

# **Montgomery County Planning Board**

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

## **APPROVED MINUTES AND SUMMARY**

**SUMMARY**  
**Thursday, December 14, 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, December 14, 2023, beginning at 9:36 a.m. and adjourning at 4:27 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 Hedrick was necessarily absent for Items 1 through 5.

The Planning Board recessed for lunch and convened in Closed Session at 1:04 p.m. via Microsoft Teams and in person to discuss Item 13 on the motion of Vice Chair Pedoeem, seconded by Commissioner Linden with Chair Harris, Vice Chair Pedoeem, and Commissioners Bartley, Hedrick, and Linden voting in favor of the motion. The meeting was closed under the authority of Annotated Code of Maryland, General Provisions Article § 3-305(b)(7) & (8), to consult with counsel to obtain legal advice; and, consult with staff, consultants, or other individuals about pending or potential litigation.

Also present for the meeting was Deputy General Counsel Michael Aniton, Principal Counsel Emily Vaias and Technical Writer Rachel Roehrich of the Office of General Counsel. Chief of the Management Services Division Karen Warnick attended for a portion of the meeting.

In Closed Session, the Board held discussion regarding pending or potential litigation. The Closed Session began at 1:12 p.m. and ended at 1:40 p.m.

The Planning Board reconvened in the auditorium and via video conference to return to open session at 2:08 p.m. to discuss Items 10, 9, 12, and 11 as reported in the attached Minutes.

Commissioner Bartley left the meeting at 4:11 p.m. during Item 11 and was necessarily absent for the remainder of the meeting.

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There being no further business, the meeting adjourned at 4:27 p.m. The next regular meeting of the Planning Board will be held on Thursday, December 21, 2023, in the Wheaton Headquarters Building in Wheaton, Maryland, and via video conference.

*Rachel Roehrich*  
Rachel Roehrich  
Technical Writer/Legal Assistant

MINUTES

**Item 1. Briefing and Awards Presentation from Secretary Flora, Maryland Department of Planning**

Secretary Rebecca L. Flora of the Maryland Department of Planning offered remarks regarding the Thrive Montgomery 2050 General Plan for Montgomery County, sustainable communities, and economic growth. Secretary Flora noted the outstanding work of Staff and leadership in contributing to this visionary document and stated, “Thrive Montgomery 2050 is a first of its kind in the state” and should be emulated. Secretary Flora then presented the 2023 MD Sustainable Growth Award and Proclamation.

Chair Harris offered brief remarks regarding the collaboration between Planning Staff, the County Council, County Executive Offices, and the community at-large in making Thrive Montgomery 2050 come to fruition, and noted the receipt of the award is a fitting tribute to the intentional innovation and countywide cooperation that went into the Plan’s creation.

Montgomery County Council President Andrew Friedson offered brief comments and also acknowledged the former leadership, Casey Anderson and Gwen Wright, that helped to guide Thrive Montgomery 2050. President Friedson thanked and congratulated all of the hard work the Staff did to bring Thrive Montgomery 2050 to fruition.

**Item 2. Preliminary Matters**

**A. Adoption of Resolutions**

1. Century Sketch Plan Amendment No. 32016002A - MCPB No. 23- 084
2. Century Preliminary Plan Amendment No. 12002095C – MCPB No. 23- 085
3. Century Site Plan Amendment No. 82003007F – MCPB No. 23-092

**BOARD ACTION**

**Motion:** Linden/ Pedoeem  
**Vote:** 4-0  
**Other:** Commissioner Hedrick was necessarily absent.  
**Action:** Adopted the Resolutions cited above, as submitted.

4. MHP Amherst Sketch Plan No. 320230080 – MCPB No. 23-127

**BOARD ACTION**

**Motion:** Linden/Pedoeem  
**Vote:** 3-0-1  
**Other:** Chair Harris recused himself and is ineligible to vote, and Commissioner Hedrick was necessarily absent.  
**Action:** Adopted the Resolution cited above, as submitted.

5. Rock Creek Vista F20230260 – MCPB No. 23-137

**BOARD ACTION**

**Motion:** Linden/Pedoeem

**Vote:** 3-0-1

**Other:** Commissioner Bartley abstained and is not eligible to vote, and Commissioner Hedrick was necessarily absent.

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

**B. Approval of Minutes**

1. Minutes for November 16, 2023

**BOARD ACTION**

**Motion:** Linden/Pedoeem

**Vote:** 4-0

**Other:** Commissioner Hedrick was necessarily absent.

**Action:** Approved Planning Board Meeting Minutes of November 16, 2023.

**C. Other Preliminary Matters**

1. Corrected Resolution for 2115 East Jefferson Street Site Plan No. 820230080 – MCPB No. 23- 105

**BOARD ACTION**

**Motion:** Linden/Pedoeem

**Vote:** 4-0

**Other:** Commissioner Hedrick was necessarily absent.

**Action:** Approved the Corrected Resolution cited above, as submitted.

**Item 3. Record Plats (Public Hearing)**

**Subdivision Plat No. 220230530, 220230540, 220240060 & 220240070 PSTA**

CR zone; 64 lots & 7 parcels; located southeast of the intersection of Medical Center Drive and Blackwell Road; Great Seneca Science Corridor Master Plan.

*Staff Recommendation: Approval*

**Subdivision Plat No. 220230930, Somerset Heights**

R-60 zone; 1 lot; located on the north side of Cumberland Avenue, 800 feet east of Devon Lane; Bethesda – Chevy Chase Master Plan.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: Linden/Pedoeem**

**Vote: 4-0**

**Other: Commissioner Hedrick was necessarily absent.**

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

**Item 4. Regulatory Extension Requests (Public Hearing)**

**4702 Chevy Chase Drive Regulatory Extension Request No. 1, Site Plan No. 820230120 - First request to extend the review period from January 4, 2024 to March 28, 2024.**

Request to construct an 82,000 square foot residential building for up to 49 units with 15% MPDUs, including up to 50,913 square feet of Bethesda Overlay Zone density; Located on Chevy Chase Drive approximately 100 feet west of Bradley Boulevard; 0.48 acres zoned CR 1.5 C 0.25 R 1.5 H-70' and the Bethesda Overlay Zone; 2017 Bethesda Downtown Sector Plan.

*Staff Recommendation: Approval of Extension*

G. Bogdan

**9801 Georgia Avenue, 120230160 and 820230130, Regulatory Extension Request No. 2 - Request to extend the regulatory review period for Preliminary Plan No. 120130160 and Site Plan No. 820230130 from January 18, 2024 to February 22, 2024.**

*Staff recommendation: Approval of Extension*

P. Smith

**BOARD ACTION**

**Motion:** Linden/Pedoeem

**Vote:** 4-0

**Other:** Commissioner Hedrick was necessarily absent.

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

**Item 5. Roundtable Discussion**

Planning Director's Report  
J. Sartori

**BOARD ACTION**

**Motion:**

**Vote:**

**Other: Commissioner Hedrick was necessarily absent.**

**Action: Received briefing.**

Planning Director Jason Sartori offered a multi-media presentation and gave a brief overview regarding Montgomery Planning updates.

Director Sartori highlighted the County Council's unanimous approval of the Fairland and Briggs Chaney Master Plan and offered congratulations to the leadership and team who worked on the Plan. Mr. Sartori also noted the US Department of Transportation announced the latest round of Safe Streets and Roads for All (SS4A) Planning Grants and the Planning Department was the recipient of a \$120,000 Planning Grant Award to support the development of multi-modal Parking Lot Design Guidelines, which is a project identified in the county's Vision Zero Action Plan. Mr. Sartori acknowledged Montgomery County Department of Transportation (MCDOT) was also a recipient of the grant funding as well.

Mr. Sartori highlighted a few personnel updates including welcoming Cultural Resources Planner II, Serena Bollinger and wishing farewell to Real Estate Market Researcher/Planner, Bilal Ali.

Montgomery Planning Special Projects and Policy Manager, Carl Morgan and Montgomery Parks Sustainability Coordinator, Kayla Hickman then spoke about the sustainability efforts of both the Parks and Planning Departments. Mr. Morgan continued by offering a multi-media presentation explaining the Bi-County Sustainability Committee and discussed the current positions on the sustainability committee.

Ms. Hickman and Mr. Morgan discussed their respective roles for promoting sustainability, and Ms. Hickman gave an overview of how sustainability is envisioned at M-NCPPC.

Ms. Hickman described Resolution 18-974: Emergency Climate Mobilization which set a goal to have Montgomery County carbon neutral by 2035. Mr. Morgan discussed the Montgomery Climate Action Plan, Thrive Montgomery 2050, and the FY23-FY27 M-NCPPC Sustainability Plan.

Ms. Hickman spoke about Practice 6-40: Sustainability Standards, and stated the Sustainability Committee was tasked with updating the FY23-25 Sustainability Plan which was approved February 2023.

Mr. Morgan discussed the sustainability role of Thrive Montgomery 2050, and noted the Plan incorporates environmental resilience, community equity, and economic competitiveness.

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Lastly, Ms. Hickman offered remarks on sustainability being a collective effort, and noted achieving climate and sustainability goals will require an institutionalized approach to decision making and how we operate and plan.

The Board asked questions regarding examples of how the climate assessment tool is used, and what plans there are for energy usage outside the control of the Planning Board. The Board also asked to be updated on M-NCPPC's sustainability goals.

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



**Item 6. Review fee increases and Mixed-Income Housing Community Plan fees**

*Staff Recommendation: Approval of Fees*  
A. Brown

**BOARD ACTION**

**Motion:** Pedoeem/Linden

**Vote:** 5-0

**Other:**

**Action:** Approved Staff recommendation for approval of fees, with change of word “accepted” to “submitted” as for when new fees apply.

Angela Brown, Intake and Regulatory Planning Manager, offered a multi-media presentation regarding approval of fees for a new Application type, the Mixed-Use Housing Community Plan. Further information can be found in the Staff Report dated December 5, 2023.

Ms. Brown gave an overview of the different sections of the Montgomery County Code that discuss application fees, and stated Staff is requesting approval of fees for the following:

- A new Application type, the Mixed-Use Housing Community Plan created in response to the County Council’s approval of Zoning Text Amendment No. 23-02;
- A 6% increase across the board for all fees on the Fee Schedule Worksheet based on the change in the Consumer Price Index between April 2022 and October 2023; and
- An Amendment fee for BioHealth Priority Campus Plans and the inclusion of Signature Business Headquarters Plans in the fee structure established for BioHealth Priority Campus Plans.

Ms. Brown noted a correction to the Staff Report noting the fees will become effective January 1, 2024 for any application that has not been submitted (changed word from “accepted” to “submitted”) by December 31, 2023.

The Board asked questions regarding types of mixed-use housing included, further discounts and incentives to providing the new Mixed-Use Housing Community Plan, timeline of last fee increase and percentage, percentage of staff time the fees cover, if the Consumer Price Index (CPI) is the typical way to measure increases, and clarification of the signature business plan type.

Staff, including Chief of Intake and Regulatory Coordination, Christina Sorrento, offered comments and responses to the Board’s questions.

**Item 7. Incentive Zoning Update Study Briefing**

Staff will provide the board with a summary of the analysis conducted to date for the study exploring updates to the Public Benefits Point System for Commercial Residential and Employment Zones.

*Staff Recommendation: Planning Board Briefing*

A. Sharma

**BOARD ACTION**

**Motion:**

**Vote:**

**Other:**

**Action: Received briefing.**

Deputy Planning Director, Robert Kronenberg, recognized Real Estate Market Researcher/Planner, Bilal Ali, for his participation on the project and offered brief comments regarding updating and evaluating the benefits points system.

Atul Sharma, Assistant to the Deputy Director, offered a multi-media presentation regarding the Incentive Zoning Update Study. Further information can be found in the Staff Report posted to the December 14, 2023 Agenda on the Planning Board website.

Mr. Sharma introduced Daughan Pitts of Hayat Brown, who offered brief comments regarding the project and Mr. Sharma continued with the presentation.

Mr. Sharma discussed the project trimline and stated the project is currently in the analysis phase with formulating of recommendations occurring January-April 2024 and potential Planning Board review May-September 2024. Mr. Sharma described some of the highlights of the project thus far and noted some key takeaways including, but not limited to: there has been uneven development activity across the four incentive zones, the Point System is an expansive menu in need of updates, and a stronger alignment with updated county goals is required. Mr. Sharma gave a brief overview of the policy, the purpose of both the incentive zones and point system, and the project goals.

Mr. Ali then discussed how the Point System works for the CR, LSC, CRT, and EOF incentive zones. Mr. Ali stated each zone requires a minimum number of points, achieved through a minimum number of public benefit categories, to develop under the optional method of development.

The Board asked questions regarding how building height is calculated, if FAR includes both the land area and building height, achieving maximum FAR for the CRT and EOF zones, and if the Points System is only used within the four incentive zones throughout the County.

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

Mr. Sharma and Mr. Ali continued by discussing the different types of analysis performed for the study in greater detail as well as the objectives and methodology/approach for each including:

development activity to date and public benefits approved, qualitative assessment of implementation guidelines, financial feasibility impacts of public benefits, benchmarking case studies, and regional regulatory peer review.

Mr. Sharma gave examples of public benefits repeatedly approved across the county, but stated other benefits and criteria are outdated. Mr. Ali noted the general takeaways are that the current categories of public benefits do not directly align with the county's policy priorities, and the current criteria also create overlapping benefits, conflicting benefits, and competing benefits. Mr. Sharma also noted an inconsistency in awarding points for benefits that are inherent features or de-facto requirements, and Mr. Ali further explained some benefits have universal applicability while others are more suited to specific locations and/or project types.

Mr. Ali stated Planning Staff prepared five detailed development scenarios (Urban, Suburban, Exurban, Life Science, and TOD) with prototypical standard method and optional method projects to study the financial feasibility impacts of public benefits, and Hayat Brown prepared Pro Formas to calculate the difference in value between the standard and optional method prototypes for each scenario. Daughan Pitts of Hayat Brown then discussed the cost analysis summary and key takeaways in greater detail. Mr. Sharma further stated the five development scenarios were also created to get a broad understanding of development costs and relation to public benefits. Mr. Ali then showed value of incentive density for each of the scenarios, and noted the numbers were hypothetical but useful to help determine the costs.

The Board asked questions regarding what benefits the development community would see as worthwhile, what could incentivize developers to provide certain facilities, what percentage would offer profitability for the developers, and frequency of updating incentives.

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

Mr. Ali gave a brief overview of the Moderately Priced Dwelling Unit (MPDU) cost analysis including objectives and reasoning for studying in greater detail. Mr. Ali stated the feasibility impacts of MPDU's can be difficult to define because of the interaction of various incentives, requirements, market conditions, zoning, and building types. Mr. Ali then described three different development prototypes that were tested as well as the key cost analysis takeaways.

The Board asked questions regarding the difference in price and net impact of providing MPDU's and partnerships with other agencies that have agreements to provide more MPDU's.

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

The Board also offered comments regarding MPDU funding programs, inconsistent pricing standards for for-sale MPDUs, and noted down payment assistance for MPDU's is an incredibly expensive subsidy.

Mr. Sharma gave an overview of benchmarking case studies both nationally and regionally that were researched in order to compare Montgomery County's Incentive Zoning policy. Mr. Sharma stated the national municipalities that were focused on included Austin, Texas, Detroit, Michigan,

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and Seattle, Washington. The regional municipalities included Arlington, Virginia, Fairfax, Virginia, and Washington, DC. Ms. Pitts and Mr. Sharma further discussed the findings, highlights and policies from each of the municipalities.

Mr. Sharma stated Regional Regulatory Review processes were also examined to understand how peer jurisdictions regulate high-density development associated with the delivery of public benefits. Mr. Sharma explained the highlights and takeaways in greater detail.

Lastly, Mr. Sharma and Mr. Ali noted a stronger alignment with updated county goals is critically needed, the public benefit categories will need to be updated and reviewed for categories needed for long term planning needs, and the frequency of updating the benefit points should be examined further.

The Board offered suggestions regarding making the policy simple and easy to understand, potential negotiation of percentage of benefit points in order to incentivize certain benefit points for certain areas; and requested analysis of increasing the ability for by-right development.

**Item 8. 7749 Old Georgetown Road, Sketch Plan No. 320240010 (Public Hearing)**

CR-5.0, C-5.0, R-5.0, H-175' and the Bethesda Overlay Zone, 0.72 acres; Request for up to 240,000 square feet of density for a multi-use development, including up to 6,000 square feet of non-residential uses and up to 240,000 square feet of residential uses with 15 percent MPDUs, and up to 89,165 square feet of BOZ density with associated PIP payment; located in the southeast quadrant of the intersection of Old Georgetown Road and St. Elmo Avenue; 2017 Bethesda Downtown Sector Plan.

*Staff Recommendation: Approval with Conditions*

G. Bogdan

**BOARD ACTION**

**Motion:** Bartley/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.**

Grace Bogdan, Planner III, offered a multi-media presentation regarding 7749 Old Georgetown Road. Further information can be found in the Staff Report dated December 1, 2023.

Ms. Bogdan described the property, existing conditions, and vicinity of the project stating the project is located in the Woodmont Triangle District of downtown Bethesda at a unique 5-way intersection of Old Georgetown Road, St. Elmo Avenue, Wilson Lane, and Arlington Road. The vicinity is developed with a mixture of office, retail, and residential buildings, and Ms. Bogdan described the existing conditions at the site as well.

Ms. Bogdan stated the Applicant proposes to redevelop the property with a new mixed-use building up to 175 feet in height with ground floor retail and residential above. The proposal would include up to 246,000 square feet of development comprised of up to 6,000 square feet of nonresidential uses, up to 240,000 square feet of residential uses for approximately 240 units, 15 percent moderately priced dwelling units (MPDUs), and a subsurface parking structure. The development also proposes to utilize approximately 89,165 square feet of Bethesda Overlay Zone density with an associated Park Impact Payment (PIP) which will be finalized at the time of Site Plan review.

Ms. Bogdan discussed the building access, circulation, and massing for the site. Ms. Bogdan stated the project's massing intends to create a visually distinctive building including a 6-story base podium, with the middle floors featuring a 10-foot stepback on St. Elmo Avenue and 5-foot stepback on Old Georgetown Road. The massing also includes a 22-foot, 6-inch separation above the 6th floor from the adjacent office building to the south (7735 Old Georgetown Road) as recommended in the Design Guidelines for tower setback to provide adequate light and area which will be utilized as green roof and additional amenity space for the residents.

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Lastly, Ms. Bogdan noted a correction to the Data Table 1 on Page 14 of the Staff Report, changing 3.0 FAR to 5.0 FAR.

Matt Gordon of Selzer Gurvitch offered brief comments on behalf of the Applicant and noted agreement with Staff's conditions.

David Cerniglia of Stonebridge (the Applicant) offered remarks regarding the project, timeline, and rationale for number of parking spaces.

The Board asked questions regarding the construction timeline for the project, parking, and potential future SHA or MCDOT capital projects to address the quality of the intersection.

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

**Item 13.        CLOSED SESSION**

According to MD ANN Code, General Provisions Article, §3-305(b)(7), to consult with counsel to obtain legal advice; and (8) consult with staff, consultants, or other individuals about pending or potential litigation.

*Topic: Potential litigation.*

E. Vaias

**BOARD ACTION**

**Motion:**        **Pedoeem/Linden**

**Vote:**         **5-0**

**Other:**

**Action:**        **Advice obtained with discussion. See the open session disclosure statement in Summary Section.**

**Item 10. Retail Shops – 15504 New Hampshire Avenue, Preliminary Plan Amendment No. 11999100B and Preliminary/Final Forest Conservation Plan No. F20230130 (Public Hearing)**

A. Preliminary Plan Amendment No. 11999100B: Amendment to allow the development of a 7,063 sq. ft. single-story commercial building and parking; located at 15504 New Hampshire Avenue, Cloverly; 0.78 acres; NR-0.75 H-45 zone, 1997 Cloverly Master Plan.

B. Preliminary/Final Forest Conservation Plan No. F20230130: Application to allow the development of a 7,063 sq. ft. single-story commercial building and parking; located at 15504 New Hampshire Avenue, Cloverly; 0.78 acres; NR-0.75 H-45 zone, 1997 Cloverly Master Plan.

*Staff Recommendation: Approval with Conditions*

P. Estes/S. Pereira

**A. BOARD ACTION**

**Motion:** Pedoeem/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:** Pedoeem/Linden

**Vote:** 5-0

**Other:**

**Action:** Approved staff recommendation for approval of the Preliminary/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.

Phillip Estes, Planner III, offered a multi-media presentation regarding 15504 New Hampshire Avenue. Further information can be found in the Staff Report dated December 1, 2023.

Mr. Estes described the vicinity, property, and previous approvals. Mr. Estes stated the proposal requires a Preliminary Plan Amendment due to the change in use, increased building square footage, and substantive changes to the site layout. The project does not need Site Plan approval because the proposed use and square footage are permitted by-right in the NR zone. Furthermore, the Applicant proposes to develop one lot for a 7,063 square foot commercial retail/service establishment building and 29 surface parking spaces, with vehicular and pedestrian access from New Hampshire Avenue.

Mr. Estes discussed the project's master plan conformance as well as the landscape plan, which includes 29 trees on-site, shrubs perennials, groundcover, and grasses. The forest conservation plan will require 0.15 acres of reforestation, which will be paid into the forest mitigation bank, and Mr. Estes noted a variance has also been requested for impact to 1 tree and removal of 1 tree.



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Patrick O'Neil of Lerch, Early and Brewer offered brief comments on behalf of the Applicant. Mr. O'Neil offered further comments regarding a potential easement agreement for the landlocked parcel.

The Board asked questions regarding interconnectivity to adjacent parcels, portrayal of easements on the plats, if usage will be office/retail or commercial/retail, potential easement agreement with landlocked parcel behind the property, and how the reforestation requirement is determined. The Board also offered comments regarding the building orientation and noted concerns with ingress and egress to the properties.

Staff, including Regulatory Supervisor, Sandra Pereira and Planner III, Josh Penn, offered comments and responses to the Board's questions.

**Item 9. Sketch Plan No. 320230020, 9801 Georgia Avenue – Remand from the Circuit Court for Montgomery County**

*Staff Recommendation: Discussion/deliberation pursuant to remand. Make finding that substantial compliance is sufficient and approval to draft supplemental resolution pursuant to remand for adoption.*

M. Mills

**BOARD ACTION**

**Motion: Linden/Pedoeem**

**Vote: 5-0**

**Other:**

**Action: Discussion/deliberation pursuant to remand. Approved finding that substantial compliance is sufficient, sign substantially complied, and drafting of supplemental resolution pursuant to remand for adoption.**

Matt Mills, Senior Counsel, discussed the Remand from the Circuit Court of Montgomery County for 9801 Georgia Avenue.

Mr. Mills gave an overview of the matter and stated Judge Fogleman remanded the case back to the Planning Board to determine if substantial compliance with noticing is sufficient; and if the notice in this case substantially complied. Mr. Mills stated the Planning Board was provided with all materials from the initial Planning Board Meeting on March 30, 2023, including links to the video of the meeting, and the record provided to the Circuit Court, to review. He further described the signage requirements to the Board.

The Board asked if there were any other issues other than the height and dimensions of the signage and Mr. Mills offered comments and responses to the Board.

Commissioner Linden moved that substantial compliance for the signage was sufficient and sign substantially complied.

**Item 12. Takoma Park Minor Master Plan Amendment Work Session 6**

Approve the Public Hearing Draft of the Takoma Park Minor Master Plan Amendment as the Planning Board Draft of the Takoma Park Minor Master Plan Amendment and transmit the Planning Board draft to the County Council and the County Executive. Also approve listing of properties to Locational Atlas and Index of Historic Properties.

*Staff recommendation: Recommend approval of draft and listing of properties to the Locational Atlas*

M. Williams

**BOARD ACTION**

**Motion: Pedoeem/Linden**

**Vote: 5-0**

**Other:**

**Action: Approved Staff recommendation for approval of the Planning Board Draft of the Takoma Park Minor Master Plan Amendment, and transmittal of the Plan to the County Executive and County Council.**

**BOARD ACTION**

**Motion: Pedoeem/Hedrick**

**Vote: 5-0**

**Other:**

**Action: Approved Staff recommendation for approval of the listing of properties in the Locational Atlas and Index of Historic Properties including the Heffner Park Community Center, Krestview, and the Sligo Seventh-day Adventist Church.**

Melissa Williams, Planner III, offered a multi-media presentation regarding the Takoma Park Minor Master Plan Amendment Work Session Number 6. Further information can be found in the Staff Report dated November 24, 2023.

Ms. Williams gave an overview of the previous work sessions held for the TPMMPA, and stated during the final work session final edits of the Plan will be presented, including a red-line version of the Public Hearing Draft, that reflects the Planning Board's revisions and edits and the City of Takoma Park City Council's errata request.

Ms. Williams stated the City of Takoma Park voted on December 13, 2023 to approve the TPMMPA and continued by discussing the City of Takoma Park – Resolution 2023-38, which listed the conditions below for further review.

**City of Takoma Park Resolution Conditions**

*Section 4.3.2.1*

The City of Takoma Park Resolution requested a recommendation that the maximum heights of new development include consideration for both building height and terrain slope with respect to

neighboring existing single-family homes on Maplewood Avenue and Garland Avenue Ms. Williams read aloud the proposed language to the Board.

The Board proposed supplemental language with the wording “including building height” to Staff’s proposed language. Both Staff and the Board agreed to the supplemental wording.

*Section 4.2.2.1*

The City of Takoma Park Resolution requested a change to the final recommendation to read "While the plan recommends a diversity of residential and non-residential land uses in the Maple Avenue District, the overall development pattern shall remain primarily residential, with commercial uses primarily devoted to ground-floor retail or anchor employment opportunities."

Chief of Downcounty Planning Elza Hisel-McCoy offered comments and example of anchor employment opportunities.

The Board agreed with the language presented.

*Section 3.1.2*

The City of Takoma Park Resolution requested a recommendation that Montgomery County Public Schools address long-standing constraints, inadequacies, and inequities by prioritizing the rehabilitation and expansion of Piney Branch Elementary School or the construction of a replacement facility to bring it into conformity with the quality and standards of other schools in the County.

Ms. Williams read Staff’s proposed language aloud for the Board. The Board held further discussion regarding the proposed language and agreed to move forward with the language as proposed by Staff.

*Section 3.3.2.1*

The City of Takoma Park Resolution requested to strike recommendation stating the City of Takoma Park should consider modifications to its rent stabilization policy to increase flexibility, decrease complexity, and ensure the policy does not deter new investment while continuing to safeguard tenants from onerous rent increases.

The Board opposed striking the recommendation and agreed to keep the language within the Plan.

The City of Takoma Park Resolution also requested the Planning Board include within the proposed housing resource list information on protections for individual condominium owners in the event of potential property sale and redevelopment. The Board agreed.

At this time, Ms. Williams noted the conditions from the City of Takoma Park Resolution were completed and continued to discuss the red-lined version of the TPMMPA with the Board.

## **Chapter 1: Introduction**

Ms. Williams read aloud the proposed revisions for the language on Chapter 1: Introduction (pg. 6) and noted there were initially four sections of the introduction, but Section 1.2: Community History was added, therefore there will now be five. The Board agreed with Staff's revisions.

### *Section 1.2: Community History (pgs.9-11)*

Ms. Williams read aloud the proposed language. The Board asked questions regarding the historical properties and potential enumeration of the properties. Historical Preservation Supervisor Rebeccah Ballo offered comments and responses.

The Board agreed with Staff's proposed language.

### *Section 1.3: Equity (Pgs. 12-13)*

Ms. Williams read aloud the additional proposed language that the Board had already approved, but was added due to a request from the City of Takoma Park resolution. The Board agreed.

### *Section 1.5: Community Priorities (pgs. 14-15)*

Ms. Williams read aloud the proposed language and requested permission to remove the initial Key Takeaways graphic. The Board agreed with Staff's proposed language and removal of the graphic.

## **Chapter 2: A Renewed Vision**

Melissa gave a brief overview of the recommendations and noted there were no changes to this section.

## **Chapter 3: Plan-Wide Recommendations**

### *3.1.1: Land Use and Zoning*

Ms. Williams discussed the changes to language, the proposed language the Board had already viewed, the addition of Table X, and additional graphics added. The Board agreed with Staff's recommendations.

### *3.1.2 Public Facilities*

Ms. Williams noted there were no changes or additions.

### *3.1.3.3: Resources to be Studied for Future Historic Designation (pg.37)*

Ms. Williams read aloud the proposed language and the Board agreed.

*3.2.1.1: A “Kit of Parts” (pg. 40)*

Ms. Williams read aloud the proposed language and the Board agreed.

*3.2.4: Roadway Network (pg. 50)*

Ms. Williams read aloud the proposed language and the Board agreed.

*3.2.4.1: Roadway Cross-Sections (pg. 52)*

Ms. Williams read aloud the proposed language and the Board agreed.

*3.2.5: Transit (pg. 58)*

Ms. Williams read aloud the proposed language and new graphic previously requested by the Board.

The Board requested the size of the font be adjusted larger and for the graphic to be updated to show the future Purple Line Stations and Metro as well.

Ms. Williams noted there were no revisions to sections 3.2.2: Bicycle Network, 3.2.3: Pedestrian Network, 3.2.6: Policy Area-Level Transportation Analysis, and 3.2.7: Non-Auto Driver Mode Share.

*3.3.1: Environment (pg. 60)*

Ms. Williams noted the City of Takoma Park requested additional proposed language and read aloud Staff’s proposed additional language. The Board agreed with Staff’s proposed language.

*3.3.1.1: Extreme Heat & Tree Canopy (pgs. 62-63)*

Ms. Williams read aloud the proposed language and the Board agreed.

*3.3.1.5: Food Security (pg. 74)*

Ms. Williams noted the City of Takoma Park requested additional proposed language and read aloud for the Board.

The Board offered comments and asked reasoning for food security to be included land uses within the Plan Area.

Staff, including Chief of Downcounty Planning Elza Hisel-McCoy and Planner III Tina Schneider, offered comments and responses.

The Board agreed with the proposed language.

*3.3.2: Housing (pg. 77)*

Ms. Williams noted the City of Takoma Park requested additional proposed language and read aloud for the Board.

The Board agreed with the proposed language.

*3.3.2.1: Housing Production (pg. 78)*

Ms. Williams read aloud the proposed language and the Board agreed.

*3.3.2.2 Affordable Housing Production and 3.3.2.3 Preservation of Housing*

Ms. Williams read aloud and discussed the proposed language changes previously approved for sections 3.3.2.2 Affordable Housing Production and 3.3.2.3 Preservation of Housing and Affordability.

The Board agreed with the proposed language.

Ms. Williams noted there were no revisions to sections 3.3.3.1 Policy Guidance and Hierarchy for Parks, Trails and Open Space, 3.3.3.2 Existing Parks, Trails and Open Space, 3.3.3.3 Park History and Cultural Resources on Parkland, and 3.3.3.4 Park Planning and Analysis.

**Chapter 4: District Recommendations**

Ms. Williams noted there were no revisions to the Municipal Background and Recommendations sections.

*Maple Avenue District*

*4.2.2.1: Land Use and Zoning (pg. 94)*

Ms. Williams read aloud the proposed language and noted the language would be amended to reflect the City of Takoma Park Resolution. The Board agreed.

*4.2.2.2: Parks and Open Space (pg. 96)*

Ms. Williams read aloud the proposed language and the Board agreed.

*Flower Avenue District*

*4.3.1: Background (pg. 99)*

Ms. Williams read aloud the proposed language and the Board agreed.

*4.3.2.1: Land Use and Zoning (pgs. 101-103)*

Ms. Williams read aloud the proposed language and the Board agreed.

*4.3.2.3: Design (pg. 108)*

Ms. Williams read aloud the proposed language and the Board agreed.

**Chapter 5: Implementation**

*5.1.1: CR Family Zoning*

Ms. Williams read aloud the proposed language of adding “dormitory” as a limited use, and Mr. Hisel-McCoy offered comments as well.

The Board asked questions regarding the reasoning for dormitories having a separate category and if dormitories have a definition within the zoning code.

Staff, including Planning Director Jason Sartori, offered comments and responses to the Board’s questions.

The Board held further discussion regarding inclusion and agreed with Staff’s recommendation to add to the Planning Board Draft.

*5.1.3 Public Benefits (pg. 109)*

Ms. Williams noted a minor revision and read aloud the proposed language. The Board agreed.

*5.2: Connectivity Improvements (pgs. 110-111)*

Ms. Williams noted a minor revision and read aloud the proposed language. The Board agreed.

*5.3: Capital Improvements Program (pg. 112)*

Ms. Williams read aloud the newly proposed language.

The Board offered comments and suggested additional language regarding the Green Promenade.

Staff offered the following language modification, “Capital Improvements provide essential infrastructure to support the long-term vision of the Plan. Improvements like the Brashear’s Run Outfall Restoration, realignment of Carroll Avenue, upgrades supporting activation of parks and open space throughout the Plan Area, public implementation of the Green Promenade, and supporting co-location of public facilities with new development are particularly in need of public agency support.”

The Board agreed with Staff’s above language modification.



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Ms. Williams then displayed the proposed additions to the Plan Appendices. The Board agreed with Staff's recommendation to update the Plan's Appendices.

The Board asked for further description of the Housing Resources List, and Staff offered comments and responses.

Mr. Hisel-McCoy thanked the City of Takoma Park for their coordination during this plan, and Ms. Williams also thanked the residents of Takoma Park for their input and participation.

**Item 11. Garnkirk Farms: Preliminary Plan Amendment No. 12008024A (Public Hearing)**

Request to reinstate Preliminary Plan No. 120080240; located on Shawnee Lane, 1,000 feet west of Frederick Road; PD-11 Zone; 37.18 acres; 1994 Clarksburg Master Plan & Hyattstown Special Study Area.

*Staff Recommendation: Approval with Conditions*

C. Van Alstyne

**BOARD ACTION**

**Motion: Pedoeem/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.**

Chris Van Alstyne, Planner III, offered a multi-media presentation regarding Garnkirk Farms. Further information can be found in the Staff Report dated December 4, 2023.

Mr. Van Alstyne stated Preliminary Plan Amendment No. 12008024A requests reinstatement of the Preliminary Plan approval, including the original Adequate Public Facilities (APF) finding and validity period, as well as establishment of a new Preliminary Plan validity through July 19, 2024. Mr. Van Alstyne noted the plan validity expired during July 2020 during the height of Covid, and stated the majority of the plan has been platted with all single-family detached units and townhouses built out as approved.

Mr. Van Alstyne noted the only remaining unplatted portion of the property is an area designated for the multifamily building. Reinstatement of the Preliminary Plan will afford the Applicant the ability to obtain the single remaining Record Plat, file for a building permit for the multifamily building, and ultimately deliver much needed housing. Mr. Van Alstyne also stated the multifamily building is the result of a partnership with the Montgomery County Housing Opportunities Commission to provide 184 housing units, the majority of which will be designated as affordable units exceeding the affordability guidelines for Moderately Priced Dwelling Units (MPDUs), in a range of sizes to accommodate a diverse range of incomes, family sizes, and housing needs.

Broderick Morris, an adjacent property owner, offered testimony noting strong disagreement with the development of the multi-family property as well as stating concerns with potential high turnover, potential increased crime, and poor location that could lead to increased congestion.

The Board asked questions regarding the multi-family designation, potential separation from the HOA community, and public amenity space and facilities.

Tim Kamas of Ralph J. Duffie, Inc. offered comments on behalf of the Applicant and noted agreement to all conditions proposed by Staff. Mr. Kamas offered further comments regarding the

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multi-family parcel noting the apartment community would be separate from the HOA community and have their own public amenities and facilities.