

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APPROVED
MINUTES AND SUMMARY

SUMMARY
Thursday, January 18, 2024
2425 Reddie 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, January 18, 2024, beginning at 9:03 a.m. and adjourning at 3:20 p.m.

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

Vice Chair Mitra Pedoeem was necessarily absent for the meeting.

Items 1 through 6, and Item 8 were discussed in that order and reported in the attached Minutes.

The Planning Board recessed for lunch at 11:35 a.m. and reconvened in the auditorium and via video conference to return to open session at 12:48 p.m. to discuss Items 7 and 9, as reported in the attached Minutes.

There being no further business, the meeting adjourned at 3:20 p.m. The next regular meeting of the Planning Board will be held on Thursday, January 25, 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

BOARD ACTION

Motion:

Vote:

Other:

Action: There were no Resolutions submitted for approval.

B. Approval of Minutes

BOARD ACTION

Motion:

Vote:

Other:

Action: There were no Minutes submitted for approval.

C. Other Preliminary Matters

Bethesda IAC Member Appointment

S. Dickel

BOARD ACTION

Motion: Hedrick/Linden

Vote: 3-0

Other: Vice Chair Pedoeem and Commissioner Bartley were necessarily absent.

Action: Approved Staff recommendation for approval of the appointment of David Yampolsky to the Bethesda Downtown Plan Implementation Advisory Committee.

The selection committee and Planning Staff are recommending the appointment of one new member, David Yampolsky, Senior Vice President with Community Three, to fill the vacated property business owner's seat.

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)

Chevy Chase Section 5 Administrative Subdivision Plan No. 620230080, Extension Request No. 2 - Request to extend the review period from January 18, 2024, through July 18, 2024.

Request to allow for continued coordination with the Village of Chevy Chase Section 5 regarding a future sidewalk and frontage improvements. The Application proposes to create one (1) lot for one single-family detached dwelling; R-60 Zone; 0.49 acres; located at the terminus of Windsor Place, approximately 550 feet east of its intersection with Brookville Road in incorporated Chevy Chase Section 5; 1990 Bethesda-Chevy Chase Master Plan.

Staff Recommendation: Approval with Extension

A. Bossi

BOARD ACTION

Motion: Hedrick/Linden

Vote: 3-0

Other: Vice Chair Pedoeem and Commissioner Bartley were absent.

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

9801 Georgia Avenue, 120230160 and 820230130, Regulatory Extension Request No. 3 - Request to extend the regulatory review period for Preliminary Plan No. 120130160 and Site Plan No. 820230130 from February 22, 2024 to March 7, 2024.

Request to construct up to 390 units and 5,000 square feet of commercial uses; Located at the northeast quadrant of Georgia Avenue and Forest Glen Road; 4.93 acres zoned CRT-2.5, C-2.5, R-2.5, H-120'; 2020 Forest Glen/Montgomery Hills Sector Plan.

Staff recommendation: Approval of the Extension request

P. Smith

BOARD ACTION

Motion: Hedrick/Linden

Vote: 3-0

Other: Vice Chair Pedoeem and Commissioner Bartley were necessarily absent.

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

Item 4. Roundtable Discussion

Parks Director's Report
M. Figueredo

BOARD ACTION

Motion:

Vote:

Other: Vice Chair Pedoeem was necessarily absent.

Action: Received briefing.

Montgomery Parks Director, Miti Figueredo, discussed her personal and professional background, as well as her vision and priorities for the Park's Department.

Ms. Figueredo stated she was born in Austin, Texas on Bergstrom Air Force Base to Cuban immigrants who came to the United States in 1960. In order to avoid being drafted Ms. Figueredo's father joined the United States Air Force, and did his tour of duty right after she was born. Upon his return, Ms. Figueredo's father worked in the aerospace engineering field for companies such as Boeing, Ford Aerospace, and McDonnell Douglas. Ms. Figueredo noted her parents taught her the value of hard work and instilled pride in being an American.

Ms. Figueredo stated she grew up in Florida where she studied history at the University of Florida for undergrad and later moved to Chicago to attend Northwestern University School of Law. Ms. Figueredo met her husband while in Chicago and once he finished a federal judicial clerkship with the Eastern District of Wisconsin, they moved to Silver Spring where she worked numerous jobs within the public and private sectors at both county and federal levels of government. Ms. Figueredo credited her time spent in Chicago and Milwaukee to spark an interest in planning, housing and transportation issues as well as how they intersect with the design of public spaces and parks.

Ms. Figueredo noted her career choices ultimately led to her position as Deputy Parks Director. During her time serving as Deputy Parks Director, Ms. Figueredo stated the department performed innovative work including acquiring a number of properties for urban parks and conservation, creating a parks activation program to bring people into the parks, building new facilities to address emerging needs such as cricket and pickleball, instituted a list of sledding hill locations within Montgomery County Parks which necessitated a lot of behind-the-scenes work, and created the Open Parkways Program. Ms. Figueredo noted Director Riley's legacy will be a tough act to follow, but the Park's Department is very well run with dedicated Staff, and she feels privileged to lead it.

Ms. Figueredo explained her priority will be to implement the recommendations of the recently approved Parks, Recreation and Open Space (PROS) Plan, which builds on Thrive Montgomery 2050, and is the primary policy document for the Montgomery Parks Department. Ms. Figueredo noted the PROS Plan articulates creating social connection, promoting physical activity, and protecting the environment especially, in diverse and urbanizing areas with a focus on teens, seniors, and working-age adults. Ms. Figueredo stated the development of true Urban Parks

through acquisition, redevelopment of existing parks, and development related dedications and projects have all been steps taken to implement the PROS Plan, and examples include: the Bethesda Market Park, the upcoming Silver Spring Urban Rec Park, and the facility plan for Jessup Blair Park. Ms. Figueredo further noted the need to continue expanding the network of natural and hard surface trails, and spoke about future trail projects including the renovation of the Capital Crescent Trail.

Ms. Figueredo discussed the recent PROS survey and stated feedback noted residents' concern for the conditions of parks, safety in parks, and the desire for more public bathrooms within the parks. These three areas will continue to be studied and recommendations will be made to determine how to address them. Ms. Figueredo also discussed the Parks Department's commitment to equity and community engagement to further determine the community's needs.

Ms. Figueredo explained what motivates her to serve as the Parks Director. She believes it is a privilege to serve in the role that also comes with a lot of responsibility as the Parks Department serves over a million residents of Montgomery County. Ms. Figueredo noted the level of professionalism and expertise of the Parks Staff, and feels it is important to operate with integrity and transparency.

Lastly, Ms. Figueredo stated she will strive to make recommendations the Department feels is in the public's interest, as well as strive to be a good steward of the public resources entrusted to the Parks Department.

Item 5. Bethesda Overlay Zone (BOZ) Soft Cap

Following up on September briefing from Staff and October public testimony, conclude discussion of the Planning Board's recommendation to the County Council on next steps to address the Bethesda Downtown Plan development cap. Staff recommends pursuing a Minor Master Plan Amendment as part of the Montgomery Planning FY25 work program and deferring consideration of any zoning text amendment until after the minor plan amendment.

Staff Recommendation: Approve recommendation for transmittal to County Council

E. Hisel-McCoy

BOARD ACTION

Motion:

Vote:

Other: Vice Chair Pedoeem was necessarily absent.

Action: The Board approved Staff's recommendation by consensus to transmit comments to the County Council was approved by, as stated in a transmittal letter to be prepared at a later date.

Elza Hisel-McCoy, Chief of Downcounty Planning, discussed the Bethesda Overlay Zone (BOZ) Soft Cap. Further information can be found in the Staff Report dated January 11, 2024.

Mr. Hisel-McCoy stated during Fall 2023, Planning Staff briefed the Planning Board on its assessment of the Sector Plan's implementation and recommendations for next steps. Since then, Mr. Hisel-McCoy noted Planning Staff met with the Bethesda Downtown Plan Implementation Advisory Committee (IAC), the Town of Chevy Chase, and the development and resident communities to hear their thoughts and concerns and discuss potential next steps.

Mr. Hisel-McCoy explained the Planning Board also approved the addition of a Minor Master Plan Amendment for the Bethesda Downtown Plan to Planning's FY25 draft work program, which will focus on implementation issues. Mr. Hisel-McCoy noted Staff will proceed with outreach and community engagement throughout Spring 2024, present a scope of work for the Minor Master Plan Amendment by July 2024, return with proposals by Fall 2024, and send to the County Council by the end of 2024.

In consideration of the proposed timeline, Mr. Hisel-McCoy stated Staff is revising its recommendation to proceed at this time with a Minor Master Plan Amendment to the Sector Plan to address implementation issues, and to defer further action until its completion.

The Board asked questions regarding examples of key implementation issues and funding received through Park Impact Payments (PIPs), as well as recommending the timeline for the Minor Master Plan Amendment be compressed as much as possible.

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

Item 6. 4910/4920 Strathmore: Preliminary Plan Amendment Plan No. 12022016A, Site Plan Amendment Plan No. 82022022A, Forest Conservation Plan No. F20240120 (Public Hearing)

Located on Strathmore Ave, approximately 1500 feet east of Route 355; CRNF-0.75, C-0.25, R-0.75, H-50 Zone; 15.35 acres; 1992 North Bethesda/Garrett Park Master Plan.

A. Preliminary Plan Amendment Plan No. 12022016A: Request to remove the previously approved residential care facility and reconfigure the lots and parcels for 125 buildable lots with 400,000 square feet of residential uses (17 detached houses and 108 townhouses) and additional parcels for private roads and open space.

B. Site Plan Amendment Plan No. 82022022A: Request to remove the previously approved residential care facility, allow construction of 125 units (17 detached houses and 108 townhouses) with 400,000 square feet of residential density.

C. Forest Conservation Plan No. F20240120: Request for approval of a Final Forest Conservation Plan that amends the previously approved Final Forest Conservation Plan to reflect the updated preliminary and site plan proposals (38.65-acre FCP tract area includes the Academy of the Holy Cross Property).

Staff Recommendation: Approval with Conditions

E. Tettelbaum/S. Findley

A. BOARD ACTION

Motion: Hedrick/Linden

Vote: 4-0

Other: Vice Chair Pedoeem was necessarily absent.

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

B. BOARD ACTION

Motion: Hedrick/Linden

Vote: 4-0

Other: Vice Chair Pedoeem was necessarily absent.

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

C. BOARD ACTION

Motion: Hedrick/Linden

Vote: 4-0

Other: Vice Chair Pedoeem was necessarily absent.

Action: Approved Staff recommendation for approval of the Forest Conservation 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.

Emily Tettelbaum, Planner III, offered a multi-media presentation regarding 4910 and 4920 Strathmore. Further information can be found in the Staff Report dated January 5, 2024.

Ms. Tettelbaum described the property, site vicinity, and history of the project including previous approvals. Ms. Tettelbaum stated the Applicant has determined that development of the previously approved residential care facility is infeasible due to market conditions that have reduced the ability to finance additional residential care facilities in the area, and that an entirely single-family development is the most viable option for the Site. The Applicant therefore proposes to remove the previously approved residential care facility and increase the number of single-family dwelling units from 113 to 125. Ms. Tettelbaum stated the Applicant also proposes relocation of 15 of the previously approved townhouses from the west side of the Site to the east side, associated lot layout adjustments, and modifications to previously approved open spaces. The additional units consist of eight detached houses and four townhouses, for a total of 17 detached houses and 108 townhouses on the Site, and the architectural quality and character of the proposed homes is substantially similar to the prior Site Plan approval.

Ms. Tettelbaum spoke about the access and circulation for the site including the bicycle/pedestrian and vehicular improvements, as well as the proposed location for a new traffic signal.

Ms. Tettelbaum described the Forest Conservation Plan and previously approved tree variances stating the Applicant has also submitted a revised tree variance request for impact to 2 new trees, as well as a proposed increase in CRZ which will also impact 3 trees that will be retained.

Ms. Tettelbaum noted community correspondence was received noting concerns about traffic/location of the proposed traffic light, the buffer on the north side of Strathmore Avenue, stormwater management, and school overcrowding. Correspondence also requested signage or public art along Strathmore Avenue to commemorate prior use of site and a more direct pedestrian connection to the Metro.

Lastly, Ms. Tettelbaum noted an update to Preliminary Plan Condition Number 5 regarding the date of the Maryland State Highway Administration (SHA) letter.

Mary-Rose (Szoka) de Valladares of the Hail Mary Pass Group offered testimony regarding potential signage and statuary installation.

Arthur Ribeiro da Silva of Garrett Park Estates/White Flint Park Citizens' Assoc offered testimony regarding concerns for traffic and stormwater management.

Vanessa Lide, an adjacent property owner, offered testimony noting concerns regarding the north buffer zone and reduction of vegetation in the median. Ms. Lide also asked if a noise survey had been done for the homes along the north side of Strathmore Avenue and what screening will be provided along the north side.

Erin Girard of Miles and Stockbridge offered comments on behalf of the Applicant stating the project has been ongoing and all concerns raised have been noted. Ms. Girard noted the collaboration between EYA, the Academy of the Holy Cross, and the Sisters of the Holy Cross

Montgomery County Planning Board
Public Meeting Minutes of January 18, 2024

regarding the signage and statuary installation; and offered further comments regarding the reduction in traffic, significantly reduced stormwater drainage, north buffer, median vegetation, and pedestrian connection.

The Board asked questions regarding changes to the north buffer along Strathmore Avenue, changes to the traffic study and stormwater management plan from the previous approval, pedestrian access, and potential examples of signage and statuary.

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

Katie Wagner of Gorove Slade offered comments regarding the traffic analysis and coordination with Montgomery County Department of Transportation and SHA.

Item 8. Overview of the MPDU program and 15% Moderately Priced Dwelling Unit (MPDU) Requirement Designation

The Planning Board will receive a briefing on the Moderately Priced Dwelling Unit (MPDU) program and designate Planning Areas that are required to have a 15% MPDU requirement, per Section 25A-5(d) of the County Code.

Staff Recommendation: Transmit designation of Planning Areas to County Council

L. Govoni

BOARD ACTION

Motion: Hedrick/Linden

Vote: 4-0

Other: Vice Chair Pedoeem was necessarily absent.

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

Lisa Govoni, Acting Planning Supervisor, offered a multi-media presentation regarding the Moderately Priced Dwelling Unit (MPDU) program and designating Planning Areas required to have a 15% MPDU requirement. Further information can be found in the Staff Report dated January 11, 2024.

Ms. Govoni stated Montgomery County has a variety of programs that serve a variety of households and population for lower income households and moderate income households, as well as workforce and homeownership. Some of the County's programs include the Housing Choice Voucher (HCV) program for rental assistance, project-based vouchers, tenant-based vouchers, Moderately Priced Dwelling Units (MPDUs), rental agreements preserving existing affordable units, the Housing Initiative Fund (HIF) financing, rental and for-sale Workforce Housing Program Units (WFHU), County-funded down payments assistance program, and HOC homeownership programs. Ms. Govoni also discussed Naturally Occurring Affordable Housing (NOAH), and noted that although it is not part of any affordable housing program, it is still a very important housing resource.

Ms. Govoni discussed the County's rental housing supply and noted that overall, about 80 percent of the County's multifamily housing stock is unrestricted. However, income/deed restricted units make up over 40 percent of Montgomery County's units under 65 percent AMI, and 1 out of every 5 units in County's rental supply is income-restricted. Ms. Govoni stated overall, the County has been gaining income-restricted rental housing stock at a faster rate than it is being lost.

Ms. Govoni noted since 2000, over 5,000 deed-restricted rental units have been added to the County's inventory, and most income restricted rental units are MPDUs. Ms. Govoni also noted More than a third of the total deed-restricted inventory (35 percent) were built in the 1960's and 1970's, making them 40 to 50 years old.

The Board asked questions regarding the reasoning for the major increase in the 1970's and need for potential concern of the tax credit units aging out with the older buildings.

Montgomery County Planning Board
Public Meeting Minutes of January 18, 2024

Ms. Govoni and Somer Cross of the Department of Housing and Community Affairs (DHCA) offered comments and responses to the Board.

Ms. Govoni stated Montgomery County's MPDU program is believed to be the Country's first mandatory, inclusionary zoning law. Ms. Govoni explained the program was enacted in 1974 to further the objective of providing a full range of housing choices for all incomes, ages, and households. The program is widely recognized as the preeminent inclusionary zoning program in the country due to its success in both program longevity and production of units. The number and location of MPDUs are established during the land use and zoning approvals of a new construction development, in the preliminary plan of subdivision, which are subject to the Planning Board's approval, and the MPDU law requires 12.5-15 percent of all new units in developments over 20 units to be affordable to moderate income households.

Ms. Govoni gave an overview of the MPDU ordinance, eligible household size and maximum income for MPDUs, and the program's success. Ms. Govoni stated the County has produced over 16,000 total MPDUs with over 8,000 MPDUs under price control. Ms. Govoni also discussed projects falling under the minimum threshold of 20 units, required agreements for MPDUs, alternative payment/location agreements, and incentives for providing MPDUs.

The Board asked how many alternative agreements have been processed and Ms. Govoni offered comments and responses.

Ms. Govoni stated while the County minimum requirement for MPDUs is 12.5 percent, there are several circumstances where 15 percent MPDUs may be required including master plan requirements, overlay zones, high income planning areas, and optional method projects.

Ms. Govoni explained in 2018, Bill 38-17 was passed by the Montgomery County Council. The bill went into effect in October 2018, and it created a 15 percent MPDU requirement in any Planning Area designated annually by the Planning Board, in which 45 percent of the census tracts' acreage have a median household income of at least 150 percent of the County-wide median household income. In the 2018-2022 5-year ACS survey, Montgomery County had a median income of \$125,583. A 50 percent increase over the median is \$62,792, making \$188,375, 150 percent of the median. If 45 percent or more of the census tract's acreage assigned to that Planning Area has a median income higher than \$188,375, that Planning Area is designated with a 15 percent MPDU requirement.

Ms. Govoni stated in 2024, the Planning Areas with a 15 percent requirement include: Bethesda/Chevy Chase, Darnestown, Lower Seneca, North Bethesda, Potomac, and Travilah. In addition, a 15 percent MPDU requirement exists for both the Bethesda Downtown Plan and the Silver Spring Downtown and Adjacent Communities Plan.

The Board asked questions regarding the potential for the MPDU requirement to be transmitted every couple of years, the 5-year ACS Survey data, averaging percentages of MPDUs, increase of income requirements for for-sale MPDUs, and implementation.

Montgomery County Planning Board
Public Meeting Minutes of January 18, 2024

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

Maggie Gallagher and Somer Cross of DHCA offered comments and responses to the Board's questions regarding the potential to average the percentage of MPDUs, the purchasing and re-selling of MPDUs, and concerns raised by seniors as to how to address senior affordability.

The Board agreed to transmit comments to the County Council with additional language to consider reevaluating MPDU requirements every 2 years.

Item 7. Life Sciences Center Loop Mandatory Referral No. MR2023006 and Preliminary/Final Water Quality Plan No. MR2023006 (Public Hearing)

A. Mandatory Referral: MR2023006: The Montgomery County Department of Transportation proposes to construct a shared use path along the west side of Omega Drive and Medical Center Drive between the City of Gaithersburg boundary and Great Seneca Highway. The proposed project will also include intersection changes at the Key West Avenue and Omega Drive/Medical Center Drive intersections to remove free right turn islands—improving pedestrian safety.

Staff Recommendation: Approval with Comments

B. Preliminary/Final Water Quality Plan: MR2023006: The Montgomery County Department of Transportation proposes to construct a shared use path along the west side of Omega Drive and Medical Center Drive between the City of Gaithersburg boundary and Great Seneca Highway. The proposed project will also include intersection changes at the Key West Avenue and Omega Drive/Medical Center Drive intersections to remove free right turn islands—improving pedestrian safety.

Staff Recommendation: Approval with Conditions

E. Glazier

A. BOARD ACTION

Motion: Linden/Hedrick

Vote: 4-0

Other: Vice Chair Pedoeem was necessarily absent.

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

B. BOARD ACTION

Motion: Linden/Hedrick

Vote: 4-0

Other: Vice Chair Pedoeem was necessarily absent.

Action: Approved Staff recommendation for approval of the Preliminary/Final Water Quality 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.

Eli Glazier, Acting Transportation Planning Supervisor, offered a multi-media presentation regarding the Life Sciences Center Loop. Further information can be found in the Staff Report posted on the Planning Board website under the January 18, 2024 Agenda.

Mr. Glazier stated this is a Mandatory Referral and Water Quality Plan for the Montgomery County Department of Transportation's proposal to construct a 1.25 mile asphalt sidepath along the west side of Omega Drive and Medical Center Drive between the City of Gaithersburg and Great Seneca Highway. The proposed project aims to design a significant portion of the Life Sciences Center Loop Trail master planned as part of the Great Seneca Science Corridor Master Plan.

Mr. Glazier gave an overview of the project description and stated the LSC Loop will create a primary recreational feature that connects the districts, destinations, and open spaces throughout the area, provide connections to area amenities, including retail destinations, the proposed high school, and the natural path system through the stream buffer areas, integrate regulated green spaces such as wetlands, streams, and forest conservation easements to provide passive recreational experiences, create extensions (from the main loop) that connect surrounding neighborhoods with the LSC.

Mr. Glazier stated the project's typical section is a 12-foot-wide sidepath with an 11-foot-wide landscaped buffer separating it from the roadway. MCDOT estimates that the project will cost about \$5,000,000 without property acquisition, and funding for property acquisition is included in the approved FY 2024 CIP beginning in FY 2025. Mr. Glazier noted a correction to the Staff Report as the report stated there was no funding for construction, but construction funding is provided in FY 2026 and FY 2027.

Mr. Glazier discussed the portions of the loop that are existing, portions currently under construction, portions developers will be required to construct, the portion that is funded by the CIP to construct, and future planned segments of the LSC loop that are not currently under design.

Mr. Glazier gave an overview of the current conditions and transit network for the area. The Master Plan consistency was discussed as well as the transportation comments from Staff including:

1. Ensure the sidepath crosses driveways at the sidewalk-level at identified stations;
2. Tighten curb radii at all intersections and driveways in line with the CSDG default radius (15 feet);
3. Provide directional curb ramps that are aligned with high-visibility marked crosswalks at all street and driveway crossings;
4. Construct new 12-foot-wide pedestrian median refuges where the sidepath crosses Broschart Road, Key West Avenue, and the driveway north of Key West Avenue;
5. Ensure all intersections comply with the Department's Protected Intersection Checklist to the extent applicable;
6. Ensure the project appropriately transitions to the Elms and PSTA project across Great Seneca Highway;
7. Coordinate with the City of Gaithersburg and MCPS on the transitions between the proposed sidepath and high school project;
8. Relocate transformers at station 109+00 to continue 11-foot-wide street buffer can be maintained;
9. Widen street buffer at station 134+00 to 11 feet to better align adjacent driveway crossing; and
10. Consider extending the sidepath from station 206+75 to Station 207+00.

Mr. Glazier also discussed the environmental analysis for the project as well as the public engagement.

Montgomery County Planning Board
Public Meeting Minutes of January 18, 2024

At this time Steve Findlay discussed the Water Quality Plan. Mr. Findlay gave an overview of special protection areas, and noted water quality plans within the special protection areas have split responsibilities between the Department of Permitting Services and the Montgomery Planning Board. The water quality plan will be regulatory and binding.

Mr. Findlay described the Piney Branch Special Protection Area (SPA), and stated it is the Planning Board's responsibility is to determine if requirements for environmental buffer protection, SPA forest conservation and planning, and minimization of impervious surfaces have been satisfied. Mr. Findlay discussed Staff's analysis of the SPA review elements in further detail with the following comments:

1. The impervious surfaces are limited to the areas shown on the Preliminary/Final Water Quality Plan. Impervious surfaces should be limited to no more than what is shown on the plan;
2. The graphic showing the impervious surface changes must be included in the Preliminary/Final Water Quality Plan submitted for certification and signature;
3. A final Tree Save Plan must be submitted and approved by Planning staff prior to clearing, grading, or demolition for each phase of construction; and
4. The Applicant shall provide tree protection measures and mitigation for priority trees removed according to the approved Tree Save Plan and at the direction of the Forest Conservation Inspector.

Item 9. Worldshine Ruby Drive Conditional Use No. CU202311 and Preliminary Forest Conservation Plan No. CU202311 (Public Hearing)

Request to transmit comments to the Hearing Examiner on a proposed Conditional Use for a Residential Care Facility (over 16 persons) pursuant to the 2014 Montgomery County Zoning Ordinance Sections 59.3.3.2.E.2.c (Specific Conditions) and 59.7.3.1 (General Conditions) at 21908 Ruby Drive (Lots 1, 2, & 3, Block A), Boyds; 4.66 Acres; R-200 Zone; 1994 Clarksburg Master Plan.

A. Conditional Use No. CU202311

Staff Recommendation: Approval to transmit comments to the Hearings Examiner

B. Preliminary Forest Conservation Plan No. CU202311

Staff Recommendation: Approval with conditions (Planning Board Action)

J. Penn

A. BOARD ACTION

Motion: Hedrick/Linden

Vote: 3-0-1

Other: Vice Chair Pedoeem was necessarily absent. Commissioner Bartley abstained.

Action: Approved Staff recommendation for approval to transmit comments to the Hearing Examiner, with additional comment regarding compatibility of materials, as stated in a transmittal letter to be prepared at a later date.

B. BOARD ACTION

Motion: Hedrick/Linden

Vote: 3-0-1

Other: Vice Chair Pedoeem was necessarily absent. Commissioner Bartley abstained.

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.

Josh Penn, Zoning Planner III, offered a multi-media presentation regarding Worldshine Ruby Drive. Further information can be found in the Staff Report dated January 5, 2024.

Mr. Penn discussed the property and vicinity, noting the Applicant proposes to redevelop the Property with a Residential Care Facility (over 16 persons). Specifically, the Project includes eight structures containing up to 120 assisted living beds. Seven of the structures will be devoted solely to residential use, each containing 15 beds. A central kitchen for staff to prepare meals and a communal dining and living room will be located in the eighth structure in the southeast corner of the site, at the intersection of Ruby Drive and West Old Baltimore Road. This structure will also function as the "community center" and will house the common amenities for all of the residents, such as a library and computer room, arts and crafts space, music therapy, physical therapy and fitness center, beauty salon/barber shop, centralized commercial grade kitchen, and a private dining room to celebrate special occasions with family and friends. There also will be 15 residential units above the community center rooms. Mr. Penn stated the eight structures have been oriented

toward the internal private drive leading from West Old Baltimore Road to the parking at the rear of the Property. Additionally, the structures have been organized around a central amenity courtyard that will promote opportunities for residents to relax and socialize. The central courtyard will feature an accessible walking path, garden, various seating opportunities and activity areas. The activities within the courtyard will be screened and visually buffered from neighboring homes by landscaping around the perimeter. The proposed assisted living residence will serve seniors who are 62 years of age or older and will provide programs and coordination of various services for residents, including transportation services, organized community service events, holiday celebrations and other planned social events.

Mr. Penn noted although the facility will operate 24 hours a day, the main business hours for the administrative staffing operations will be a traditional 9:00 - 5:00 schedule. Generally, deliveries are arranged during regular business hours, outside of the peak hours, in consideration of both the on-site residents and the surrounding community. Food deliveries are typically made twice per week by a 20-foot to 30-foot box truck. And all other deliveries are made by USPS, FedEx, and UPS on their standard routes. All laundry, linen service, etc., will be performed in-house and requires no outside vendors or deliveries. Waste collection and recycling will occur at an enclosed dumpster that will be located in the northeast corner of the Property, adjacent to the main parking facility. The dumpster has been located as far away from the adjacent single-family homes as possible and will be emptied approximately twice per week by a standard garbage truck.

Mr. Penn gave an overview and summary of the general concerns for the project including: traffic, lighting, pollution, compatibility, pedestrian safety, commercial characteristics, safety at the intersection at West Old Baltimore and MD 355, lack of landscaping between uses, and general degradation of community character.

Mr. Penn discussed the Master Plan conformance and landscaping plan, noting Staff is requesting the Applicant provide additional evergreen planting above what is required in the code to help with compatibility and screening.

Brett Brown, Transportation Planner II, discussed the transportation analysis noting the Applicant is exempt from further LATR analysis as the project will produce below 50 peak-hour trips. Mr. Brown also noted the Applicant is providing frontage improvements as well as an offsite connection by continuing the proposed sidewalk eastward to Red Oak Ridge Place.

Mr. Penn then discussed the Preliminary Forest Conservation Plan and tree variance request for the removal of 12 trees and impact to 3 variance trees. Mr. Penn noted Staff is requesting approval of the variance with the approval of the Preliminary Forest Conservation Plan.

The Following Individuals offered testimony:

Via Teams:

Gyan Mishra (Glen at Hurley Ridge HOA)
Vyjoo Krishnan (Adjacent Property Owner/Summerfield Crossing HOA)
Terri Meyer (Adjacent Property Owner)

Montgomery County Planning Board
Public Meeting Minutes of January 18, 2024

Elias Sevilla (Adjacent Property Owner)
Jagdish Tarpara (Adjacent Property Owner)
Mythili Arun (Adjacent Property Owner)
Tiffany Ingram (Tapestry HOA)
Vu Tran (Individual)
Santosh Jain (Individual)
Debbie Malpass (Adjacent Property Owner)
Kevin Malpass (Individual)

In Person:

Debra Duffin (Individual)
Jeanean Martin (Adjacent Property Owner)

Ms. Duffin also presented photographs with her testimony.

Steve Robins of Lerch, Early and Brewer offered comments on behalf of the Applicant regarding WorldShine's vision, mission, community engagement, and design of the project.

Elizabeth Rogers of Lerch, Early and Brewer offered a multi-media presentation showing the progression of the design through the different proposals noting all traffic will be directed to Old West Baltimore from an internal drive. Ms. Rogers offered further details regarding the sizing of the proposed housing, frontage improvements, and pedestrian improvements.

Nancy Randall of Wells and Associates offered comments regarding the traffic analysis and trip generation associated with the project, and noted a LATR traffic report was not needed due to the size of the project. Ms. Randall further stated that the added growth of surrounding projects was taken also into account.

The Board asked questions regarding potential for surrounding well/septic contamination, quality of materials used on the housing backing onto Ruby Drive, building massing and height, restricted lighting, and confirmation of no through connection to Ruby Drive or midblock connections to surrounding neighborhoods.

Kevin Huang of Endesco, Inc. offered comments regarding project tying into public water and sewer, as well as the removal of the well/septic that was on the property.

Josh Sloan of VIKA Maryland LLC offered comments regarding the building height and lighting.