

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APPROVED
MINUTES AND SUMMARY

SUMMARY

Thursday, July 6, 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 6, 2023, beginning at 9:08 a.m. and adjourning at 2:48 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.

Commissioner Linden left the meeting during Item 8 and was necessarily absent for the remainder of the meeting.

The Planning Board recessed for lunch at 11:34 a.m. and reconvened in the auditorium and via video conference at 1:00 p.m. to discuss Items 9 and 10 as reported in the attached Minutes.

There being no further business, the meeting was adjourned at 2:48 p.m. The next regular meeting of the Planning Board will be held on Thursday, July 13, 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:

Action: There were no Resolutions submitted for approval.

B. Approval of Minutes

1. Minutes for June 29, 2023

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 4-0

Other: Commissioner Bartley absent.

Action: Approved the minutes for June 29, 2023, as submitted.

C. Other Preliminary Matters

BOARD ACTION

Motion:

Vote:

Other:

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

Item 2. Record Plats (Public Hearing)

BOARD ACTION

Motion:

Vote:

Other:

Action: There were no Record Plats submitted for approval.

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

Parks Director's Report
M. Riley

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing.

Montgomery Parks Director Mike Riley offered a multi-media presentation regarding an update of events that recently occurred within the Parks Department.

Mr. Riley began by highlighting a collaboration with the Wheaton Arts Parade to place eleven triangular pyramid art sculptures throughout Brookside Gardens, which will be on display through August. The artists who created the triangular pyramids have connections to many countries including Spain, Costa Rica, and El Salvador. Mr. Riley further stated the Wheaton Arts Parade will take place on Sunday, October 15, 2023, and the event is sponsored by both Montgomery Parks and Montgomery Planning.

Director Riley then stated the Montgomery Parks Department partnered with the District of Columbia and Prince George's County Department of Parks and Recreation to apply for a \$25 million Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Federal Grant application, in which M-NCPPC was awarded \$18.5 million. The grant will provide thirty-four percent of the funding needed for the renovation or construction of five high-priority projects including: Northwest Branch Trail (Montgomery County), Northwest Branch Trail (Prince George's County), Sligo Creek Trail, Central Avenue Connector Trail, and a new 10-foot-wide trail at the DC-Maryland Border to Naylor Road Metrorail Station. Director Riley noted the focus on equity was one of the clear reasons the agencies won the funding and grant money.

Recently, the Montgomery Parks Athletic Field Team received a Proclamation presented by Councilmember Natali Fani-Gonzalez and County Executive Marc Elrich, and the Montgomery Parks Program Access Team also won the ARC Community Inclusion Award. Mr. Riley further noted the ARC Community Inclusion Award is awarded to a community group that shows a strong commitment to connecting people of all ages and abilities with their communities.

Montgomery Parks also recently hosted the Communicate with Confidence graduation, which had a total of 26 participants from both Montgomery and Prince George's Counties. Director Riley stated the program is a partnership with the Literacy Council and Montgomery County that consists of an eight-week online program to develop writing, reading and speaking skills.

Many summer events and programs were highlighted including: Foodie Fridays, the Brookside Twilight Summer Concert Series, Meadowside SENSE-sational Summer Camp, Wheaton Ice Hockey Camp, Playhouse Jr., and the first ever all Spanish comedy show at Flower Avenue Park.

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Lastly, Director Riley noted the recent fireworks displays hosted within two Montgomery Parks locations. The Mid-County Sparkles event at Newport Mill Local Park hosted approximately 8,000 attendees, and the Germantown Glory event at the South Germantown Recreational Park hosted approximately 40,000 attendees.

The Board offered comments regarding the Proclamation, Program Access, the grant funding received, and the Communicate with Confidence program and graduation.

Item 5. Briefing on the 2022 Park Recreation and Open Space (PROS) Plan

D. Flusche

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing.

Darren Flusche, Chief of Park Planning and Stewardship, offered a multi-media presentation regarding the Park Recreation and Open Space (PROS) Plan. Further information can be found in the Staff Report dated June 12, 2023.

Mr. Flusche gave an overview of the PROS Plan and what the primary policy document means for the Montgomery Parks Department. The PROS Plan provides the opportunity to collect and evaluate comprehensive data and information to better serve the public, by identifying: what the Parks Department has, how it's used, what the Parks Department needs, where parks are located and who has access to them, and conservation and stewardship. Mr. Flusche also explained the PROS Plan's relationship to Thrive Montgomery 2050, as well as the recommendations Thrive Montgomery 2050 makes for the Parks and Recreation Chapter.

The public process for the PROS Plan consisted of 831 randomized mail-in survey responses, 825 intercept survey responses, 164 online survey responses, and 200 Montgomery County Public School survey responses. Mr. Flusche described the questions asked in the many mail-in surveys, as well as feedback received regarding items that people felt were important amenities and amenities that need room for improvement.

Mr. Flusche noted the PROS Plan articulates the key purposes of Parks as encouraging physical activity, facilitating social interaction, and protecting the environment. Mr. Flusche continued by providing an overview and detailed discussion for the different sections and chapters of the PROS Plan, including the recommendations for each chapter of the Plan. Highlights from each chapter included the overlapping joys of Parks, the High School Student Survey, the inventory and programs provided, commitment to Natural Resource Stewardship, purpose of land conservation and agriculture, and Equity Focus Areas.

The Board asked questions regarding top priorities identified by the High School Survey, fair compensation for Park permits, volunteer opportunities for Middle and High School students to gain service hours, and ways to improve non-vehicular access to Parks specifically relating to Equity Focus Areas.

The Board also offered comments regarding the Parks system and trails within Montgomery County.

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

Item 6. Planning Board Presentation: Basics of CIP

R. Peele

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing.

Ronald Peele, Park Development Division CIP/Budget Administrator, offered a multi-media presentation regarding an overview of Montgomery Parks Capital Improvements Program (CIP). Further information can be found in the Staff Report dated June 30, 2023.

Mr. Peele gave an overview of the Montgomery Parks CIP stating it is adopted every 6 years for appropriating funds for Parks facilities, infrastructure, and land. The FY23-28 CIP, which was adopted by the Montgomery County Council May 25, 2023, totaled \$296 million and included funding for renovations and maintenance, new parks or facilities, and land acquisition. Mr. Peele also noted funding for the CIP comes from multiple sources including: M-NCPPC Park Bonds, Montgomery County Government, the State of Maryland, and other funding.

Mr. Peele then provided initial concepts for the upcoming FY25-30 CIP which included: building on past success, following Condition Assessment Data, analyzing emerging needs, implementing Master Plans, restoring Stream Valley Parks, and addressing Equity Focus Areas. Additional concepts for the FY25-30 CIP include increasing funding levels for Wheaton Regional Park, Planned Lifecycle Asset Replacement (PLAR), trail hard surface renovations, and stream restoration programs. A new standalone project, the Lyttonsville Civic Green, will also be an area of focus as well as transferring the Park Roads Project Description Form (PDF) to the Parks CIP.

Lastly, Mr. Peele discussed the timeline for the FY25-30 CIP, which is currently underway. The Parks Department has already gathered project requests, which will be followed by prioritizing needs and analyzing scenarios throughout the summer and fall of 2023. The Parks Department will receive public input and Planning Board guidance through September 2023, ultimately seeking Planning Board approval in October 2023. The Parks Department will then transmit the FY25-30 CIP request to the County Executive and County Council November 1, 2023.

The Board asked questions regarding the rationale for the transfer of the Parks Roads PDF to the CIP, if the Parks Roads PDF transfer would include bridges, and when outreach to constituents would take place with regard to the September 7, 2023 public meeting.

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

Item 7. Conditional Use No. CU202314 and Forest Conservation Plan No. F20230100: Community Housing Initiative, Inc. (Overhill Senior Living) (Public Hearing)

A. Forest Conservation Plan No. F20230100

Staff Recommendation: Approval with Conditions

B. Conditional Use No. CU202314: Request to transmit comments to the Hearing Examiner on a proposed Conditional Use for an Independent Living Facility pursuant to the 2014 Montgomery County Zoning Ordinance Sections 59.3.3.2.C (Specific Conditions) and 59.7.3.1 (General Conditions) at 16998 Overhill Road, Rockville; RE-1 Zone; Upper Rock Creek Master Plan

Staff Recommendation: Approval to transmit comments to the Hearing Examiner

M. Beall

A. BOARD ACTION

Motion: Bartley/Hedrick

Vote: 5-0

Other:

Action: Approved staff recommendation for approval of the Preliminary 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.

B. BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved staff recommendation for approval to transmit comments to the Hearing Examiner, as stated in a transmittal letter to be prepared at a later date.

Mark Beall, Zoning Planner IV, offered a multi-media presentation regarding Community Housing Initiative, Inc. (Overhill Senior Living). Further information can be found in the Staff Report dated June 9, 2023.

Mr. Beall stated the Applicant proposes to construct a new Independent Living Facility for Seniors. The Application includes a new multi-unit building, parking lot, lighting, and landscaping. The property will have access via a new driveway entrance on Overhill Road, and the building will contain a total of 130 dwellings units all of which will be Moderately Priced Dwelling Units (MPDUs).

Joshua Penn, Planner III, then explained the Preliminary Forest Conservation Plan for the project. There will be no forest removed or retained with the project which results in a total afforestation requirement of .86 acres, therefore, the Applicant proposes to meet this requirement by planting 0.62 acres of forest on-site and meeting the remainder of the requirement off-site. The planting will take place within the stream buffer.

Mr. Penn also acknowledged the Applicant requested a tree variance due to the proposed construction of redeveloping the currently developed property and improving its condition. The request is for eight (8) specimen trees to be removed and impacts to two (2) other trees. These trees will be replaced at a ratio of approximately 1-inch caliper for every four inches removed using trees that are a minimum of three caliper inches in size. This results in a total mitigation of 77 inches with the installation of twenty-six (26) 3-inch caliper trees.

Mr. Penn further noted Staff requested the Applicant provide a complete noise analysis of the projected noise levels so that possible future roadway noise impacts on the residents of the proposed use could be analyzed. Mr. Penn stated the Applicant declined to provide any future forecasting for the project, and requested the project move forward without the additionally requested information. As conditioned, a complete noise analysis will be required at the time of Preliminary Plan, if the Conditional Use is approved.

Mr. Beall stated Staff is also working with Montgomery County Department of Transportation (MCDOT), State Highways Administration (SHA), and the Applicant to determine a potential path alignment from the property to Redland Road.

Lastly, Mr. Beall noted corrections to Page 12 (iii-2) in which the sentence will be redlined to correctly reference Table 2 and the senior housing proposed, and Page 19 to correct the off-site forestry acreage which should be listed as 0.24 acres.

Scott Wallace of Miles and Stockbridge offered comments on behalf of the Applicant and noted agreement with Staff's recommendations including an updated noise analysis report at time of Preliminary Plan. Mr. Wallace offered further comments and responses to the Board's questions regarding the noise analysis report and potential easement.

The Board asked questions regarding potential trigger for installation of a noise wall, amenities provided to residents, review of potential connections to surrounding Rock Creek Park and Redland Park, reasoning behind lack of conducting a current noise analysis report, financing for the project, and potential need for acquiring an easement for the proposed path to Redland Road.

Staff, including Planner II Brett Brown, offered comments and responses to the Board's questions.

Patrick Byrne of Community Housing Initiative, Inc. (the Applicant) offered responses regarding the MPDUs, financing, and amenities offered to residents.

Item 8. Kings Crossing: Preliminary Plan No. 120220020 (Public Hearing)

Application to create 11 lots for 11 single-family detached dwelling units; located on the southeast corner of the intersection of Autumn Gold Road and Crossview Road, R-200 zone, 5.99 acres, 1989 Germantown Master Plan.

Staff Recommendation: Approval with Conditions

J. Casey

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 4-0

Other: Commissioner Linden absent for vote.

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.

Jonathan Casey, Planner II, offered a multi-media presentation regarding Kings Crossing. Further information can be found in the Staff Report dated June 23, 2023.

Mr. Casey gave an overview of the area surrounding the project and noted the Applicant is proposing eleven (11) total lots, including ten (10) lots for ten (10) new detached dwelling units, one lot for an existing dwelling unit, two open space parcels, and an eleven-foot shared use path connecting the existing Crossview Road cul-de-sac to the Country Meadow Road cul-de-sac. The new lots will be configured in a pattern consistent with the surrounding development, with four units fronting on Autumn Gold Road and six units on Crossview Road. Each lot will be served by public water and sewer.

Mr. Casey stated the Preliminary Forest Conservation Plan (PFCP) proposes to remove 1.65 acres, retain 1.18 acres, and 0.59 acres total reforestation for on-site planting of forest. All retained and planted forest will be protected by Category I Conservation Easements. The Application also includes a tree variance request to remove four trees and impact two trees that are 30 inches or greater, diameter at breast height (DBH), and considered a high priority for retention.

Mr. Casey further proposed the addition of a new Condition No. 21(d), requiring the Applicant to revise the Preliminary Plan and PFCP to show the revised Category I Forest Conservation Easements, including the relocation of easement area from Parcel D to the area abutting the southern Forest Conservation Easement, as approved by Staff. Lastly, Mr. Casey proposed striking Condition No. 15. The Board accepted the proposed condition changes.

The Board asked questions regarding need for changes to location/boundaries the Forest Conservation Easements, compatibility of style between proposed housing structures and existing housing, and concerns with increased traffic and use of the shared road.

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

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Dean Packard of Packard and Associates, LLC offered comments on behalf of the Applicant stating full agreement to all conditions. Mr. Packard offered further comments regarding the roads noting that the only concerns raised by the public were regarding potential construction traffic, which the Applicant would work with the public to minimize.

Item 9. Briefing on the Community Equity Index

B. Kraft

BOARD ACTION

Motion:

Vote:

Other: Commissioner Linden absent.

Action: Received briefing.

Benjamin Kraft, Research Planner, offered a multi-media presentation regarding the Community Equity Index. Further information can be found in the Staff Report dated June 12, 2023.

Mr. Kraft began by providing an overview of the background and introduction to the Community Equity Index (CEI). Mr. Kraft stated the CEI applies a working definition of equity from the American Planning Association and adopted by Montgomery Planning. Under this definition, equity is defined as “just and fair inclusion into a society in which all can participate, prosper, and reach their full potential.” Equity Focus Areas (EFAs) were then developed in 2021 to help identify census tracts with the most vulnerable populations within Montgomery County. The CEI includes more variables than EFA analysis and it scores each tract’s level of advantage or disadvantage based on the proportion of residents with various socio-economic characteristics relative to County averages.

Mr. Kraft discussed the different groups the Planning Department consulted with during development of the CEI, examples of Equity and Opportunity Indexes from the Puget Sound Regional Council and City of Dallas, and using the CEI as a measure of divergence from the Countywide average.

Mr. Kraft then explained the established criteria for selecting variables for CEI indicators. The five variables include: percentage of people living below 200 percent of the federal poverty level, percentage of people without a bachelor’s degree or higher, percentage of people who speak English “less than very well,” percentage of people who rent housing, and per capita income.

Mr. Kraft then interpreted a map of Montgomery County representing the areas within the County that are disproportionate-disadvantaged, proportionate, and disproportionate-advantaged, as well as the number of tracts within each CEI category. Mr. Kraft described indicators driving inequity for the County, and how the uses of the CEI can help to assess the disproportionality within Montgomery County.

At this time, Jay Mukherjee, Principal GIS Specialist, gave an overview of the CEI dashboard mapping explorer, which is used to visualize and analyze the CEI to show geographic disparities across the County. The information helps the Planning Department know where to target equity initiatives and resources. Mr. Mukherjee then discussed and interpreted different mapping tools found on CEI dashboard in greater detail.

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Lastly, Mr. Mukherjee highlighted where the CEI Analysis and Explorer could be found on the Planning Department website and noted potential future training sessions for the Planning Department, as well as the creation of “how to” videos that may help non-planners use and navigate the website.

The Board asked questions regarding availability of the CEI tool to outside agencies, inclusion of all five criteria indicators contributing to scores, sharing of the CEI tool among peer groups within their own jurisdictions, possibility of CEI being slightly skewed due to less expensive single-family housing and more expensive multi-family housing by Metro, and if robustness checks were done.

Staff, including Chief of Research and Strategic Project Caroline McCarthy, offered comments and responses to the Board’s questions.

Item 10. Staff Presentation on Design Excellence at Montgomery Planning

P. Mortensen

BOARD ACTION

Motion:

Vote:

Other: Commissioner Linden absent.

Action: Received briefing.

Paul Mortensen, Special Program Coordinator for Urban Design and leader of the Design Excellence initiative, offered a multi-media presentation regarding Montgomery Planning Design Excellence. Further information can be found in the Staff Report dated June 12, 2023.

Mr. Mortenson stated the Design Excellence initiative has become increasingly important as developable land in Montgomery County is shrinking and densities in the County's centers is increasing. The initiative was launched in 2014, and some of the goals for Design Excellence include a focus on architecture's role in the design of neighborhoods and communities, creating high quality building designs, educating the importance of quality design, and establishing design criteria that evaluates projects passing through development review.

Design Excellence has been incorporated into many Planning initiatives such as: Thrive Montgomery 2050, Master Plans and Master Plan Guidelines, policy review and modifications, and regulatory development review. Design Excellence has been proven most significant during the Development Design Review stage of projects in which original submitted plans can be modified to align with the Design Excellence goals. Some examples of Development Design Review projects that were modified to incorporate Design Excellence goals include Battery Lane C, Wheaton Headquarters, and Marriott Headquarters, and Mr. Mortenson described the changes to all in greater detail.

Mr. Mortenson noted The Emergency Access Guidelines are also another element of Design Excellence. Mr. Mortenson stated the Planning Department works with the Fire Department, Montgomery County Department of Transportation (MCDOT), and the Department of Permitting Services (DPS) to design streets that are less wide, yet still sufficient for emergency vehicles to use, and are better suited for pedestrians.

The Design Excellence program also promotes photo contests with Planning Department staff which have different focus themes each year. Staff is encouraged to participate for recognition and awards, and the work product received from the photo contests is often used as a source for examples for staff projects.

Lastly, Mr. Mortenson noted the Design Excellence Awards will take place at Wheaton Headquarters on October 19, 2023, with submissions due by July 17, 2023. The Design Excellence Awards bring together an independent jury of nationally recognized accomplished professionals, and the Planning Department will be partnering with the American Institute of Architects (AIA) Potomac Valley Chapter. Mr. Mortenson then provided examples of past winners that included

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the Universities at Shady Grove Biomedical Sciences and Engineering Building, Glenstone Museum, and Silver Spring Civic Building.

The Board asked questions regarding the process for collaboration between Staff and an applicant for a plan submitted by a noteworthy architect and potential for exceptions when a proposal does not meet Master Plan guidelines but meets the vision of Design Excellence guidelines.

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