the project and recommended the following: keep the afforestation on-site with no payment in-lieu, all mitigation trees be planted on the property and not planted somewhere else, and consider making all hardscape of a permeable nature. Lastly, Ms. Ris offered concerns regarding the proposed loss of the shortleaf pine tree located on the property that is approximately 100 years old.

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The Board asked questions regarding parking, stormwater management facilities and drainage, future potential outcomes for the property if the easement off of Wilson Lane is abandoned, potential to save the short leaf pine, which agency requested the dropping of the second curbcut for Lot 23, and length of proposed sidewalk widening.

Staff, including Chief of Downcounty Planning Elza Hisel-McCoy, offered comments and responses to the Board's questions.

Jared Carhart of CAS Engineering offered comments on behalf of the Applicant regarding the drainage issues associated with the property as well as potential removal of the 100-year-old short leaf pine tree.

Oliver Carr, the Owner and Applicant, offered comments regarding the existing access easement off Wilson Lane and potential future abandonment, as well as the half circle driveway and second curbcut.

The Board offered further discussion and comments regarding the short leaf pine tree as well as the elimination of one curbcut. The Board agreed with Staff's recommendation for one curbcut.

Item 6. Friendship Heights Urban Design Study Briefing

Staff presented the proposed scope of work for the Friendship Heights Urban Design Study.
A. Margolies

BOARD ACTION

Motion:

Vote:

Other:

Action: Receive briefing.

Atara Margolies, Planner III, offered a multi-media presentation regarding the Scope of Work for the Friendship Heights Urban Design Study. Further information can be found in the Staff Report dated July 6, 2023.

Ms. Margolies stated the goal of the Friendship Heights Urban Design Study is to analyze how people experience open spaces, pedestrian and transit networks, activity centers, and public life in Friendship Heights. The study will include a significant community engagement component and will highlight the urban design strengths and needs of this cross-jurisdictional transit-oriented community.

Ms. Margolies then explained the background of the Friendship Heights area and stated it has been approximately 25 years since a planning effort has been done in the area. Ms. Margolies stated Friendship Heights is an urban area along Wisconsin Avenue on both sides of the Washington, D.C. and Maryland border. Friendship Heights has a centrally located Metro station, with entrances in both jurisdictions. Friendship Heights also includes the incorporated municipality of the Village of Friendship Heights, and the area is bordered on all sides by single-family residential neighborhoods, which include several towns and incorporated municipalities such as Chevy Chase Village to the east and the Town of Somerset to the north. The neighborhood of Brookdale borders Friendship Heights to the west. The area within the 1998 Friendship Heights Sector Plan boundary will be the general focus area, but the context around that area on all sides will also be considered.

Ms. Margolies then discussed what will be studied which included: open spaces consisting of Public and private green spaces; the pedestrian environment focusing on sidewalks and street activation; and connectivity to transit and surrounding context.

Ms. Margolies stated engagement has already started with recent presentations to the Friendship Heights Village Council, Chevy Chase Village Board of Managers, Western Montgomery Citizens Advisory Board, and Citizens Coordinating Committee for Friendship Heights. Further engagement will include stakeholder presentations, open engagement events in the fall, in-person and virtual opportunities to participate, consultant expertise, an e-letter, and website updates.

Lastly, Ms. Margolies gave an overview of the proposed schedule and timeline which included: public engagement throughout the Fall of 2023, conducting an Urban Design Analysis Summer 2023 through Winter 2023, presentations to the Planning Board and Montgomery County Council in early 2024, and the final report made available in Winter/Spring of 2024.

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The Board asked what the next steps will be after conclusion of the study and what will be done with the information produced in the final report.

The Board also offered comments regarding noting community responses as to the context of what is wanted for the area as well as locations for housing and mixed-use housing.

Staff offered comments and responses to the Board.

Item 7. Federal Plaza West Sketch Plan No. 320220100 and Preliminary Plan No. 120220140 (Public Hearing)

The Applications propose to redevelop a surface parking lot and vacant commercial development into a mixed-use development with up to 500 residential units and 108,965 square feet of commercial development; on approximately 6.52 acres zoned CRT-2.25 C-0.75 R-1.5 H-75; Within the 2018 White Flint 2 Sector Plan area.

- A. Sketch Plan No. 320220100
- B. Preliminary Plan No. 120220140

Staff Recommendation: Approval with Conditions

A. Lindsey

A. BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval of the Sketch 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.

B. BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval of the Preliminary 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.

Amy Lindsey, Planner III, offered a multi-media presentation regarding Federal Plaza West. Further information can be found in the Staff Report dated June 30, 2023.

Ms. Lindsey stated the proposed plan includes the addition of one multi-family building, one mixed-use building, which incorporates 5,000 square feet of commercial space into a multi-family building, structured parking, and the adaptive reuse of part of the first floor of the existing commercial development as parking. The development also includes a flexible urban green open space, creating a buffer for the residential units from East Jefferson Street as well as providing a public gathering space.

The proposed development also includes a "road diet" for East Jefferson Street and the creation of a 10-foot-wide separated bicycle lane and an 8-foot-wide sidewalk on the west side. The bike lane will be separated from traffic by a landscape buffer and includes a transition to the City of Rockville facilities.

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Ms. Lindsey noted the development will be implemented in three phases and gave a brief overview of the different phases. The first phase includes the multi-family building, parking structure, conversion of commercial space to parking, and the flexible urban green. The second phase of development will be timed to coincide with the expiration of a commercial lease of the pad site. This phase will include the mixed-use building and the partial creation of the new connecting street and remaining internal circulation. The third phase will occur with the redevelopment of Federal Plaza East and will allow for the completion of the roadway connection.

Next, Ms. Lindsey discussed the Public Benefit points for the project, the Adequate Public Facilities (APF) extension for Phase 2, the parking waiver, and Preliminary Forest Conservation Plan. Ms. Lindsey stated the site does not contain any forest or specimen trees and there is a 0.99-acre afforestation requirement, which will be met off-site in a forest bank or by payment of fee-in-lieu.

Lastly, Ms. Lindsey noted community concerns regarding the connection to Miramont Condominiums and stated the Applicant will maintain the connection through redevelopment. Further details regarding the connection will be discussed through the Site Plan process.

Bruce Lewis of Miramont Villas Condos Association offered testimony regarding the connection between Miramont Condominiums and the future development. Mr. Lewis was pleased to hear and receive confirmation the connection and gate will remain open.

Pat Harris of Lerch, Early and Brewer offered comments on behalf of the Applicant regarding the challenges of the project as well as a multi-media presentation portraying the existing property. Ms. Harris offered further comments regarding Condition Number 12.a and noted the design of the interim bikeway will be worked out between the Applicant and Montgomery County Department of Transportation.

The Board asked questions regarding short to medium term plans for build out of the road diet South and East toward the Metro, clarification for how far the site extends, future plans for the structure housing Planet Fitness, the need for a potential easement for connection to the adjacent property, and the estimated timeline for phases.

The Board also offered comments regarding minimizing on-street parking, coordinating with the surrounding senior communities during construction regarding needs and walkability, and encouraging a more pedestrian friendly environment.

Staff, including Chief of Midcounty Planning Carrie Sanders and Planner III Richard Brockmyer, offered comments and responses to the Board's questions and comments.

Geoff Sharpe of Federal Realty offered comments regarding communications with existing communities and potential uses for structure housing Planet Fitness.

Item 8. North Bethesda Market II: Preliminary Plan Amendment No. 12012006C, Site Plan Amendment No. 82012004B and Forest Conservation Plan No. F20230170 (Public Hearing)

- A. Preliminary Plan Amendment No. 12012006C
- B. Site Plan Amendment No. 82012004B
- C. Forest Conservation Plan No. F20230170

CR-4.0, C-3.5, R-3.5, H-300 and CR-3.0, C-1.5, R-2.5, H-150'; 4.41 acres; located at the southeast corner of Woodglen Drive and Nicholson Lane; 2010 White Flint Sector Plan.

A. Preliminary Plan Amendment No. 12012006C: Request to extend the preliminary plan validity period by two years and modify conditions to facilitate demolition of existing buildings prior to recordation of plats.

B. Site Plan Amendment No. 82012004B: Request to develop two buildings: one building will contain up to 280 dwelling units and one building will contain up to 7,500 square feet of commercial uses.

C. Forest Conservation Plan No. F20230170: Final Forest Conservation Plan satisfying the requirements of Chapter 22A of the Montgomery County Forest Conservation Law ("FCL"). The total net tract area for forest conservation purposes is 4.41 acres and classified as Mixed-Use Development ("MDP") as defined in Section 22A-3 of the FCL and specified in the Trees Technical Manual. The Site does not contain any forest. However, there is a 0.66-acre afforestation requirement as calculated in the Forest Conservation Worksheet, as determined by the property size and 15% afforestation threshold. The afforestation requirement will be met off-site in a forest bank or by payment of fee-in-lieu

Staff Recommendation: Approval with Conditions

P. Smith

A. BOARD ACTION

Motion: Hedrick/Linden

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.

B. BOARD ACTION

Motion: Hedrick/Linden

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.

C. BOARD ACTION

Motion: Hedrick/Linden

Vote: 5-0

Other:

Action: **Approved Staff recommendation for approval of the Final 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.**

Parker Smith, Planner II, offered a multi-media presentation regarding North Bethesda Market II. Further information can be found in the Staff Report dated June 30, 2023.

Mr. Smith stated the Preliminary Plan Amendment proposes to change two previously approved conditions of the previous Preliminary Plan approval. The first change is to extend the validity period of the Preliminary Plan, which is currently valid through March 12, 2024. Given the multi-phased nature of the Project, the Applicant is seeking to extend Preliminary Plan validity by two years, so that it will expire at the same time as the Adequate Public Facilities (APF) validity period, on March 12, 2026. The second change is to Condition No. 21 of the previously approved Preliminary Plan, which will allow the Applicant to demolish existing structures and related infrastructure prior to recordation of plats.

The Site Plan Amendment is limited to Phase 1, and does not include the existing office building at the northeast corner of Woodglen Drive and Executive Boulevard, which will be included as part of Phase 2. The Site Plan Amendment modifies and implements the details of Phase 1 including the development of Building A containing up to 7,500 square feet of commercial uses at the southeast of the site along Rockville Pike, and the development of Building B as a 7-story multi-family residential building containing up to 280 dwelling units. Also included as part of the Site Plan Amendment is the creation of a private street grid, a pocket park along Woodglen Drive, and a landscaped public plaza that will include placemaking sculptural signage along Rockville Pike.

The Final Forest Conservation Plan covers the areas of both Phase 1 and Phase 2, with a total net tract area for forest conservation purposes of 4.41 acres. The Site does not contain any forest, however, there is a 0.66-acre afforestation requirement which will be met off-site in a forest bank or by payment of fee-in-lieu.

Mr. Smith then discussed the site vicinity, proposed circulation for vehicles, bicycles, and pedestrians as well as the Public Benefit points for the project.

Natasha Fahim, Planner III, highlighted some of the architectural designs for the project including the two public open spaces the project will create including Woodglen Pocket Park along Woodglen Drive as well as the Urban Plaza along Rockville Pike. Ms. Fahim then showed images of the proposed designs for the building structures from views of Woodglen Drive, Rockville Pike, and Paseo Drive.

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Mr. Smith then explained minor revisions to the Staff Report including Condition Numbers 1 and 15, as well as the Adequate Public Facilities square footage for the Preliminary Plan Amendment, and a correction to the Development Standards Table regarding proposed building height.

Steve Robbins of Lerch Early and Brewer offered comments on behalf of the Applicants and expressed agreement with Staff's conditions as well as the bike waiver mentioned by Staff. Mr. Robbins offered responses regarding the building heights for Phases 1 and 2.

Mehegan Easley of AvalonBay Communities, Inc., an Applicant, offered comments regarding the other properties AvalonBay Communities, Inc. has within the area as well as the housing the project will provide to the White Flint area and excitement to work with the two other Applicants. Ms. Easley offered further comments regarding the first-floor residential space and parking.

The Board asked questions regarding why the building height was not taller for Phase 1, building heights for Phase 2, if first floor would be residential or commercial, rationale when creating the parking, and anticipated timeframe until Phase 1 is built.

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

Elizabeth Rogers of Lerch Early and Brewer offered responses regarding the Phase 2 building heights as well as a multi-media picture portraying the building representations. Ms. Rogers offered further comments regarding parking as well.

Item 9. MHP – Nebel Street Applicant: Montgomery Housing Partnership, Site Plan Amendment No. 82022015A (Public Hearing)

Request to amend conditions of approval to relocate overhead utilities across the street instead of underground along the site frontage; reduce the total vehicular parking count by three spaces, and revise the architecture to correspond to proposed parking changes; The project was previously approved with up to 165 dwelling units, including 25% MPDUs and associated public benefits on an environmentally constrained parcel; Located on Nebel Street at the intersection of Old Georgetown Road, east of Rockville Pike (MD 355); 2.66 acres of land in the C-3.0 C-1.5 R-2.5 H-200 and C-4.0 C-2.0 R-3.5 H-250 Zones; within the 2010 White Flint Sector Plan area.

Staff Recommendation: Approval with Conditions

T. Graham

BOARD ACTION

Motion: Hedrick/Linden

Vote: 4-0-1

Other: Chair Harris recused himself.

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.

Tamika Graham, Planner III, offered a multi-media presentation regarding MHP – Nebel Street. Further information can be found in the Staff Report dated June 29, 2023.

Ms. Graham gave an overview of the area surrounding the project area and discussed the previously approved applications for Sketch Plan No. 320210110, Preliminary Plan No. 120220090, and Site Plan No. 82022015A.

Ms. Graham then discussed the current proposed amendments for the project which include: a request to reduce the total vehicular parking count by three spaces to total 140 parking spaces, a request to revise the public benefits points for Structured Parking to correspond to proposed parking changes (Condition No. 5.c.ii), a request to update architectural sheets for the parking garage layout to reflect this new parking count (Condition No. 24.i), and request to amend Condition 4b regrading relocation for the overhead utilities based on coordination with Pepco. The request for relocation of overhead utilities was due to correspondence received from Pepco stating the undergrounding the overhead utilities was not in Pepco's interest.

Ms. Graham noted the Applicant provided two options for relocating the overhead utilities on the south side of Nebel Street. Option Number 1 results in the need for three new poles with one pole in front of the building and two poles north of the building. Option Number 2 would result in an improved Property frontage when considering the total number of utility poles. A total of two new poles would be necessary to implement this scenario compared to eight new poles under the initial proposal. Ms. Graham further noted the Applicant seeks approval for Option Number 2, and Staff also supports Option Number 2 for the proposed overhead utilities.

Ms. Graham noted a minor change to Condition Number 4.b.ii.

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Ms. Graham stated one member of the public also submitted correspondence regarding possible exploration of other undergrounding alternatives, coordination with Pepco's Substation, and impacts to the lighting plan. Staff provided responses to the comments.

Pat Harris of Lerch Early and Brewer offered comments on behalf of the Applicant regarding the challenges of producing affordable housing and the rerouting of utilities being a preferred alternative for this instance.

The Board asked questions regarding potential for undergrounding of utilities just on Nebel Street and if the complete forest would be removed.

The Board also offered appreciation for the reduction in parking as well.

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

Steve Richter of Richter and Associates offered comments and responses regarding the undergrounding of utilities.

Item 10. Staging Allocation Request No. 28200 for MHP Nebel Street, Site Plan No. 820220150 (Public Hearing)

- A. Staging Allocation Request No. 28200
- B. Site Plan No. 820220150

Staging Allocation Request for 163 residential units. CR 3.0 C-1.5 R-2.5 H-200 and CR-4 C-2.0 R-3.5 H-250; located at the northeast and northwest intersection of Nebel Street and Old Georgetown Road in the North Bethesda (White Flint) Sector Plan area.

Staff Recommendation: Approval

N. Yearwood/M. Folden

BOARD ACTION

Motion: Hedrick/Linden

Vote: 4-0-1

Other: Chair Harris recused himself.

Action: Approved Staff recommendation for approval of the Staging Allocation Request cited above, which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.

Nkosi Yearwood, Planner III, offered a multi-media presentation regarding MHP Nebel Street. Further information can be found in the Staff Report dated June 29, 2023.

Mr. Yearwood stated the Montgomery Housing Partnership, filed a Staging Allocation Request (SAR) No. 28200 on May 16, 2023. The SAR request is associated with the MHP Nebel Street development, which is included in the approved Site Plan No. 820220150, MHP Nebel Street.

The Project will transform a vacant and environmentally constrained parcel of land into a 163-dwelling unit affordable housing project with enhancements to pedestrian and vehicular circulation, public open space, and significant stream restoration.

The Board asked to define the term staging and if there is a time limit between the phases.

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

Item 11. Annexation petition from the City of Gaithersburg, (ANX-9510-2023), for the properties located at 16531 South Frederick Road (MD 355), 8939 North Westland Drive and 8941 North Westland Drive to be annexed into the City of Gaithersburg. (Public Hearing)

Staff Recommendation: Transmit comments to the City of Gaithersburg Mayor and City Council and the Montgomery County Council.

N. Yearwood/M. Folden

BOARD ACTION

Motion: Pedoeem/Hedrick

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval to transmit comments to the City of Gaithersburg, City Council, and Montgomery County Council, as stated in a transmittal letter to be prepared at a later date.

Nkosi Yearwood, Planner III, offered a multi-media presentation regarding the Annexation petition from the City of Gaithersburg. Further information can be found in the Staff Report dated June 30, 2023.

Mr. Yearwood stated Walnut Hill Propco, LLC, King Fisher Associates, LLC and Lalita & Joginder, LLC seek annexation of the Walnut Hill Shopping Center and the properties located at 8939 North Westland Drive and 8941 North Westland Drive into the City of Gaithersburg from Montgomery County. In addition, two right-of-way segments of North Westland Drive and South Westland Drive that front these properties are also included in the annexation petition.

Mr. Yearwood noted the annexation petition proposes to use the City's General Commercial (C-2) zone for the shopping center and the Corridor Development (CD) zone for the smaller properties. The petitioners indicate that the commercial properties are oriented towards the City of Gaithersburg, and as a municipality of its size, Gaithersburg is more responsive and efficient than the County. Further, the proposed annex properties are in Gaithersburg's Maximum Expansion Limits (MEL), and it would complete a gap between the City and County. The annexation petition does not anticipate significant redevelopment in the near-term.

Pat Harris of Lerch Early and Brewer offered comments on behalf of the Applicant regarding annexation of the properties and being the right time to move forward.

The Board asked questions regarding alternate option for zoning in order to keep density, if the properties were zoned commercial, what municipalities such as fire and rescue serve the parcels, the benefits of the annexation of the parcels, specific interests considered, the last time residential property was annexed, and if the owner is in favor of the annexation.

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

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Rob Robinson from the City of Gaithersburg offered comments regarding annexations coming through the City of Gaithersburg as well as the process.

**Item 12. Rock Creek Village Shopping Center Site Plan Amendment No. 82020019A
(Public Hearing)**

Site Plan: Request to replace an existing drive-thru bank with a drive-thru restaurant; Update the exterior façade to the restaurant’s franchise design and theme; Replace three drive-thru lanes with one lane for the proposed drive-thru service window. Located on Norbeck Road approximately 190 feet West of Bauer Drive; zoned NR 0.75 H-45’; 1994 Aspen Hill Master Plan area.

Staff recommendation: Approval with Conditions

T. Leftwich

BOARD ACTION

Motion: Hedrick/Pedoeem

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.

Troy Leftwich, Planner III, offered a multi-media presentation regarding Rock Creek Village Shopping Center. Further information can be found in the Staff Report dated June 30, 2023.

Mr. Leftwich stated the Applicant proposes to renovate and repurpose the existing bank building for use as a Chipotle with a drive-thru. The proposal also includes a reconfiguration of the parking lot, reduction of the three drive-thru lanes to one drive-thru, a small building addition of 45 square feet to accommodate the service widow, 55 interior seats and 26 outside seats for a total of 81 seats, minor branding updates to the building's façade to meet the standard of the Chipotle franchise, and a preorder pick-up option. The proposed restaurant drive-thru will operate in a counterclockwise direction, with the pick-up window located on the west side of the building. There is sufficient space for up to 11 vehicles to queue within the drive-thru. Vehicular circulation around the proposed restaurant building will also include a shorter second lane, located on the west side of the building, that will function as a bypass lane for the proposed restaurant. This second lane is not included in the determination of the number of vehicle queuing spaces.

Mr. Leftwich noted Staff received correspondence requesting a traffic study due to existing traffic concerns for the shopping center, as well as additional concerns with traffic flow egresses from the main Rock Creek Village Center lot back onto Bauer Drive, and pedestrian safety specifically regarding minors.

Lastly, Mr. Leftwich noted a minor correction to the text under Table 2 on Page 17 of the Staff Report.

Jody S. Kline of Miller, Miller and Canby offered comments on behalf of the Applicant and noted agreement to all conditions proposed by Staff.

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The Board asked questions regarding concerns raised for the maintenance of hedges along Bauer Drive, whether parking is included within the lease, if access to the shopping center was available on Norbeck Road, and further explanation of the drive-thru lane.

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

Larry Spott of Rock Creek Village, LLC offered comments regarding the parking, maintenance of the hedges along Bauer Drive, and the drive-thru lane.

Item 13. Kingsview Station Preliminary Plan No. 120210210 and Site Plan No. 820210130 (Public Hearing)

A. Preliminary Plan No. 120210210: Create 61 lots for Townhouses including 12.5% MPDUs, and 2 lots for Retail/Service Establishments for up to 12,000 sq. ft. of total commercial space; 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.

B. Site Plan No. 820210130: Construct 61 Townhouses including 12.5% MPDUs: located in the southeastern quadrant of the intersection of Clopper Road/MD 117 and Germantown Road/MD 118; 7.45 acres; CRNF-1.0, C-0.25, R-0.75, H-55 zone; 1989 Approved and Adopted Germantown Master Plan.

Staff Recommendation: Approval with Conditions

J. Server/S. Pereira

A. BOARD ACTION

Motion: Hedrick/Linden

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval of the Preliminary Plan cited above, with conditions as modified during the meeting, 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: 5-0

Other:

Action: Approved Staff recommendation for approval of the Site Plan cited above, with conditions modified during the meeting, which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.

Jeffrey Server, Planner III, offered a multi-media presentation regarding Kingsview Station. Further information can be found in the Staff Report dated June 30, 2023.

Mr. Server gave a brief overview of the site vicinity and analysis for the project. Mr. Server stated the Applicant proposes to create sixty-one lots for single-family attached dwelling units and two lots for up to 12,000 square feet of retail/service establishment as well as 12.5 percent Moderately Priced Dwelling Units (MPDUs), with associated public streets, open spaces, and recreational amenities. The project will be developed into 2 phases with the residential portions in Phase 1 and the non-residential portions in Phase 2. The Preliminary Plan application covers both phases, and the Site Plan application only covers Phase 1. The Applicant will also provide amenities for residents and visitors including open space for an open lawn area, seating and picnicking, a play area, a bike station, and landscaping.

Mr. Server briefly reviewed the previously approved Local Map Amendment (LMA) H-131, which had binding conditions including: no more than 12,000 square feet of commercial building area; no more than 61 townhouse dwelling units; and maximum building height of 50 feet.

At this time, Chris Van Alstyne, Planner III, explained the transportation elements of the project with regard to access and parking. Mr. Van Alstyne also gave a brief summary of the frontage improvements associated with the project which included the existing sidewalk along Germantown Road to be upgraded with an 11-foot wide sidepath, the existing 8-foot sidewalk along Clopper Road to be upgraded with an 11-foot sidepath, and existing 8-foot sidewalk along Leaman Farm Road to be upgraded to an 11-foot wide sidepath. Mr. Van Alstyne noted the Applicant proposed two possible alternatives for the sidepath on Germantown Road, although Staff did not support the Applicant's alternatives. Mr. Van Alstyne continued to discuss the frontage improvements for Germantown, Clopper, and Leaman Farm Roads.

Mr. Van Alstyne then described the offsite improvements totaling \$325,151 in off-site mitigation requirements per the Local Area Transportation Review (LATR).

At this time, Mr. Server discussed the overhead utilities, which Mr. Server noted Staff recommends undergrounding for safety, resilience and Design Excellence. Mr. Server further noted the Applicant opposes Staff's recommendation and proposes to reduce the number of lines by removing any unused lines while keeping them overhead.

Mr. Server then discussed the Site Plan proposal, proposed common Open Space, and Final Forest Conservation Plan which complies with the previously approved Preliminary Forest Conservation Plan and Tree Variance Request from LMA H-131.

Redline changes were made to Preliminary Plan Condition Number 12.a.i as well as Site Plan Condition Number 7.d.ii, which was changed to Condition Number 7.e.

Elizabeth Rogers of Lerch Early and Brewer offered a multi-media presentation and comments regarding the vicinity as well as the constraints of the property. Ms. Rogers showed pictures of the current state of the property and noted issues with the undergrounding of utilities, sidepath widths recommended by Staff, and the Leaman Farm Road frontage. Ms. Rogers further noted the perceived lack of communication regarding Condition Number 12's recommendation for the LATR to be located on the Western side of Germantown Road rather than an extension applied to the North or South.

The Board asked questions regarding clarification of reforestation, why the above grade relocation of utilities to Germantown Road was infeasible, the proximity of the utility lines to the proposed housing, what would need to be done if the current utility lines stayed, consideration of cutting costs in other areas of the project to work towards undergrounding utilities, potential for off-site money to contribute toward the removal of the turn lane frontage improvements at Germantown Road and Clopper Road, the possibility of environmental issues on the Western side of Germantown Road, and the long-term vision for connectivity within the area.

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The Board offered comments and held discussion regarding the utilities, removal of the turn lane frontage improvements at Germantown and Clopper Roads, potential off-site improvements locations, and the sidepath widths for Germantown Road, Clopper Road and Leaman Farm Road.

Staff, including Upcounty Division Chief Patrick Butler and Planner II Doug Johnsen, offered comments and responses to the Board's questions and comments.

Kevin Wilson of Pepco offered comments regarding infeasibility of an above grade relocation of existing utilities to Germantown Road and the distance requirement between the utilities and proposed townhome units.

Tim Longfellow of GLW also offered comments regarding the distance of the proposed townhomes to the utility wires.

Pat Harris of Lerch Early and Brewer offered comments regarding the right turn lane on Germantown Road, the sidepath widths, location of the off-site improvements, and the road functioning as a tertiary roadway. Ms. Harris further offered suggestions for improvements as a middle ground with Staff's recommendations.

Nick Driban of Lenhart Traffic Consulting, Inc. offered comments regarding alternative locations for the off-site improvements for either South of Leaman Farm Road or North of Clopper Road.

Rebecca Torma of Montgomery County Department of Transportation (MCDOT) offered comments regarding the tertiary roadway standards.

The Board held further discussion and suggested the following modifications:

1. Keeping the utilities above grade with cleaning the unused/unneeded poles and lines;
2. 11-foot sidepath on Germantown Road and Clopper Road;
3. 8-foot sidepath on Leaman Farm Road;
4. Off-site improvements being North of the intersection of Clopper Road on the western side of Germantown Road or South of the intersection of Leaman Farm Road; and
5. The required finding that Liberty Hill Road is considered a tertiary Road.

Item 14. Zoning Text Amendment (ZTA) 23-05, Vehicle Parking Design Standards – Commercial Vehicle Parking for Properties with a Residential Use (Public Hearing)

ZTA 23-05 modifies the use standards for Commercial Vehicle Parking for Properties with a Residential Use in the R-200, R-90, R-60 and R-40 zones to allow for up to two light commercial vehicles to be parked on any lot or parcel

Staff Recommendation: Transmit comments to the District Council in support of ZTA 23-05
B. Berbert

BOARD ACTION

Motion: Pedoeem/Hedrick

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval to transmit comments 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 Zoning Text Amendment (ZTA) 23-05 for Vehicle Design Standards. Further information can be found in the Staff Report dated July 6, 2023.

Mr. Berbert stated that currently, zoning only allows one light commercial vehicle and one recreational vehicle to be parked on any lot or parcel in the R-200, R-90, R-60 or R-40 zone. ZTA 23-05 would modify the requirements to allow for either one light commercial vehicle and one recreational vehicle, or two light commercial vehicles.

Mr. Berbert noted ZTA 23-05 only modifies one section of the Code, under Division 6.2. Parking, Queuing, and Loading, Section 6.2.5 Vehicle Parking Design Standards, Subsection L. Commercial Vehicle Parking for Properties with a Residential Use, Subsection 4. R-200, R-90, R-60, and R-40 Zones. The modification can be found in lines 9 and 10 of the ZTA. The ZTA does not allow an additional number of non-personal motor vehicles, rather it modifies the Code allowing a second Light Commercial Vehicle rather than a recreational vehicle. Light Commercial Vehicles are likely already being taken home but are being parked on the street. Moving these vehicles to on-lot driveways may free up street resources and make it easier for residences to find street parking and for emergency vehicles to pass.

The Board asked questions regarding defining what was considered a light commercial vehicle, reasoning for the ZTA, and how HOA restrictions would apply.

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

The Board offered further comments regarding potential safety benefits for additional off-street parking for larger vehicles, but also stated from a climate assessment level it could lead to a greater climate impact with vehicle miles traveled.