

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APPROVED
MINUTES AND SUMMARY

SUMMARY

Thursday, November 16, 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, November 16, 2023, beginning at 9:07 a.m. and adjourning at 5:49 p.m.

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

Chair Harris began the meeting by announcing the appointment of Miti Figueredo as the next Director of the Montgomery Parks Department.

Items 1 through 6, Item 10, and Item 14 were discussed in that order and reported in the attached Minutes.

Commissioner Linden was necessarily absent for the morning session of the meeting.

The Planning Board recessed for lunch at 12:45 p.m. and reconvened in the auditorium and via video conference to return to open session at 1:37 p.m. to discuss Items 7 through 9 and Items 11 through 13 as reported in the attached Minutes.

Commissioner Linden joined virtually for the afternoon session of the meeting.

There being no further business, the meeting adjourned at 5:49 p.m. The next regular meeting of the Planning Board will be held on Thursday, November 30, 2023, in the Wheaton Headquarters Building in Wheaton, Maryland, and via video conference.

Rachel Roehrich

Rachel Roehrich

Technical Writer/Legal Assistant

MINUTES

Item 1. Preliminary Matters

A. Adoption of Resolutions

BOARD ACTION

Motion:

Vote:

Other: Commissioner Linden was necessarily absent.

Action: There were no Resolutions submitted for adoption.

B. Approval of Minutes

1. Minutes for October 26, 2023

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 3-0-1

Other: Commissioner Bartley abstained due to being absent and Commissioner Linden was necessarily absent.

Action: Approved Planning Board Meeting Open Session Minutes of October 26, 2023.

2. Closed Session Minutes for October 26, 2023

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 4-0

Other: Commissioner Linden was necessarily absent.

Action: Approved Planning Board Meeting Closed Session Minutes of October 26, 2023.

C. Other Preliminary Matters

BOARD ACTION

Motion:

Vote:

Other: Commissioner Linden was necessarily absent.

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

Item 2. Record Plats (Public Hearing)

BOARD ACTION

Motion:

Vote:

Other: Commissioner Linden was necessarily absent.

Action: There were no Record Plats submitted for approval.

Item 3. Regulatory Extension Requests (Public Hearing)

6540 Bradley Boulevard: Administrative Subdivision Plan No. 620230110, Regulatory Extension Request No. 1 - Request to extend the review period, from November 30, 2023 to March 28, 2024.

Application to create two lots for a single-family detached unit on each lot; located at 6540 Bradley Boulevard (SW quadrant, of the intersection of Bradley Boulevard and Hillmead Road), R-200 zone; 0.97 acres; 1990 Bethesda Chevy Chase Master Plan.

Staff recommendation: Approval of Extension Request

M. Fuster

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 4-0

Other: Commissioner Linden was necessarily absent.

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: Commissioner Linden was necessarily absent.

Action: Received briefing.

Montgomery Parks Director Mike Riley gave an overview of how both public and private development can impact Montgomery Parks and introduced Natural Resources Manager Matthew Harper who offered a multi-media presentation regarding the Park Construction Permit Process.

Mr. Harper stated the Park Construction Permit is structured to ensure the stewardship of natural, cultural, and recreational resources on parkland while providing a pathway for Applicants to propose projects that may impact parkland. Mr. Harper explained Montgomery Parks' vision and mission, and discussed the history of the policy which was originally introduced in 1968 and formally adopted as Resolution 68-24 titled "A Policy for Parks". Since the adoption of a Policy for Parks in 1968, Mr. Harper stated there have been other policies introduced/updated with the current policy known as the Park, Recreation, and Open Space (PROS) Plan, which was adopted in 2022.

Mr. Harper briefly discussed the Parks System Scope in which Montgomery County encompasses 419 parks, 490 miles of stream, 968 miles of property boundaries, 43 historic sites, 114 historic structures, 284 athletic fields, 227 basketball courts, 297 tennis courts, and over 250 mile of trails. Furthermore, Montgomery Parks is the owner of roughly 11.5 percent of the land in Montgomery County with 37,000 acres and 70 percent in conservation.

Mr. Harper noted private development and public projects trigger the need for a Park Construction Permit, and Doug Stevens, Principal Natural Resources Manager, discussed the Concept Review Process from initial submission to construction. Mr. Stevens stated all relevant Parks Divisions are involved with the Concept Review Process with the main goals being to avoid, minimize, mitigate, and compensate. Review elements include the project scope, justification, parkland impacts, restoration and mitigation, agreements, plan errors, and comment responses. Mr. Stephens further noted discussions are held early in the process with Applicants in order to avoid any red flags that may turn up later. Mr. Stephens then provided examples of concept review projects including MDOT SHA Managed Lanes, MDTA Purple Line, the Intercounty Connector, WSSC Water and Sewer, and small utility connections to name a few.

Henry Coppola, Development Review Coordinator, continued by explaining the development review of applications for projects that may have impacts to parkland that could include impacts to existing parkland, as well as the provision of new parkland through new development projects in conformance with Master Plan recommendations. Mr. Coppola briefly discussed two examples

including the Grand Park and Creekside at Cabin Branch Developments reviewed as part of the development review process to assess and determine what would be done with the parkland for each project. Mr. Coppola then explained the Parks processes in the Development Review Process as well.

Mr. Stephens described the Planning Board role in both Mandatory Referral and Development Plan approval processes, and noted once the Planning Board approves either the details are then enforced and carried out through the Park Construction Permit.

Josh Arnett, Engineering Supervisor of the Park Development Division, gave an overview of the Park Construction Review Process including submission of the application, technical design review, coordination with internal stakeholders, approval and permit issuance, construction coordination and inspection, ensuring all conditions are met, closeout and restoration, completion, and parkland conveyance if applicable. Mr. Arnett noted the process, while updated and improved, has been in existence since 1985. Lastly, Mr. Arnett described the wide scope of projects that have been reviewed such as the 320 miles of existing infrastructure, new EV charging stations, MCDOT bridges and transportation, MCPS Schools, utilities, and development plans.

The Board offered comments regarding the Park Construction Permit being binding, negotiation for mitigation, dedicated parkland from developers, encroachment of parkland, and how far the Park Construction Permit Process has come.

Item 5. Approval of FY25 Operating Budget including Enterprise, SRF, ISF

- A. CAS
- B. Commissioners' Office
- C. Planning
- D. Parks

K. Knaupe/I. Branda/T. Stern/N. Steen

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 4-0

Other: Commissioner Linden was necessarily absent.

Action: Approved Staff recommendation to approve the FY25 Operating Budget as submitted and cited above.

Katie Knaupe, Acting Corporate Budget Director gave opening remarks and a brief overview of the budgets that will be presented to the Board, as well as the updated pension costs reflected in the personnel costs for the budgets, updated OPEB costs, and further noted CAS chargebacks will be finalized before presentation of the budget in December. Ms. Knaupe noted Staff from Central Administrative Services (CAS), the Commissioner's Office, the Planning Department, and the Parks Department will present the FY25 Operating Budget for their respective departments. Further details can be found in the respective Staff Reports dated November 9, 2023.

CAS

FY25 proposed budget overviews below will include the following departments: Department of Human Resources and Management (DHRM), Central Administrative Services (CAS) Support Services operations, Merit System Board Administration Fund, Finance Department, Office of General Counsel, Office of Inspector General, and Office of the Chief Information Officer.

Ms. Knaupe and Executive Director Asuntha Chiang-Smith offered a multi-media presentation regarding an overview and background of the Central Administration Services (CAS) departments. Ms. Knaupe discussed the FY25 budget preparation and known operating commitments as well. Ms. Knaupe noted the total FY25 Budget request for CAS is \$27,942,376, and showed the budget broken down by department as follows:

DHRM: The FY25 total proposed budget request is \$10,041,305.

Finance Department: The FY25 total proposed budget request is \$7,091,886.

Legal/Office of the General Counsel: The FY25 total proposed budget request is \$3,732,760.

Office of the Inspector General: The FY25 total proposed budget request is \$1,370,023.

Corporate IT: The FY25 total proposed budget request is \$3,882,870.

Montgomery County Planning Board
Public Meeting Minutes of November 16, 2023

Merit System Board: The FY25 total proposed budget request is \$176,822.

CAS Support Services: The FY25 total proposed budget is \$1,646,710.

At this time, Ms. Chiang-Smith offered a detailed overview and comments on the critical needs requests that included promoting social equity and enhancing recruitment, retention and succession planning. Secretary-Treasurer of the Finance Department Abbey Rodman, Inspector General Renee Kenney, and Chief Information Officer Mazen Chilet, also offered comments regarding the critical needs positions requested for their respective departments in order to fortify commission cyber and financial security as well.

Ms. Knaupe continued by discussing the budget requests for the Internal Service Funds which include Chief Information Officer and Commission-Wide IT, Risk Management, Group Insurance and the Executive Office Building as listed below:

Chief Information Officer and Commission-Wide IT: The total FY25 proposed budget is \$8,437,611.

Risk Management Fund: The total FY25 proposed budget is \$7,279,300.

Group Insurance Fund: The total proposed expenditure budget is \$85,052,236.

EOB Fund: The FY25 total proposed budget is \$1,654,375.

The Board asked questions regarding positions projected for an 11-month lapse, the need for the Office of the Inspector General, CWIT funding, the Supplier Diversity Division, and potential phasing of outreach funding for the Supplier Diversity outreach.

The Board offered comments regarding better estimating of the OPEB retirement funds, the 11-month lapse, and requested an organizational chart for the Supplier Diversity Division.

Staff, including Executive Director Asuntha Chiang-Smith and General Counsel Debra Borden, offered comments and responses to the Board's questions and comments.

Lastly, Ms. Knaupe discussed two final Internal Service Funds including the Capital Equipment Fund and the Wheaton Headquarters Building Enterprise Fund, which are listed below:

Capital Equipment Fund: The FY25 total expenditure request is \$2.7 million.

Wheaton Headquarters Building Enterprise Fund: The FY25 total expenditure request is \$2.9 million.

Commissioner's Office

Ilana Branda, Chief of Staff for the Commissioner's Office, gave an overview regarding the recommended Commissioner's Office FY25 proposed budget. Ms. Branda stated the office has received updated information since the previous October 19, 2023 meeting on the projected

retirement costs. The office is now anticipating an additional \$17,670 in retirement costs, and the recommended Commissioners' Office FY25 proposed budget is \$1,391,491.

Planning Department

Karen Warnick, Chief of Management Services, gave an overview and discussed the Planning Department's FY25 proposed budget. The Planning Department's updated FY25 Proposed Budget request is \$27,079,364, which is an increase of \$2,134,623, or 8.6%, over the FY24 Adjusted Adopted budget.

Ms. Warnick stated since the previous budget discussion a new plan for the work program, The Bethesda Downtown Minor Master Plan Amendment, has been identified and is now being requested as a new initiative for FY25. Ms. Warnick noted no new funds are being requested for this work program. Ms. Warnick also noted a change to one of the new initiatives in which \$20,000 previously allotted to new initiatives will be shifted to major known commitments for the Climate Assessment Tool.

Furthermore, Ms. Warnick offered follow-up responses to Vice Chair Pedoeem's prior questions regarding the budget request percentage.

The Board offered comments regarding overall support of increases due to the new initiatives, but also suggested the idea of a base budget for new initiatives for the future.

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

Parks Department

Nancy Steen, Budget Manager, gave a brief overview of the Department of Parks FY25 Proposed Budgets for the Park Fund, the Enterprise Fund, the Property Management Fund, and the Special Revenue Fund.

Ms. Steen briefly discussed the proposed budget requests for the Park Fund as well as the Park Fund Revenue as listed below:

Park Fund: The total FY25 Park Fund proposed budget request is \$12,338,432.

Park Fund Revenue: The total FY25 Park Fund Revenue is \$8,525,392.

At this time, Ms. Steen turned the presentation over to Kate Bentley, Assistant Budget Manager, who gave an overview and discussed the following non-tax supported funds including the Property Management Fund, Enterprise Fund, and Special Revenue Fund budget requests:

Property Management Fund: The FY25 proposed budget includes a lease revenue total of \$1,488,700, and the expenditure budget for FY25 is \$1,688,700.

Montgomery County Planning Board
Public Meeting Minutes of November 16, 2023

Enterprise Fund: The proposed FY25 budget reflects \$12,918,910 in revenues and \$11,283,150 in expenditures for a net profit of \$1,635,760.

Special Revenue Fund: The proposed FY25 budget reflects revenues of \$3,450,313 and expenditures of \$4,090,093.

The Board did not have any questions or comments, although Chair Harris noted for the record that CAS would forward an organizational chart for the Supplier Diversity Division.

Item 6. East Capital Crescent Urban Recreational Park (Public Testimony Accepted)

Authorization to acquire 6,044 square feet of land, more or less, improved, from Champion Real Estate Ventures L.L.C., located at 4326 Montgomery Avenue, Bethesda

Staff Recommendation: Approval and Adoption of the Resolution

B. Sanberg/A. Fothergill

BOARD ACTION

Motion: Pedoeem/Hedrick

Vote: 4-0

Other: Commissioner Linden was necessarily absent.

Action: Approved Staff recommendation for approval of the proposed land acquisition cited above and adopted the attached Resolution.

Real Estate Management Supervisor, Brenda Sandberg, offered a multi-media presentation detailing the background, park concept, and public benefits for the acquisition of Eastern Capital Crescent Urban Recreational Park. Further information can be found in the Staff Report dated November 9, 2023.

Ms. Sandberg stated the acquisition of this property will provide much-needed active recreation opportunities in Bethesda, one of the highest density areas in Montgomery County. The site is improved with an approximately 2,000 square-foot freestanding 2-story commercial building with paved parking areas. The building was built originally for residential use in 1935, is in good condition, and is currently not occupied.

Ms. Sandberg described the policy rationale and public benefits noting the new park will be adjacent to the Capital Crescent Trail and future Purple Line which will offer a unique opportunity for a dynamic connection between the popular trail and the Bethesda community. Acquisition of the property will also comply with the *2017 Bethesda Downtown Plan* (BDP) as the Plan recommends a park size of 1.89 acres with an emphasis on active recreation. Park facilities will facilitate physical activity and social connectivity and may include adult fitness equipment, a dog park, skate park, sport courts, and a playground.

Ms. Sandberg discussed the park concept which provides the opportunity to provide amenities that may include sport courts, fitness equipment, a skate park, a dog park, flexible play and event areas, and social gathering spaces with a strong connection to the dense urban fabric of Bethesda and the linear corridor of the Capital Crescent Trail and Purple Line. Lighting in the park could also increase opportunities for recreation into the evening hours and provide safe passage through the park to the trail, neighborhoods, and thoroughfares of the city.

Ms. Sandberg discussed the other benefits from the acquisition, acquisition costs and funding, followed by an overview and breakdown of the start-up costs and Operating Budget Impact (OBI) costs, interim park phase, and ultimate park phase for the property and future Park.

Montgomery County Planning Board
Public Meeting Minutes of November 16, 2023

The Board asked questions regarding ownership of the remaining parcels and zoning.

Staff, including Chief of Downcounty Planning Elza Hisel-McCoy, offered comments and responses to the Board's questions.

Item 10. 4861 Battery Lane – Sketch Plan No. 320230070 (Public Hearing)

Request for up to 480,000 square feet of residential development, with 15 percent Moderately Priced Dwelling Units, including up to 340,931 square feet of Bethesda Overlay Zone density and associated PIP payment. Located on Battery Lane approximately 250 feet west of its intersection with Woodmont Avenue; zoned CR-1.5 C-0.5 R-1.5 H-120 and Bethesda Overlay Zone; 2017 Bethesda Downtown Sector Plan.

Staff Recommendation: Approval with Conditions

A. Bossi

BOARD ACTION

Motion: Hedrick/Bartley

Vote: 4-0

Other: Commissioner Linden was necessarily absent.

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.

Adam Bossi, Planner III, offered a multi-media presentation regarding 4861 Battery Lane. Further information can be found in the Staff Report dated November 6, 2023.

Mr. Bossi described the location and vicinity of the site. Mr. Bossi stated the Sketch Plan proposes to redevelop the Site with a new 480,000 square-foot multi-family residential building, utilizing up to 340,930 square feet of Bethesda Overlay Zone (BOZ) density, with structured subsurface parking. The proposal envisions up to 453 residential units with 15 percent moderately priced dwelling units (up to 68 MPDUs), in a 120-foot-tall building with internal and rooftop residential amenity spaces. The residential density proposed is more than five times greater than currently exists and introduces regulated affordable housing units to a property in Downtown Bethesda where none currently exist.

The proposed building will occupy the western and central portions of the Site, and the building set back will be approximately 26 feet from the curb line of Battery Lane to allow for the inclusion of a wide sidewalk and planting areas. A landscaped courtyard is provided central to the Site, in between the building and driveway. The building lobby, residential amenity space and a covered port-cochere are envisioned for the ground-level at the southern portion of the building, fronting on Battery Lane. The lobby and port-cochere open to the courtyard space.

Mr. Bossi described the access and circulation for the site as well as the new through block connections the site will provide. Mr. Bossi noted access to the parking garage and loading bays are at the northeast corner of the building and accessed from a single driveway to Battery Lane on the east side of the Site.

Mr. Bossi noted Condition Number 13 was added and not originally included within the Staff Report. Condition Number 13 includes a letter from the Department of Housing and Community Affairs (DCHA) stating the following “At the time of Site Plan and Preliminary Plan review, the

Montgomery County Planning Board
Public Meeting Minutes of November 16, 2023

Applicant and Staff will review the current market-rate affordability in the development for consistency with Sector Plan recommendations regarding affordable housing and options for incorporating additional affordable units.”

Robert Harris of Lerch, Early and Brewer offered comments on behalf of the Applicant and noted agreement to the conditions as written. Mr. Harris offered further comments regarding ADA units.

The Board asked questions regarding clarification from DHCA pertaining to market rate affordable units, timing of construction for the different lots, transportation access, and if ADA units were required.

Staff, including Chief of Downcounty Planning Elza Hisel-McCoy and Regulatory Supervisor Stephanie Dickel, offered comments and responses to the Board’s questions.

Somer Cross Acting Chief of Housing for DHCA offered comments regarding market rate affordable units and the letter for Condition Number 13.

Item 14. Briefing and Recommendation regarding 2024 Legislation Submitted by the Montgomery County Delegation to the Maryland General Assembly

Staff Recommendation: Brief the Planning Board
D. Borden

BOARD ACTION

Motion:

Vote:

Other: Commissioner Linden was necessarily absent.

Action: Received briefing.

Chair Harris offered comments regarding the briefing and local bills that will be coming before the Planning Board

General Counsel Debra Borden introduced Government Affairs Liaison Jordan Baucum Colbert and offered an overview of the legislation process.

Ms. Borden stated M-NCPPC gets a lot of attention on a State level and the legislation can greatly affect the full Commission or one side of the Commission. Ms., Borden stated that the Office of General Counsel is constantly working with the legislators.

Ms. Borden offered a multi-media presentation regarding 2024 Legislation Submitted by the Montgomery County Delegation to the Maryland General Assembly.

Ms. Borden briefed the Board on the following Bills:

- PG/MC 110-24 Montgomery County Clerk of Court Subdivision Plat Recordation Act;
- PG/MC 111-24 Montgomery County Subdivision Plats Conditions;
- MC 20-24 Montgomery County State Highways Project Approval;
- PG/MC 113-24 Montgomery County Transportation Planning Local Authority; and
- PG/MC 112-24 M-NCPPC Montgomery County People's Counsel for Land Use Planning.

Ms. Borden outlined the recommendations for each of the Bills, and the Board held further discussion regarding the recommendations. The Board agreed with Ms. Borden's recommendations and advised to push back in particular on PG/MC 113-24, as the Board was opposed to the current bill as introduced due to its potential detrimental impact on transportation planning in Montgomery County.

Ms. Borden stated a formal position statement would be prepared for the bills and brought back to the Board for approval.

Item 7. 14915 Mount Nebo Road: Administrative Subdivision No. 60230130 and Forest Conservation Plan No. F20230440 (Public Hearing)

An application to create one lot greater than 5 acres in the Agricultural Reserve (AR) Zone for one single-family detached dwelling unit; located at 14915 Mount Nebo Road, on the east side of Mount Nebo Road, approximately 4,600 feet south of West Offutt Road and southwest of the Town of Poolesville; Parcel P833 on Tax Map BS51; 10.07 acres; 1980 Preservation of Agriculture & Rural Open Space Functional Master Plan.

- A. Administrative Subdivision No. 60230130
- B. Forest Conservation Plan No. F20230440

Staff Recommendation: Approval with Conditions
J. Casey

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

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

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval of the 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.

Jonathan Casey, Planner II, offered a multi-media presentation regarding 14915 Mount Nebo Road. Further information can be found in the Staff Report dated November 3, 2023.

Mr. Casey described the property and project vicinity. Mr. Casey stated the Application proposes to convert an existing unrecorded parcel into one lot, approximately 9.65 acres in size, to accommodate one new detached dwelling unit, an accessory studio and the existing shed, which is being retained.

Mr. Casey stated the new house will be constructed in the open area of the Property, south of the existing shed. The studio will be constructed within the existing forest, which, as conditioned will be accessible from the rear yard via a natural surface trail (unpaved). A new 10-foot-wide asphalt driveway will be constructed near the south Property line to access Mount Nebo Road, a Rustic Road. The Applicant is dedicating 0.42 acre of land to public right-of-way for Mount Nebo Road.

Montgomery County Planning Board
Public Meeting Minutes of November 16, 2023

Mr. Casey discussed the Forest Conservation Plan for 8.17 acres of forest on-site, 1.22 acres of forest to be cleared, and 6.95 acres to be retained in Category I Conservation Easements. The proposed studio and natural surface trail will be located outside of the Forest Conservation Easement and includes a tree variance to impact one specimen tree, which is necessary to construct the new driveway.

David McKee of Benning and Associates, Inc. offered brief comments on behalf of the Applicant and noted agreement with the conditions. Mr. McKee offered further comments regarding placement of the studio.

The Board asked questions regarding community outreach, if development would affect the Isaac Walton League property, placement/location of the studio, and how the unique shape of the property was determined.

Staff, including Upcounty Planning Chief Patrick Butler, offered comments and responses to the Board's questions.

Item 8. Gregg Road Community Solar: Conditional Use No. CU202404 and Preliminary/Final Forest Conservation Plan No. F20230320 (Public Hearing)

Conditional Use request to construct and operate a Solar Collection System in the AR zone; located at 4434 Gregg Road, in the southeast quadrant of the intersection of Zion Road and Gregg Road, in Brookeville; Parcel P115 on Tax Map BS51; CU Area 12.64 acres; 2005 Olney Master Plan.

- A. Conditional Use No. CU202404
- B. Final Forest Conservation Plan No. F20230320

Staff Recommendation: Approval with Conditions and Transmittal of comments to the Hearing Examiner

J. Casey

A. BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation to transmit recommendations to the Hearing Examiner regarding the Conditional Use request cited above, as stated in a transmittal letter to be drafted at a later date.

B. BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval of the Final Forest Conservation Plan cited above, subject to conditions, and adopted the associated Resolution.

Jonathan Casey, Planner II, offered a multi-media presentation regarding Gregg Road Community Solar. Further information can be found in the Staff Report dated November 3, 2023.

Mr. Casey noted corrections to the Staff Report with an additional new condition for Conditional Use No. CU202404 listed as Condition Number 2.c, and clarifying language for Final Forest Conservation Plan No. F20230320 for Condition Numbers 4.d and 9. Other corrections were also noted for Page 19 and Page 17 of the Staff Report.

Mr. Casey described the property and project vicinity. Mr. Casey stated the Subject Property, along with the property to the south, are operated as a commercial tree farm, specifically Stadler Nurseries tree farm. There are no existing improvements to the Subject Property, except for an existing, private dirt access road which accesses Gregg Road and runs south through the center of the field.

The Application is proposing a 2-megawatt (max) solar collection system and solar arrays that will be located on 12.84 acres of the 54-acre Site. The remainder of the Site will continue to be used as a tree farm and the solar arrays will be situated to limit visual impact from neighbors or

Montgomery County Planning Board
Public Meeting Minutes of November 16, 2023

surrounding roadways. Mr. Casey noted a new entrance from Zion Road will be installed, along with a gravel driveway with Fire Access turnaround, a switchgear pad, a 7-foot-tall fence, 30-foot-wide landscape buffer, and meadow planting. The Applicant will also be dedicating 3.57 acres of land to public right-of-way for Zion Road and Gregg Road.

Mr. Casey described the forest conservation for the Site, and noted all reforestation plantings and retained existing forest will be placed into a Category I Conservation Easement.

Lastly, Mr. Casey noted correspondence was received from the Patuxent Watershed Protective Association (PWPA) regarding a request for a condition regarding culvert analysis, and the Montgomery County Department of Transportation (MCDOT) submitted a letter addressing PWPA's request.

Peter Ciferri of McMillan Metro, P.C. offered comments regarding the project being the second project that came through the Planning Board under the ZTA allowing solar within the Agricultural Reserve as well as agreement with all conditions. Mr. Ciferri offered further comments regarding the screening requirements as well.

The Board asked questions regarding the 2-megawatt limit, screening requirements, location of the solar array, what percent of the energy produced will be used onsite and what percentage will be sold, and proximity to other solar arrays near the site.

Kevin Foster of Gutschick, Little, and Weber offered comments and responses regarding the reasoning for location of the solar array.

Donald Zimmerman of Alder Energy Development offered comments and responses regarding the solar energy grid and potential for solar subscribers to be credited.

Item 9. Tregoning Property; Preliminary Plan No. 120230120 and Preliminary Forest Conservation Plan No. F20230420 (Public Hearing)

Application to create forty-four (44) lots for single-family dwelling units, composed of thirty-eight (38) lots for single-family detached dwelling units and six (6) lots for townhouse dwelling units, including 12.5 percent MPDUS; located on Kings Valley Road, west of Preakness Drive; RE-1 Zone; 37.85 acres (17.81 acres for development, 20.04 acres to remain undeveloped); 1994 Clarksburg Master Plan & Hyattstown Special Study Area.

- A. Preliminary Plan No. 120230120
- B. Preliminary Forest Conservation Plan No. F20230420

Staff Recommendation: Approval with Conditions

J. Server

A. BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

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

B. BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval 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.

Jeffrey Server, Planner III, offered a multi-media presentation regarding the Tregoning Property. Further information can be found in the Staff Report dated November 3, 2023.

Mr. Server described the property, vicinity, and previous approvals. Mr. Server stated correspondence was received from the Sweepstakes HOA Board and neighboring residents noting concerns regarding street measurements, sidewalk widths, and potential parking impacts to existing neighboring residents.

Mr. Server stated the Applicant proposes to create 44 lots for single-family dwelling units, composed of 38 lots for single-family detached dwelling units and six lots for townhouse dwelling units, including 12.5 percent moderately priced dwelling units (MPDUs), with associated public streets, an alley, open spaces, recreational amenities, and master plan recommended improvements. As part of the Application, new public streets and alleys will be constructed to serve all dwelling units. Density from Parcel 617 is being transferred to Parcel 104 while retaining two development rights.

Montgomery County Planning Board
Public Meeting Minutes of November 16, 2023

Mr. Server explained as conditioned, the Applicant will: provide a sidewalk connection to Cedar Grove Elementary School; provide a hard surface path connection to Kings Valley Road; and revise the northeast block layout to extend the alley through the block and provide rear-loaded dwelling units that are oriented with the front façades facing the public streets.

Mr. Server discussed the northeast block layout, circulation for the site, the right-of-way waiver request, paved path connection, and LATR study that was performed. Mr. Server noted the Applicant will also provide a sidewalk connection to Cedar Grove Elementary School as its required LATR offsite mitigation project.

Mr. Server explained the forest conservation for the site as well as the proposed sewer alignments that will go through the stream buffer and tree variance.

Lastly, Mr. Server noted the addition of Condition Number 31 and changes to Condition Number 1.d. of the Preliminary Forest Conservation Plan.

Kate Kubit of Elm Street Development offered comments regarding the property. Ms. Kubit offered further comments and responses regarding potential loss of housing by extending the Alley A, and the requested paved pathway to Kings Valley Road

Robert Harris of Lerch, Early, and Brewer offered comments on behalf of the Applicant regarding the project. Mr. Harris offered further comments regarding the requested sidewalk along MD Route 97, revision of the northeast block and requested Alley A extension, as well as the requested pathway at the southern end of the property to Kings Valley Road.

The Board asked questions regarding potential loss of houses through extending the Alley A connection, if alleys were included with the original design, reasoning for rear-loaded driveways, a mid-block crossing at Kings Valley Road, flexibility with slope percentage for the paved path connection to Kings Valley Road, and possibility of making Alley A narrower to avoid loss of housing.

Staff, including Acting Planning Director Tanya Stern, Chief of Upcounty Planning Patrick Butler, Regulatory Supervisor Sandra Pereira, and Planner II Chris Van Alstyne, offered comments and responses to the Board's questions.

The Board held further discussion regarding the extension of Alley A and the requested paved pathway. The Board agreed for approval under the condition that the Applicant will work with Staff to review the extension of Alley A without losing a housing unit, work with Staff on the pathway on the south side of the project by potentially reducing the pavement (unless it is not fiscally feasible), and eliminating Condition Number 28.

Item 11. Zoning Text Amendment (ZTA) 23-06, Fenton Village (FV) Overlay Zone – Site Plan (Public Hearing)

ZTA 23-06 would remove the site plan requirement for certain small-scale projects in the Fenton Village (FV) Overlay Zone.

Staff Recommendation: Transmit comments to the District Council in support of ZTA 23-06
B. Berbert

BOARD ACTION

Motion: Bartley/Hedrick

Vote: 5-0

Other:

Action: **Approved Staff recommendation to transmit comments to the County 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) 23-06, Fenton Village (FV) Overlay Zone – Site Plan. Further information can be found in the Staff Report dated November 9, 2023.

Mr. Berbert stated ZTA 23-06, Fenton Village (FV) Overlay Zone – site plan, was introduced by Council President Glass and co-sponsored by Councilmember Stewart on October 17, 2023. The ZTA is scheduled for a District Council Public Hearing on November 28, 2023.

Mr. Berbert stated the ZTA modifies the site plan requirements within the Fenton Village Overlay Zone to exempt small modifications and additions from having to go through the site plan process. The Fenton Village overlay zone was established as a recommendation of the 2000 Silver Spring CBD Sector Plan which wanted to allow more flexibility in the development standards and range of permitted uses, while ensuring compatibility of new uses through limits on height and design elements. Requiring all sites developed or modified in Fenton Village to go through site plan was one mechanism enacted to ensure this.

Mr. Berbert noted since the passage of the 2022 Silver Spring Downtown and Adjacent Communities Plan, there have been a few properties in Fenton Village that have wanted to do small expansions to existing structures to accommodate expanded restaurant and entertainment uses. These requests have been very small in scale, but because of the existing overlay zone language, would still require a site plan review to proceed. This ZTA was introduced to address the burden the site plan process places on small modifications and expansions.

Mr. Berbert stated Planning Staff recommends the Planning Board support ZTA 23-06 as introduced as it removes the site plan requirements for small applications that propose modifications or additions that are 15 feet in height and under 1,000 square feet in size. This reasonable change will provide applicants flexibility while holding to the intent of scale and compatibility from the Fenton Village Overlay Zone and the 2022 Silver Spring Downtown and Adjacent Communities Plan.

Montgomery County Planning Board
Public Meeting Minutes of November 16, 2023

Chief of Countywide Planning and Policy Jason Sartori offered a map of the Fenton Village area as a visual aid for the Board.

The Board asked if the 1000 square feet and height restriction was reasonable and Staff offered comments and responses.

Item 12. Zoning Text Amendment (ZTA) 23-07, Bethesda (B) Overlay Zone – Park Improvement Payments and Downtown Silver Spring (DSS) Overlay Zone – Civic Improvement Funds (Public Hearing)

ZTA 23-07 would modify the biennial inflation adjustment calculations for the Park Improvement Payments and Civic Improvement Funds.

Staff Recommendation: Transmit comments to the District Council in support of ZTA 23-07
B. Berbert

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation to transmit comments to the County 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) 23-07, Bethesda (B) Overlay Zone – Park Improvement Payments and Downtown Silver Spring (DSS) Overlay Zone – Civic Improvement Funds. Further information can be found in the Staff Report dated November 9, 2023.

Mr. Berbert stated the ZTA introduced by Council President Glass at the request of the Planning Board on October 24, 2023, and the ZTA is scheduled for a District Council Public Hearing on November 28, 2023. The need for this ZTA arose during the Planning Board’s review of Bill 25-23, discussed at its meeting on June 8, 2023. The issue corrected by Bill 25-23 is the methodology used to calculate the biennial inflation adjustments made to transportation impact taxes. ZTA 23-07 corrects the same issue for adjustments to the PIP and CIF.

Mr. Berbert noted the current methodology for calculating the biennial PIP and CIF inflation updates uses an annual average of inflation over the two-year period. The methodology proposed by this ZTA instead adjusts rates using the cumulative inflation over the previous two-year period. Like the changes to the impact tax adjustments in Bill 25-23, the proposed methodology for the PIP and CIF also includes a 20 percent cap on any biennial adjustment.

Mr. Berbert stated Planning Staff recommends the Planning Board support ZTA 23-07 as introduced, with two minor revisions for accuracy and consistency with the language adopted from Bill 25-23, which were added after the Board made its initial ZTA request to the District Council.

The Board did not have any comments or questions.

Item 13. Takoma Park Minor Master Plan Amendment Work Session 3

M. Williams

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing followed by discussion.

Melissa Williams, Planner III, offered a multi-media presentation regarding Takoma Park Minor Master Plan Amendment Work Session Number 3. Further information can be found in the Staff Report posted on the Planning Board website under the Agenda November 16, 2023.

Ms. Williams stated the work session will focus on will focus on the recommendations and related public testimony for the remainder of Chapter 3: Resilient, 3.3.2 Housing, and a portion of Chapter 4: District Recommendations. This will include 4.1: Municipal District and 4.2: Maple Avenue District. Staff will also provide any language or edits from previous work sessions, as requested by the Planning Board.

Lisa Govoni gave an overview of the housing approach taken for the Takoma Park Minor Master Plan Amendment. Ms. Govoni stated the TPMMA is the first opportunity to implement the housing vision for Thrive Montgomery 2050.

Ms. Govoni stated the City of Takoma Park Resolution brought numerous questions to light, and Ms. Govoni discussed each of the questions in greater detail. Ms. Govoni also explained the two types of affordable housing in the TPMMPA which include income-restricted affordable housing and naturally occurring affordable housing (NOAH). Ms. Govoni further explained the City of Takoma Park Rent Stabilization City Code Chapter 6.20 which was adopted in 1981 and is one of the City's primary affordable housing programs that applies to all individual condominium units and multi-family rent stabilization.

Ms. Govoni stated Takoma Park publishes an annual rent stabilization allowance that is equal to the annual increase in the Washington region Consumer Price Index (CPI) and is effective for a twelve-month period beginning July 1; affordable housing providers and landlords with tenants receiving rental assistance can apply for an exemption; and new development is exempt for 5 years. Ms. Govoni also discussed an example of how a new rental development in Takoma Park would work with rent stabilization for market units and Moderately Priced Dwelling Units (MPDUs).

The Board asked questions regarding the CPI and percentage rent increase for market units.

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

Ira Kowler from the City of Takoma Park offered comments regarding rent stabilization within the City of Takoma Park and how it works for market units.

Chapter 3: Plan-Wide Recommendations

3.3.2 Housing Recommendations

Housing Production, Affordable Housing Production, and Preservation of Housing and Affordability

Ms. Govoni discussed the recommendations for 3.3.2.1 Housing Production, 3.3.2.2 Affordable Housing Production, and preservation of 3.3.2.3 Preservation of Housing and Affordability. Ms. Govoni also discussed the proposed language for the Board and discussed general concerns, City of Takoma Park Resolution questions, and Staff's responses listed below:

3.3.2.1 Housing Production

Staff Response: No changes are recommended. Further language was suggested regarding modifications to the City of Takoma Park's rent stabilization policy. Updated language will be brought back to a future work session.

3.3.2.2 (pg. 69) Affordable Housing Production

Staff Response: Staff verbalized responses throughout the presentation, no changes are recommended beyond what was previously noted.

3.3.2.3 (pg. 70) Preservation of Housing and Affordability

Proposed Plan Edit: If the Planning Board feels it is appropriate, Staff can provide a housing resource in the Plan itself or the Plan Appendix that outlines the housing tools the County has at its disposal (examples: inclusionary zoning, Right of First Refusal, the Housing Initiative Fund, PILOTs, Rental Agreements, etc.).

Staff Response: Staff verbalized responses throughout the presentation, no changes are recommended beyond what was previously noted. Mr. Hisel-McCoy suggested changing the recommendation on Page 70 of the TPMMPA to remove the wording regarding gentrification, and the Board agreed. Updated language will be brought back to a future work session.

The Board asked questions regarding housing opportunities regarding religious institutions, potential gentrification (as commonly understood) in Takoma Park, and composition of population concerned with gentrification.

The Board offered comments regarding providing enough tools to state the goals for preservation of housing and affordability, the challenges of providing high quality housing within Takoma Park, and responding to the community's concern regarding protecting existing affordable housing.

Staff, including Chief of Downcounty Planning Elza Hisel-McCoy, offered comments and responses to the Board's questions.

The Board held further conversation regarding gentrification in Takoma Park as well as the housing stock within Takoma Park.

Language Revisions from Work Session Number 2

Key Takeaways Graphic (pg. 11)

Ms. Williams read the proposed updated language aloud for the Board, and the Board agreed.

Green Promenade Language –3.2.1.1

Ms. Williams read the proposed updated language aloud for the Board, and the Board agreed, but also suggested removal of “as a Capital Improvement Project” from the recommendation wording. Staff noted the change.

Chapter 4 – District Recommendations

Municipal District

Ms. Williams explained the Municipal District includes: Takoma Park Community Center, Takoma Park, Maryland Public Library, Takoma Park Public Works, Piney Branch Elementary School, Takoma–Piney Branch Local Park, and Heffner Park and Community Center. Ms. Williams also discussed the recommended Municipal District zoning, and recommendations for parks within the Municipal District.

Ms. Williams then discussed testimony received regarding the Maple Avenue District, general concerns, the City of Takoma Park Resolution questions and Staff’s response.

Maple Avenue District

Ms. Williams explained the Maple Avenue District includes: varied apartment buildings with large surface parking lots, neighborhood-serving retail, and wooded areas with steep topography. Ms. Williams also discussed the recommended Maple Avenue District zoning, community serving retail overlay zone, and potential infill development scenarios.

Zoning

Ms. Williams then discussed testimony received regarding the zoning for the Maple Avenue District, general concerns, the City of Takoma Park Resolution questions and Staff’s response.

The Board asked questions regarding the FAR for the district and potential for less than CRT-2.5 zoning. The Board asked further questions regarding the possibility for CRT-1 zoning.

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

Staff noted updated language would be brought back before the Board at a later date.

Housing

Ms. Williams then discussed testimony received regarding the housing for the Maple Avenue District, general concerns, the City of Takoma Park Resolution questions and Staff's response.

The Board asked questions regarding in-fill units and whether or not they would be for rentals or ownership as well as potential for a rent stabilization program.

Staff offered comments and responses, and Mr. Hisel-McCoy further stated Staff would work with the City of Takoma Park for potential recommendation to bring back before the Board at a later date.

Maple Avenue District Parks

Ms. Williams discussed the recommendations for Sligo Creek Stream Valley Park, Brashear's Run Park, and Sligo Creek Waterworks in greater detail. Ms. Williams then discussed testimony received regarding the Maple Avenue District Parks, general concerns, the City of Takoma Park Resolution questions, and Staff's response.

The Board asked questions regarding potential amenities for Brashear's Run and Sligo Creek Stream Valley Park, examples of amenities placed in stream valley parks, what a potential feasibility study would determine, restoration, and potential for park activation.

Staff, including Park Planner III Charles Kines, offered comments and responses to the Board's questions.

The Board also offered suggestions regarding more education regarding the floodplain at Brashear's Run and Sligo Creek Stream Valley Park, and language for increased park activation.

Staff stated additional language would be brought back to the Board at a later date and asked for the Board's proposed location for the language should within the Plan. The Board suggested the additional language should be both within the Plan and the Appendix.

Lastly, Ms. Williams discussed the upcoming work session schedule and future recommendations that will be discussed.