

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APPROVED
MINUTES AND SUMMARY

SUMMARY

Thursday, October 12, 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, October 12, 2023, beginning at 9:16 a.m. and adjourning at 2:45 p.m.

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

Items 1 through 6 were discussed in that order and reported in the attached Minutes.

Item 7 was postponed.

The Planning Board recessed for lunch at 11:59 a.m. and reconvened in the auditorium and via video conference to return to open session at 1:06 p.m. to discuss Items 8 through 10, as reported in the attached Minutes.

There being no further business, the meeting adjourned at 2:45 p.m. The next regular meeting of the Planning Board will be held on Thursday, October 19, 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 adoption.

B. Approval of Minutes

1. Minutes for September 28, 2023
2. Minutes for September 29, 2023
3. Closed Session Minutes 29, 2023

BOARD ACTION

Motion: Hedrick/Bartley

Vote: 5-0

Other:

Action: Approved the Open Session Minutes for September 28, 2023 and September 29, 2023, and Closed Session Minutes for September 29, 2023, as submitted.

C. Other Preliminary Matters

1. Corrected MCPB Resolution No. 23-025, Administrative Subdivision No. 620230030, Larsen Property
A. Duprey

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

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

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2. Request for Reconsideration Filed by Landow & Co: 7126 Wisconsin Avenue, Sketch Plan Amendment No. 32019003A, Preliminary Plan No. 120230020, and Site Plan No. 820230020 (Hearing Date: September 14, 2023)

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 4-0-1

Other: Commissioner Bartley Abstained due to being absent on September 14, 2023.

Action: Approved Request for Reconsideration

Item 2. Record Plats (Public Hearing)

Subdivision Plat No. 220240050, Creekside at Cabin Branch

RNC zone; 11 lots, located on the west side of Clarksburg Road (MD 121), opposite Dowitcher Way; Clarksburg Ten Mile Creek Amendment Area.

Staff Recommendation: Approval

Subdivision Plat No. 220230710, Horizon Hill

RE-2 zone; 1 lot; located on the south side of Red Barn Lane, approximately 3,000 feet west of Glen Mill Road; Potomac Subregion 2002 Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: Hedrick/Pedoeem

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)

Loehmann’s Plaza: Extension Request for Sketch Plan No. 320230050 Request No. 2 - Request to extend the regulatory review from October 26, 2023 through November 30, 2020.

Applicant: Rosenfeld Investment, LLC

A. Sketch Plan No. 320230050: Proposed infill development with up to 710,000 square feet of residential uses and up to 40,000 square feet of commercial uses for a cumulative density of up to 750,000 square feet of mixed-use development, with 15% Moderately Priced Dwelling Units (MPDUs), open space, pedestrian and bicycle improvements, and associated public benefits to support incentive density; The Overall Site is an existing strip shopping center with surface parking and a pad site on 9.74-acres of land; Located at 5200 Randolph Road at the southeast quadrant of the intersection of Randolph Road with Parklawn Drive and west of Putnam Road; Commercial Residential (CR-1.75, C-0.5, R-1.5, H-75) Zone; within the Randolph Hills District of the 2018 White Flint II Sector Plan area.

Staff Recommendation: Approve the Extension Request for 30 days through November 30th.

T. Graham

Decoverly Hall, Regulatory Extension Request No. 2 - Request to extend the regulatory review period from September 21, 2023 to January 21, 2024.

The Applications propose to increase the approved density from 105,000 square feet to 165,000 square feet on Parcel KK and revise the landscape and hardscape of Parcels LL, Z, and BB; On approximately 38.62 acres zoned EOF 1.5, H-75; Within the 2021 Great Seneca Science Corridor Minor Master Plan area.

A. Preliminary Plan No. 11985245C

B. Site Plan No. 81988015G

C. Forest Conservation Plan F20230070

Staff Recommendation: Approval of the extension request

A. Lindsey

Retail Shops – 15504 New Hampshire Avenue, Preliminary Plan Amendment No. 11999100B, Regulatory Review Extension Request No. 1 - Request to extend the regulatory review period by two months until December 21, 2023.

Application to amend a Preliminary Plan to allow a new 7,063 square foot commercial retail building; 15504 New Hampshire Avenue Cloverly; NR-0.75 H-45 zone, 1997 Cloverly Master Plan.

Staff Recommendation: Approval of the extension request

P. Estes

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 noted the County Council's approval of the Pedestrian Master Plan and Chief of Countywide Planning and Policy, Jason Sartori, offered comments recognizing all involved with the Pedestrian Master Plan. Ms. Stern continued by introducing the Research and Strategic Projects Division who offered a multi-media presentation regarding the Hispanic population of Montgomery County. Further information can be found in the link on the October 12, Agenda on the Planning Board Website to the Profile on the Hispanic Population in Montgomery County.

Luke Savonis, Planner II, noted 2021 was the time period focused on for the Hispanic Community Profile, and explained the Hispanic population reached 20.1 percent of the County's population in 2021 with 211,512 people. This is more than a nine-fold increase from just 3.9 percent and 22,790 people in 1980, and the Hispanic population saw the fastest growth of any group within the County from 1980 to 2021.

Mr. Savonis discussed educational attainment, birthplace, home ownership, rental percentages, and income levels of the Hispanic population.

The Board asked how often the demographic information is gathered, and staff offered comments and responses.

The Board also offered comments regarding statistics and inclusion of other diverse populations for Montgomery County.

Item 5. Redland Road Bridge over Mill Creek #M-0056 Replacement Mandatory Referral (Public Hearing)

The Montgomery County Department of Transportation proposes to replace an existing bridge on Redland Road over Mill Creek to provide a wider structure to accommodate two travel lanes plus a future master-planned sidepath. The new bridge will be more adequately sized for both transportation capacity on Redland Road and hydraulic capacity below the structure across Mill Creek.

Staff Recommendation: Approval with Comments

S. Aldrich

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved staff recommendation for approval to transmit comments to Montgomery County Department of Transportation with additional comments added during the meeting, as stated in a transmittal letter to be drafted at a later date.

Stephen Aldrich, Planner IV, offered a multi-media presentation regarding the Redland Road Bridge. Further information can be found in the Staff Report dated October 5, 2023.

Mr. Aldrich stated the Montgomery County Department of Transportation's (MCDOT's) project to construct a new bridge along Redland Road over Mill Creek is located between Briardale Road and Overhill Road. This project is within the Mill Creek Stream Valley Park and Rock Creek Regional Park. The project length is 340 feet and Mr. Aldrich stated MCDOT plans to replace this bridge with a new 33-foot-long by 48-foot-wide prestressed concrete bridge. The bridge will be designed with a 48-foot-wide superstructure and with a roadway clearance of 45 feet eight inches. The interim plan is to provide two 10.5-foot-wide travel lanes with two 12-foot, 4 inches-wide shoulders. The bridge opening will be widened to accommodate larger stormflows and reduce erosive forces downstream. The construction will include stream stabilization structures upstream and downstream of the bridge in Mill Creek. In the future, once a sidepath and sidewalk are constructed on Redland Road approaching the bridge, the shoulders can be converted to accommodate a sidepath and sidewalk.

Mr. Aldrich described the design element review consistency with the Complete Streets Design Guide and Master Plan conformity. Mr. Aldrich noted the bicycle facilities and sidepath are not being proposed with the current design, although, even though the features are not included in the proposed design they can be implemented at a later time. It was further noted the current posted speed limit is 35 miles per hour, but Tuckerman Lane is classified as an Area Connector and the target speed should be 25 miles per hour.

Mr. Aldrich stated the proposed design will provide only an interim cross section, not the Master Planned vision in which the segment would need to accommodate a new sidepath on the west side of Redland Road between Briardale Lane and the Intercounty Connector (ICC) bridge, as well as

a new sidewalk on the east side of Redland Road between 600 feet south of Overhill Road and Briardale Road.

Halley Johnson, Planner II, discussed the Historic Preservation review and environmental analysis for the bridge, and stated an exemption was granted from the submission of a Forest Conservation Plan. Although, while the project is exempt, the applicant is still required to minimize forest cutting, clearing, and loss of specimen trees to the extent possible while balancing other design, construction, and environmental standards; provide mitigation for loss of specimen or champion trees; and reforest a suitable area at the rate of one acre of reforestation for each acre of forest cleared if exceeding 20,000 square feet. Ms. Johnson noted the applicant has also submitted a tree save plan (TSP) in conjunction with the Mandatory Referral process, and the required mitigation involves the planting of four 2-inch caliper trees. One specimen tree, a Tulip Poplar is also scheduled to be removed.

Doug Stephens, Montgomery Parks Principal Natural Resources Specialist, explained the Montgomery Parks Concept Review Approach for non-park use of park property which includes avoid impacts, minimize impacts, mitigate for impacts at specific locations, and compensate parks for impacts if they cannot be avoided. Mr. Stevens discussed the Concept Review analysis, Park Construction Permit process, and noted the goal of concept review is to establish the project scope and mitigation related to parkland to align with Montgomery Park's mission and values.

Mr. Aldrich gave an overview of the community outreach for the project which included a virtual public meeting June 7, 2023 presentation. Mr. Aldrich noted many of the public comments were in favor of a pedestrian sidepath and sidewalk.

Lastly, Mr. Aldrich discussed the following comments staff is recommending be sent to the Montgomery County Department of Transportation:

1. Develop a cross section for the Redland Road bridge that captures the entire master planned vision for the proposed 45 feet 8-inch-wide bridge clearance, with the following improvements:
 - a 12-foot wide sidepath on the west side, composed of a 1.5-foot wide buffer from the bridge parapet, an 8-foot-wide sidepath, and a 2.5-foot wide buffer with a protective railing,
 - narrow shoulders less than two feet in width,
 - two 10.5 feet wide travel lanes,
 - a 9-foot wide sidewalk on the east side, composed of a 1.5-foot wide buffer from the bridge parapet, a 5-foot wide sidewalk, and a 2.5-foot wide buffer with a protective railing.
2. Assess whether the existing 35-mph posted speed limit should be reduced, given that the target speed for this road is 30 mph.
3. Construction plans must be submitted to the M-NCPPC Department of Parks for review as part of the Park Construction Permit process to ensure that all work is performed in accordance with M-NCPPC standard details, specifications, and policies. No work on parkland may occur until an approved Park Construction Permit is issued for the project.
4. Any approved Commission parkland such as Mill Creek Stream Valley Park and Rock Creek Regional Park to be added to the Montgomery County Department of Transportation Road

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right-of-way (ROW) will be transferred to the County, as appropriate, via perpetual easement. The Commission must be paid the fair market value of the perpetual easement.

5. MCDOT must continue to coordinate with M-NCPPC on the design of the required in-stream structures in Mill Creek to ensure that a stable stream setting is provided.
6. Montgomery Parks tree mitigation will be fulfilled through the on-site planting of a diverse tree, shrub, and herbaceous palette approved by Montgomery Parks.

John FitzPatrick (Individual) offered testimony regarding support for the bridge project and raised some public safety hazards as well as suggesting five safety mitigation efforts for Founders Mill Drive. The five suggestions included no thru-traffic signage, no allowance of construction vehicles on side streets, visible stop signs, speed channeler, and temporary speed bumps.

The Board asked questions regarding the required offsets and width, clarification of anticipated detour and signage, responsibility of plantings maintenance, future plans for bicycle and pedestrian improvements along Redland Road, total width of the proposed bridge, lack of sidepath/sidewalks, total cost of project, and if there is an associated maintenance bond.

Staff, including Multimodal Transportation Supervisor David Anspacher offered comments and responses to the Board's questions.

Dan Sheridan and Angel Cheng of MCDOT offered comments and responses to the Board's questions regarding future pedestrian improvements along Redland Road, total cost of the project, and maintenance bonds.

The Board held further discussion regarding the future sidepath/sidewalk, lack of connectivity, and opportunities for coordination to prioritize investments such as bicycle and pedestrian improvements.

The Board agreed by consensus to include additional comments regarding future coordination between bridge construction and associated pedestrian and bicycle improvements to increase connectivity, and potential traffic mitigation measures to address Mr. FitzPatrick's concerns.

Item 6. BOZ Briefing Follow-up (Public Testimony Accepted)

Staff Recommendation: Brief the Planning Board
E. Hisel-McCoy

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing followed by testimony.

Stephanie Dickel, Downcounty Regulatory Supervisor, stated on September 28, 2023, Planning Staff briefed the Planning Board on the assessment of the Bethesda Overlay Zone and recommendations for next steps. Ms. Dickel noted staff will come before the Board in November to discuss testimony, and written comments will continue to be taken until the Planning Board date. Further information can be found in the Staff Report posted on the Planning Board website under the October 12, 2023 Agenda.

The Planning Board then received public testimony on the Bethesda Overlay Zone development cap from the following:

In Person:

Irene Lane (Mayor, Chevy Chase)
Barney Rush (Vice Mayor, Town of Chevy Chase)
Ryan Kim (Monument Realty)
Christopher Smith (Stonebridge)
Amanda Farber (IAC)
Matthew Gordon (Selzer Gurvitch)
Dedun Ingram (Individual)
Patricia Harris (Individual)
Naomi Spinrad (Individual)

Via Teams:

Bob Dalrymple (Individual)
Janel Kausner (Adjacent Property Owner)
Rob Eisinger (Individual)

Item 7. POSTPONED - Reforest Montgomery Program Briefing

Staff Recommendation: Brief the Planning Board
K. Taddei/M. Rothberg

BOARD ACTION

Motion:

Vote:

Other:

Action: POSTPONED.

Item 8. Briefing on Neighborhood Change in the Washington Metropolitan Area

Staff Recommendation: Brief the Planning Board
B. Kraft

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing.

Ben Kraft, Research Planner, offered a multi-media presentation regarding the Neighborhood Change in the Washington Metropolitan Area. This project is part of a suite of tools Research and Strategic Projects Division staff developed to better understand equity issues and neighborhood conditions in the County. Further information can be found in the Staff Report dated September 29, 2023.

Mr. Kraft noted the research project was based on a methodology developed by the Institute on Metropolitan Opportunity at the University of Minnesota for its 2019 report, American Neighborhood Change in the 21st Century: Gentrification and Decline. Planning staff updated the data, added additional variables for analysis, and focused on the Washington, DC region and Montgomery County.

The main findings are: neighborhoods can grow wealthier and more socio-economically diverse, but not without growth; the concentration of low-income residents in Montgomery County's neighborhoods is the County's most pressing challenge related to neighborhood change; people of color are more affected by low-income concentration than by displacement in Montgomery County; and new housing construction is strongly associated with inclusive economic growth in neighborhoods.

Mr. Kraft also explained the neighborhood change criteria and showed a series of slides with maps portraying displacement, low-income concentration, and inclusive growth.

Some key takeaways from the Montgomery County Neighborhood Change study include: building more housing, including affordable housing, promoting socio-economic diversity; prevent displacement; prevent poverty concentration and disinvestment; and encourage inclusive growth.

The Board asked questions regarding why the 5-year American Community Survey data was chosen, reasoning for using 700 as a number to determine absolute change in number of low-income people, and if people who improve their economic factors are considered displacers.

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

Item 9. 2115 East Jefferson Street, Preliminary Plan Application No. 120230100, Site Plan Application No. 820230080 & Forest Conservation Plan No. F20230220 (Public Hearing)

CR 1.5, C-1.5, R-1.0, H-100; located on East Jefferson Street 340 feet South of Josiah Henson Parkway; within the 2018 White Flint 2 Sector Plan area.

A. Preliminary Plan Application No. 120230100: Request to subdivide one lot into 86 townhouse lots, create new HOA parcels, and Private Road Parcels; for up to 245,000 square feet of residential uses (including 15% MPDUs).

B. Site Plan Application No. 820230080: Request to demolish the existing vacant office and create 86 new townhouses (including 13 MPDUs). Established the 100 ft buffer conservation easement and provide 19% of total Common Open Space; and provide the final determination of Public Benefit Points. The overall density is 0.98 FAR for a total of 245,000 sq. ft. of residential uses; on approximately 5.49 acres.

C. Forest Conservation Plan No. F20230220: Includes a total net tract area of 5.492 acres and 1.26 acres of off-site disturbance for a total of 6.75 acres.

Staff Recommendation: Approval of with Conditions

T. Leftwich

A. BOARD ACTION

Motion: Hedrick/Bartley

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.

B. BOARD ACTION

Motion: Hedrick/Bartley

Vote: 5-0

Other:

Action: Approved staff recommendation for approval of the Site 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.

C. BOARD ACTION

Motion: Hedrick/Bartley

Vote: 5-0

Other:

Action: Approved staff recommendation for approval of the (Preliminary/Final) Forest Conservation Plan cited above, subject to conditions and modifications, 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 2115 East Jefferson Street. Further information can be found in the Staff Report dated October 2, 2023.

Mr. Leftwich described the site vicinity, existing conditions, and previous approvals for the project. The joint application for 2115 East Jefferson Street Preliminary Plan No. 120230100 and Site Plan No. 820230080 continues to replace the existing vacant office building with townhouse units. However, the townhouses have been reduced to 86 units from 93 units since the Sketch Plan approval. The project will provide 245,000 square feet of residential use with total of 15 percent Moderately Priced Dwelling Units (MPDUs), totaling 13 units, three new private streets, and HOA parcels.

Open Space Parcels G and K are two small open spaces that are located on the north and south of the site, creating two small neighborhood pocket parks with open lawns, seating, and lighting elements on both ends of Private Street B. Open Space Parcel A, which is located behind the townhouses along Private Street C, establishes the 100-foot-wide conservation easement buffer to preserve and expand the forest area. Parcel A is accessible to pedestrians and will also provide a natural surface trail to connect to adjacent the properties.

Mr. Leftwich described the proposed architecture and stated the majority of the townhouse units will be rear loaded with alleys serving internal garages. The units on the northern, western, and southern perimeters of the Property will be exceptions, which will be front-loaded. The units will also offer rooftop patio options as well.

Mr. Leftwich also discussed Forest Conservation Plan No. F20230220. Modifications to Forest Conservation Plan No. F20230220 Conditions 5 and 6.a were noted.

Robert Harris of Lerch, Early and Brewer offered comments on behalf of the Applicant regarding the project and agreement to conditions. Mr. Harris offered further comments regarding the existing stormwater management facility, reduction of units, and parking.

The Board asked questions regarding the Limits of Disturbance, access points, reasoning for lessening number of units, allowance of parking request to go over maximum allowed, housing price points, future connections to surrounding developments to the north and south, and reasoning for not repurposing the site as residential.

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

Andrew Brown of Stanford Properties offered comments regarding the reduction of housing units and parking.

Greg Ruff of Tri Pointe Homes offered comments regarding housing price points and cost to repurpose the site versus tear down and rebuilding.

Item 10. Dreamy Skies Dog Ranch and Training: Conditional Use No. CU202401 (Public Hearing)

Request to transmit comments to the Hearing Examiner on a proposed Conditional Use for an Animal Boarding and Care pursuant to the 2014 Montgomery County Zoning Ordinance Sections 59.3.5.1.B.2.b (Specific Conditions) and 59.7.3.1 (General Conditions) at 26330 Mullinix Mill Road, Mt. Airy; 4.42 acres; AR Zone; Damascus Master Plan.

Staff Recommendation: Approval to transmit comments to the Hearings Examiner
M. Beall

BOARD ACTION

Motion: Hedrick/Bartley

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 Dreamy Skies Dog Ranch and Training. Further information can be found in the Staff Report dated September 22, 2023.

Mr. Beall described the vicinity and property area. Mr. Beall stated the Applicant proposes to convert the basement of an existing single-family dwelling unit and an existing detached garage into Animal Boarding and Care. The Applicant will retain the remainder of the house as a full-time residence. The proposed work includes installation of a parking lot and associated screening, fencing, landscaping, and widening of the existing driveway for Fire Department Access. A maximum of 14 dogs onsite at any one time, no more than 6 dogs being outside at any time, and no more than 3 non-resident employees at any one time. The septic will be upgraded to manage the continuing residential use as well as the Animal Boarding and Care use.

Mr. Beall noted the Applicant is requesting four variances from the Hearing Examiner for setbacks from the existing house, the existing detached garage, the proposed dog run, and the noise fence/wall.

Mr. Beall explained the Applicant did perform a noise analysis in which an acoustical study estimated noise from a maximum of 6 dogs outside at a time, which is a recommended condition. Mr. Beall stated the Applicant will install a fence as part of the dog run and exercise area, and fence will ensure the Applicant does not exceed 65 dBA at the nearest property line when the dogs are outside.

Staff recommends approval subject to the following conditions: the use is limited to Animal Boarding and Care; no more than 14 dogs are to be onsite at any one time; no more than 6 dogs are to be outside at any one time; a maximum of three-non-resident employees may be onsite at any one time; and no dogs are to be outside between the hours of 9:00 p.m. and 7:00 a.m. each day.

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Sean Hughes of Miller, Miller and Canby offered comments on behalf of the Applicant and noted agreement to conditions noted by staff. Mr. Hughes offered further comments regarding community outreach performed by the Applicant, requested variances, and fence/wall.

The Board asked questions regarding outreach and contact with surrounding neighbors, and variances requested.

Karen Krieg, the Applicant, offered comments regarding outreach and contact with the neighboring properties.

Michael Norton of Norton Land Design, on behalf of the applicant, offered comments regarding the eastern setback and variances requested.