

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APPROVED
MINUTES AND SUMMARY

SUMMARY
Thursday, December 21, 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 21, 2023, beginning at 10:08 a.m. and adjourning at 1:29 p.m.

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

Items 1 through 9 were discussed in that order and reported in the attached Minutes.

There being no further business, the meeting adjourned at 1:29 p.m. The next regular meeting of the Planning Board will be held on Thursday, January 11, 2024, in the Wheaton Headquarters Building in Wheaton, Maryland, and via video conference.

Rachel Roehrich

Rachel Roehrich
Technical Writer/Legal Assistant

MINUTES

Item 1. Preliminary Matters

A. Adoption of Resolutions

1. Tregoning Property Preliminary Plan No. 120230120 – MCPB No. 23-118
2. Tregoning Property Forest Conservation Plan No. F20230420 – MCPB No. 23-119
3. 14915 Mount Nebo Road Subdivision Plan No. 620230130 – MCPB No. 23-121
4. 14915 Mount Nebo Road Forest Conservation Plan No. F20230410 – MCPB No. 23-122
5. Bucklodge Tract Preliminary Plan Amendment No. 11989032A – MCPB No. 23-130
6. 7749 Old Georgetown Road Sketch Plan No. 320240010 – MCPB No. 23-131
7. Retail Shops 15504 New Hampshire Avenue Preliminary Plan Amendment No. 11999100B – MCPB No. 23-133
8. Retail Shops 15504 New Hampshire Avenue Forest Conservation Plan No. F20230130 MCPB No 23-134
9. Pursuant to Remand, Adoption of Georgia Ave Sketch Plan No. 320230020 Resolution – MCPB No. 23-137

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Adopted the Resolutions cited above, as submitted.

10. Garnkirk Farms Preliminary Plan 12008024A – MCPB No. 23-135

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 4-0-1

Other: Commissioner Bartley abstained due to being absent.

Action: Adopted the Resolution cited above, as submitted.

B. Approval of Minutes

1. Minutes for November 2, 2023
2. Closed Session Minutes for November 2, 2023
3. Minutes for November 30, 2023
4. Closed Session Minutes for November 30, 2023

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Planning Board Meeting Minutes for November 2, 2023 and November 30, 2023, as well as Closed Session Meeting Minutes for November 2, 2023 and November 30, 2023.

C. Other Preliminary Matters

BOARD ACTION

Motion:

Vote:

Other:

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

Item 2. Record Plats (Public Hearing)

BOARD ACTION

Motion:

Vote:

Other:

Action: There were no Record Plats submitted for approval.

Item 3. Regulatory Extension Requests (Public Hearing)

Li Meadow: Administrative Preliminary Plan No. 620230100, Regulatory Review Extension Request No. 1 - Request to extend the regulatory review period from January 4, 2024 to March 7, 2024.

Application to create a two-lot subdivision and construct two single-family detached dwelling units; located at 14194 Travilah Road; 1 acre; R-200 zone, 2002 Potomac Subregion Master Plan.
Staff Recommendation: Approval of the extension request
S. Pereira

BOARD ACTION

Motion: Pedoeem/Hedrick

Vote: 5-0

Other:

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

12700 Travilah Road: Preliminary Plan No. 120220120 – Regulatory Extension Request No. 3 - Request to extend the regulatory review period from January 18, 2023 to April 18, 2024.

Application to create seven lots for seven single-family detached units; located at 12700 Travilah Rd. Potomac; RE-2 zone; 16.03 acres; 2002 Potomac Subregion Master Plan.
Staff Recommendation: Approval of the extension request
J. Server

BOARD ACTION

Motion: Pedoeem/Hedrick

Vote: 5-0

Other:

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

Milestone Center – Walmart: Site Plan Amendment No. 81994029I, Regulatory Review Extension Request No. 2 - Request to extend review period from December 28, 2023 to February 26, 2024.

Application to remove 10 parking spaces and to re-stripe the remainder for store pickup; located at 20910 Frederick Rd, Germantown; 15.3 acres; R-200 zone; 2009 Germantown Employment Area Sector 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 Request cited above.

Item 4. Roundtable Discussion

Parks Director's Report
M. Riley

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing.

Chair Harris read and presented a proclamation to Director Mike Riley in honor of his career with M-NCPPC.

Deputy Director of Montgomery Parks Miti Figueredo offered a multi-media presentation highlighting Director Mike Riley's career with Montgomery Parks in honor of his retirement at the end of 2023.

Ms. Figueredo gave an overview and described Director Riley's 39 years with the M-NCPPC beginning with his initial hiring April 1, 1985, as a Civil Engineer I. Ms. Figueredo explained the many reasons as to why Mr. Riley is the definition of a public servant and described the different positions and promotions Mr. Riley had throughout his career with M-NCPPC, with appointment as Montgomery County Parks Director July 21, 2014, being his last.

Ms. Figueredo stated since taking over as Montgomery Parks Director, Mr. Riley, has given roughly 200 Director's Reports. Ms. Figueredo also listed notable purchases made under Mr. Riley's tenure including a train, carousel, pump track, portable sawmill, a rock-climbing wall, dogs, a Zamboni, kayaks, and drones.

Ms. Figueredo stated the job of a Parks Director can be stressful, involves long hours, and noted Mr. Riley made his job look easy. Photos of Mr. Riley attending ribbon cutting events were shown, and a few major projects that Mr. Riley had a hand in were also highlighted including North Four Corners Park, the SoccerPlex, and Brookside Gardens Visitor's Center; although, Ms. Figueredo noted Mr. Riley has been involved with hundreds of projects throughout his 39 years of employment.

Photos were shown highlighting Director Riley with Montgomery Parks Staff throughout the years, and Ms. Figueredo noted his decency, humor, and commitment to doing the right thing is something everyone should strive for.

Lastly, Ms. Figueredo stated that having Director Riley at the helm for Montgomery Parks has served as a source of comfort, confidence, and stability for all of Montgomery Parks Staff.

Mr. Riley offered brief comments regarding his time and legacy with M-NCPPC, and expressed pride in the work the Montgomery Parks Department does to provide top-notch events, amenities, and high quality parks to the citizens of Montgomery County.

Item 5. Designation of Royce Hanson Conservation Park at Broad Run

Staff Recommendation: Approve the proposed designation of Royce Hanson Conservation Park at Broad Run

D. Harlow

BOARD ACTION

Motion: Pedoeem/Hedrick

Vote: 5-0

Other:

Action: **Approved Staff recommendation for approval of the proposed designation of Royce Hanson Conservation Park at Broad Run and adopted the resolution.**

Dominique Harlow, Montgomery Parks Directors Office Chief of Staff, offered a multi-media presentation regarding the designation of Royce Hanson Conservation Park at Broad Run. Further information can be found in the Staff Report dated December 14, 2023.

Ms. Harlow gave an overview of Dr. Hanson’s legacy and career stating he served two terms as Chair of the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, first from 1972 to 1981, and again from 2006 to 2010. Under his tenure, one of Montgomery County’s greatest planning successes was the creation of the Agricultural Reserve. Ms. Harlow noted Dr. Hanson was a champion for natural and cultural resources and outdoor recreation and education. In addition to serving on the Planning Board, Dr. Hanson also previously served as the President of the Maryland Environmental Trust, Chairman of the Montgomery County Department of Parks Legacy Open Space Advisory Group, and was a Board Member for the Montgomery Parks Foundation. Dr. Hanson has also authored multiple books and had an award named after him from the Montgomery Countryside Alliance.

Ms. Harlow noted the redevelopment of the Montgomery Regional Office (MRO) in Silver Spring eliminated the site of Royce Hanson Urban Park, and the Parks Department recommends reassigning the name to another park in honor of Dr. Hanson’s legacy of service to the Commission and Montgomery County. Parks Staff conducted a comprehensive analysis of approximately three dozen existing park sites to find a suitable replacement with emphasis placed on parks within the Agricultural Reserve.

Following consideration of all parks meeting the initial criteria, the committee, which was comprised of numerous Staff from both the Parks and Planning departments as well as the Montgomery Parks Foundation, strongly believed the recently acquired Broad Run Conservation Park is the ideal park site to transfer Dr. Royce Hanson’s name. The park site captures Dr. Hanson’s passion for parks, natural and cultural resources stewardship, outdoor recreation, and education, and is located within the Agricultural Reserve.

Ms. Harlow stated Dr. Hanson was conferred with after a site selection was made, and noted Dr. Hanson provided comments and recommendations regarding fundraising and partnership opportunities, which will be a way to honor his legacy by growing the next generation of environmentalists. Some of Dr. Hanson’s recommendations included fundraising through the

Montgomery County Planning Board
Public Meeting Minutes of December 21, 2023

Montgomery Parks Foundation, partnering with the Poolesville High School Global Ecology Program, and exploring potential for farm incubators on cropland.

Ms. Harlow made a correction to the wording of the last slide of the presentation noting it will be the designation of Royce Hanson Conservation Park not Urban Park.

The Board offered comments regarding respect for Dr. Hanson and his work throughout his career.

Item 6. Zoning Text Amendment (ZTA) 23-08, Transferable Development Rights – Cemetery (Public Hearing)

ZTA 23-08 would allow existing Cemeteries in the AR zone to expand onto land that is under a TDR easement.

Staff Recommendation: Transmit comments to the District Council

B. Berbert

BOARD ACTION

Motion: Hedrick/Linden

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval to transmit comments to the District Council, as stated in a transmittal letter to be prepared at a later date.

Benjamin Berbert, Planner III, offered a multi-media presentation regarding Zoning Text Amendment (ZTA) 23-08, Transferable Development Rights – Cemetery. Further information can be found in the Staff Report dated December 14, 2023.

Mr. Berbert stated currently, the code identifies numerous uses that are prohibited on lots or parcels within the AR zone that are encumbered by a Transfer of Development Rights easement.

Zoning Text Amendment (ZTA) 23-08, Transferable Development Rights - Cemetery, was introduced by Councilmember Balcombe on November 7, 2023, and noted it modifies the list of prohibited uses on a lot or parcel located in the AR zone and encumbered by a recorded Transfer of Development Rights (TDR) easement. Currently, a cemetery is a prohibited commercial use. While this ZTA would continue to prohibit new cemeteries, it would allow an existing cemetery to expand onto TDR easement encumbered land.

Mr. Berbert noted Planning Staff ultimately supports the ZTA, but analyzed the outcomes of the ZTA. Mr. Berbert stated Staff recommends support of ZTA 23-08 as introduced. This ZTA would allow existing cemeteries to expand onto land encumbered with a TDR easement. This ZTA is a reasonable amendment providing targeted relief to a unique land use that allows for reasonable expansion without jeopardizing the intent of the Agricultural Reserve.

The Board asked where cemeteries can be located within the County by-right and are there sufficient locations. Staff offered comments and responses to the Board's questions.

Item 7. Zoning Text Amendment (ZTA) 23-09, Farming – Incidental Outdoor Stays (Public Hearing)

ZTA 23-09 would allow overnight stays on farms in the AR zone, if the farm also has accessory agricultural education and tourism activities conducted as a part of the farm’s regular operations.

Staff Recommendation: Transmit comments to the District Council

B. Berbert

BOARD ACTION

Motion: Pedoeem/Linden

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval to transmit comments to the District Council, as stated in a transmittal letter to be prepared at a later date.

Benjamin Berbert, Planner III, offered a multi-media presentation regarding Zoning Text Amendment (ZTA) 23-09, Farming – Incidental Outdoor Stays. Further information can be found in the Staff Report dated December 14, 2023.

Mr. Berbert stated Planning Staff generally supports the intent of allowing Incidental Outdoor Stays as an accessory use on agricultural land, although Staff has some concerns with the ZTA as introduced.

Mr. Berbert gave an overview of the background and stated ZTA 23-09, Farming – Incidental Outdoor Stays, was introduced on November 7, 2023, sponsored by Councilmember Fani-Gonzalez and co-sponsored by President Friedson, and Councilmembers Glass and Sayles. Mr. Berbert stated the ZTA amends the definition of Farming by removing the 10 percent structure limit for agritourism uses, includes new use type Incidental Outdoor Stays, and establishes use and implementation standards for the Incidental Outdoor Stays use type. Mr. Berbert also noted Staff had been made aware amendments to the ZTA may be forthcoming as well.

Mr. Berbert then discussed Staff’s recommendations, analysis, and reasoning in greater detail.

Pat Harris of Lerch, Early and Brewer offered comments regarding agritourism and noted support of the ZTA. Ms. Harris offered further comments regarding Staff’s recommendations for setbacks, the 10 percent maximum site area limit, plumbing limitations, limitations of development on Category I and II soil types, and occupancy or size of structure caps.

The Board asked questions regarding how much land/how many properties would be limited by prohibiting construction on Category I and II soils/easements, how a structure would be defined and potential size, potential experience of the stays, and how many farms in the Ag Reserve fall under 25 acres of land.

Staff, including Planning Director Jason Sartori and Chief of Upcounty Planning Patrick Butler, offered comments and responses to the Board’s questions.

Montgomery County Planning Board
Public Meeting Minutes of December 21, 2023

The Board held further discussion regarding need for flexibility of the recommendations for the ZTA, plumbing, structure size, construction/development on Category I and II soils, and farm area percentage limits.

The Board by consensus agreed to transmit the following recommendations:

- A clear definition for Incidental Outdoor Stays be provided in the Zoning Code;
- Retain the 10% limits on agritourism uses, but providing an exemption explicitly for Incidental Outdoor Stays, similar to the exemptions in the ZTA to the accessory structure size limits;
- Limit structures used for outdoor stays to an average structure size of 400 square feet per farm. Individual structures may be larger if offset by other smaller structures;
- Set a minimum farm size of 25 acres, consistent with the minimum tract area needed for a residential building lot, and a maximum used site area of 10% or 5 acres, whichever is smaller, to ensure agriculture remains the predominant land use;
- Clarify that Incidental Outdoor Stays are limited to no more than four nights per week across the entire farm;
- Establish 100-foot setbacks from any property not part of the farm to ensure adequate buffers from adjacent properties; and
- Incidental Outdoor Stays to be listed as its own limited use, under Accessory Agricultural Uses, Section 59-3.2.10. of the code.

Item 8. Zoning Text Amendment (ZTA) 23-10, Parking, Queuing, and Loading – Calculation of Required Parking (Public Hearing)

ZTA 23-10 would exempt residential uses within certain distances to transit from the parking minimums defined by the code.

Staff Recommendation: Transmit comments to the District Council

B. Berbert

BOARD ACTION

Motion: Hedrick/Linden

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval to transmit comments to the District Council, as stated in a transmittal letter to be prepared at a later date.

Benjamin Berbert, Planner III, offered a multi-media presentation regarding Zoning Text Amendment (ZTA) 23-10, Parking, Queuing, and Loading – Calculation of Required Parking. Further information can be found in the Staff Report dated December 14, 2023.

Mr. Berbert noted support of the ZTA with modifications including modifying Section 6.2.3.I.b, exempting Parking Minimums Near Transit, defining BRT Stations as non-rail transitway stations, and noting concerns of Parking Lot Districts (PLDs).

Mr. Berbert gave an overview of the background and stated Zoning Text Amendment (ZTA) 23-10, Parking, Queuing, and Loading – Calculation of Required Parking, was introduced by Council President Friedson, and Councilmembers Glass, and Mink, as well as co-sponsored by the entire Council on November 28, 2023. Mr. Berbert stated ZTA 23-10 creates a new adjustment to vehicle parking, exempting residential uses from providing the baseline parking minimums if they are located within ½ mile of Metro or Purple Line Stations, or within ¼ mile of an existing or funded Bus Rapid Transit station.

Mr. Berbert then discussed Staff’s recommendations, analysis, and reasoning in greater detail.

The Board asked questions regarding potential loss of revenue sources for PLDs, clarity of residential/mixed-use parking minimums and exemptions, clarity as to BRT stations included, and MARC ridership.

Staff, including Planning Director Jason Sartori, Deputy Director of Planning Robert Kronenberg, and Acting Chief of Countywide Planning and Policy David Anspacher, offered comments and responses to the Board’s questions.

The Board offered comments and held further discussion regarding a potential future ZTA that would clarify in the Zoning Code how proximity to transit stations is measured, making the parking reform as expansive as possible, addition of MARC stations to list of transit services, expansion to a 1 mile radius for all types of transit, and potential consideration of other high frequency transit lines.

Montgomery County Planning Board
Public Meeting Minutes of December 21, 2023

The Board agreed by consensus to transmit the following recommendations:

- The term BRT be replaced with the term “non-rail transitway” as identified in the Master Plan of Highways and Transitways;
- MARC Rail stations be added to the list of qualifying transit options; and
- The effective radius around all types of transit stations should be consistent and be expanded to a one-mile radius instead of the ½ and ¼ mile radii.

Mr. Berbert will also note Board’s interest in pursuing a future ZTA that would clarify in the Zoning Code how proximity to transit stations is measured in the transmittal to the Council as well.

Item 9. Resolution of Adoption for the Fairland and Briggs Chaney Master Plan

Staff Recommendation: Approve the Resolution of Adoption for Transmittal to the Full Commission and receive briefing on changes made to the plan document after transmittal of the Planning Board Draft to the County Council.

C. Larson

BOARD ACTION

Motion: Bartley/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval and adoption of the Resolution for the Fairland and Briggs Chaney Master Plan and transmittal to the Full Commission for adoption.

Clark Larson, Planner III, offered a multi-media presentation regarding the Resolution of Adoption for the Fairland and Briggs Chaney Master Plan. Further information can be found in the Staff Report dated December 14, 2023.

Mr. Larson discussed the Plan's vision and timeline, as well as the Council amendments to the Planning Board draft of the Plan including: drive-throughs, affordable housing targets for residential development on public properties, pedestrian and bicycle connections across U.S. 29, bus rapid transit lanes on U.S. 29, green infrastructure practices, traffic calming, zoning, redevelopment of County-owned property, path and trail connectivity, and undergrounding utilities.

Mr. Larsen then displayed illustrations that the Board was unable to view in the draft Plan that will be incorporated into the Plan including portrayals of the Briggs Chaney Road corridor, the intersection of Briggs Chaney Road and Columbia Pike, E. Randolph Road at Old Columbia Pike, and U.S. 29 and Tech Road.

The Board commended Staff for their work on the Master Plan.