

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APPROVED
MINUTES AND SUMMARY

SUMMARY
Thursday, February 15, 2024
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, February 15, 2024, beginning at 9:05 a.m. and adjourning at 3:05 p.m.

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

Items 1 through 8 and Item 11 were discussed in that order and reported in the attached Minutes.

The Planning Board recessed for lunch at 1:00 p.m. and reconvened in the auditorium and via video conference to return to open session at 1:47 p.m. to discuss Items 9 and 10 as reported in the attached Minutes.

There being no further business, the meeting adjourned at 3:05 p.m. The next regular meeting of the Planning Board will be held on Thursday, February 22, 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. Bowie Mill Road Bikeway Water Quality Plan No. MR2023016 – MCPB No. 24-010

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

BOARD ACTION

Motion:

Vote:

Other:

Action: There were no Minutes submitted for approval.

C. Other Preliminary Matters

BOARD ACTION

Motion:

Vote:

Other:

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

Item 2. Record Plats (Public Hearing)

Subdivision Plat No. 220220950, Bloom Montgomery Village

TLD zone; 22 lots & 2 parcels; located on the west side of Montgomery Village Avenue, 1700 feet south of Apple Ridge Road; Montgomery Village Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220230080, E. Brooke Lee's Second Addition to Silver Spring

CR zone; 1 lot; located in the eastern quadrant of the intersection of Fenwick Lane and Second Avenue; Silver Spring Downtown and Adjacent Communities Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220240280, 220240290 and 220240420, Creekside at Cabin Branch

RNC zone, 44 lots, 6 parcels; located on the north and south sides of Dowitcher Way, approximately 2,500 feet west of Clarksburg Road (MD 121); Clarksburg Ten Mile Creek Amendment Area.

Staff Recommendation: Approval

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

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

Item 3. Regulatory Extension Requests (Public Hearing)

Bradley Hills Grove Section 2 and 8509, 8513 Meadowlark Lane, Preliminary Plan 120230090, Extension Request No. 2 - Request to extend review period from February 15, 2024, to September 12, 2024.

Preliminary Plan application to create four lots for residential use in the R-90 zone; On Meadowlark Lane, 475 feet southeast of Burning Tree Road; 2.26 acres; 1990 Bethesda Chevy-Chase Master Plan. There is a Forest Conservation Plan associated with the Preliminary Plan that does not require extension.

Staff Recommendation: Approval of the Extension

T. Gatling

Dunkin' – Muncaster Road, Site Plan Amendment No. 820230060: Regulatory Review Extension Request No. 2 - Request to extend the regulatory review period until May 16, 2024.

Application to approve a drive-thru facility for a new restaurant in an existing commercial building; 17700 Muncaster Road, Derwood; 0.31 acres; CRT-0.75 C-0.75 R-0.25 H-45; 2004 Upper Rock Creek Master Plan.

Staff Recommendation: Approval of the extension request

P. Estes

Saddle Ridge: Administrative Subdivision Plan No. 620240040 & Forest Conservation Plan No. F20240100 – Regulatory Extension Request No. 2 - Request to extend the regulatory review period from February 18, 2024, to July 18, 2024.

Application to create three lots for one existing and two proposed single-family detached units; located on Highland Farm Road, west of Deercrest Lane; Potomac; RE-2 zone; 24.14 acres; 2002 Potomac Subregion Master Plan.

Staff Recommendation: Approval of the extension request

J. Casey

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

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

Item 4. Roundtable Discussion

Parks Director's Report
M. Figueredo

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing.

Parks Director, Miti Figueredo, offered a multi-media presentation regarding events within the Parks Department. Ms. Figueredo opened by showing a slide highlighting an event held at Woodlawn Manor Cultural Park as part of a family series of events for Black History Month.

Ms. Figueredo spoke about the Montgomery Parks Leadership tours currently taking place with Chair Harris and herself to visit the numerous Parks locations to meet Parks employees. To date, tour stops have included Green Farm and the Wheaton Maintenance Yard, with another upcoming visit to Olney Manor.

Ms. Figueredo discussed the Community Garden Program and gave a brief overview of the year in review. Ms. Figueredo recognized Emma Layman, the new Assistant Manager of the Community Gardens Program. Ms. Figueredo stated the Community Garden team also gave a presentation at the American Community Gardening Association Conference recently and won the internal GIS Excellence Award.

Ms. Figueredo spoke about the recent County Council meetings regarding the CIP, and noted Parks advocates represented over sixty percent of all speakers supporting Montgomery Parks CIP.

Ms. Figueredo gave a brief update on the Montgomery Parks Foundation 2023 recap noting there were 756 donors, the endowment increased by 28 percent to total \$2.1 million, and \$350,000 was donated for different projects and programs.

Lastly, Ms. Figueredo announced the passing of Montgomery Parks bald eagle, Orion.

The Board asked questions regarding a potential bald eagle replacement and location that housed the bald eagle.

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

Item 5. Budget Transfer Request FY24 Operating Budget – Montgomery Parks

Staff Recommendation: Approve Transfer Request
N. Steen

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation to approve the Budget Transfer Request cited above.

Nancy Steen, Budget Manager, offered a multi-media presentation regarding the FY24 Budget Adjustment for the Department of Parks. Further information can be found in the Staff Report dated February 8, 2024.

Item 6. Zoning Text Amendment (ZTA) 24-01, Household Living – Civic and Institutional uses (Public Hearing)

ZTA 24-01 would allow Multi-Unit Living and Townhouse Living as a conditional use in residential detached zones when associated with a Religious Assembly or an Educational Institution (Private).

Staff Recommendation: Transmit comments to the Council for a public hearing scheduled on February 27, 2024.

B. Berbert

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval to transmit comments as modified during the meeting, 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 ZTA 24-01, Household Living – Civic and Institutional uses. Further information can be found in the Staff Report dated February 8, 2024.

Mr. Berbert stated ZTA 24-01 would allow Townhouse Living and Multi-Unit Living in the Residential Detached Zones as a conditional use if certain affordability thresholds are met and is on a property associated with Religious Assembly or Private Educational Institution. Mr. Berbert noted currently Multi-Unit living is not allowed in any of the Residential Detached Zones, though the Apartment building type and Townhouse Building type are allowed with a conditional use for Independent Living Facility for Seniors or Persons with Disabilities, or with Residential Care Facilities. Townhouse Living is also allowed as a conditional use in some Residential Detached Zones if it meets certain accessibility and location standards.

Mr. Berbert gave an overview of the ZTA as it was introduced, explained Staff's analysis in greater detail, and recommended support with the following modifications: increase setbacks to land not included in the application to 25 feet, clarify that properties with water and sewer service are not eligible as a result of a Public Institutional Facility (PIF) determination, require public bus service adjacent to the sites, and add Townhouse Living for the remaining Residential Detached Zones.

Mr. Berbert noted correspondence received raising concerns regarding affordability thresholds, distance recommendations from the metro, change in character, environmental and social damages, affordability control periods, and constitutionality.

Quentin Remein of Cloverly Civic Association offered testimony.

The Board asked questions regarding clarification of open space and green space requirements, distance to public bus service, water and sewerage access, potentially opening to projects awarded

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4 percent LIHTC, number of parcels that exist adjacent to bus routes countywide, potential elimination of PIF institution, reasoning for suggested 25-foot setback,

Staff, including Deputy Director of Planning, Robert Kronenberg, offered comments and responses to the Board's questions.

The Board held further discussion regarding distance to public bus service, setback distance, water and sewerage access, PIF institutions, and LIHTC percentages.

The Board agreed with Staff's initial recommendations with modifications including a quarter mile distance from the site to public bus service and 4 percent LIHTC.

Item 7. Review of County Executive’s FY25 Capital Budget and FY25-30 CIP – Transportation

Review of transportation element of the County Executive’s Recommended FY 25 Capital Budget and FY25-FY30 Capital Improvements Program (CIP).

Staff Recommendation: Transmit Comments to County Council

S. Aldrich

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

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

Stephen Aldrich, Planner IV, offered a multi-media presentation regarding the County Executive’s Recommended Transportation Capital Budget and transportation Capital Improvements Program. Further information can be found in the Staff Report dated February 4, 2024.

Mr. Aldrich gave a brief overview of the County’s Capital Budget process noting on January 16, 2024, the County Executive released his recommended FY25 Capital Budget and FY25-30 CIP for the County Council’s consideration. The recommended FY25-30 CIP funding totals \$5.8 billion, with approximately \$1.7 billion allocated for transportation projects. Mr. Aldrich noted the FY25 Recommended 6-year Transportation Budget Allocation Pie Chart in the Staff Report was incorrect and the percentages were slightly different. The correct version was shown during Staff’s presentation.

Mr. Aldrich discussed the transportation projects with significant changes in funding allocations including projects with decreased funding, increased funding, and projects with funding shifted beyond six years. Mr. Aldrich also noted major transportation concerns not addressed in the CIP, and Dave Anspacher, Acting Division Chief of Countywide Planning and Policy, noted all bikeways/bike parking recommendations parallel the Pedestrian Master Plan.

Mr. Aldrich discussed the following recommendations for major priority projects:

1. US 29 Pedestrian and Bicycle Improvements
2. Montgomery Village Avenue Bikeway
3. Bicycle parking at Public Schools
4. Systemic Safety Countermeasure Program
5. Bicycle Parking Stations
6. Aspen Hill Bicycle-Pedestrian Priority Area project
7. Protected Crossing Spacing
8. Grid of Streets

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Mr. Aldrich noted one piece of correspondence received from Lerch, Early, and Brewer regarding Observation Drive Extended, the proposed timing, and impacts of Phase 1.

The Board asked questions regarding clarification of projects delayed further than six years, reasoning for funding retained for Observation Drive, right-of-way for Observation Drive Phase 2, reasoning for delay of the sidewalk program for schools, further description of the Fenton Street Cycletrack, and if the bicycle parking at public schools would be viewed as school property.

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

The Board held further discussion and recommended refined language for the Systemic Safety Countermeasure Program as well as the potential addition of a ninth recommendation to explore the feasibility of slowing down Phase 1 of Observation Drive until the Clarksburg Gateway Sector Plan recommendations are approved by the Planning Board and the County Council.

Item 8. Village at Cabin Branch, Site Plan Amendment No. 82020015D (Public Hearing)

Application to amend Conditions 6, 20, and 22 of Site Plan Amendment No. 82020015A to modify development triggers associated with the delivery of the non-residential buildings; located along the South-East edge of Cabin Branch Avenue and North of Little Seneca Parkway; CRT-zone but reviewed under the previous MXP zone; 69.54 acres; 1994 Clarksburg Master Plan & Hyattstown Special Study Area.

Staff Recommendation: Approval with Conditions

A. Jones/J. Server

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

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.

Sandra Pereira, Upcounty Regulatory Supervisor, introduced Planning Intern, Amory Jones, and offered brief comments regarding her time with M-NCPPC as an intern.

Amory Jones, Planning Intern, offered a multi-media presentation regarding Village at Cabin Branch. Further information can be found in the Staff Report dated February 2, 2024.

Ms. Jones discussed the property, vicinity and previous approvals for the project. Ms. Jones stated the Applicant proposes to amend Conditions 6, 20, and 22 of the Site Plan to modify development triggers associated with recreational facilities, the delivery of non-residential buildings including the commercial building on Skimmer Street, commercial building on Little Seneca Parkway, and daycare facility on Little Seneca Parkway, and Lake Ridge Drive. Ms. Jones stated the application continues to conform with the Development Plan for the Cabin Branch Neighborhood, and the amendment maintains the same amounts of commercial uses as the previous site plan for this project, which were integral to implementing the vision for the Cabin Branch neighborhood as an integrated community with residential and non-residential development.

Steve Nardella of Classic Group, LLC offered comments regarding the Village at Cabin Branch, the development triggers, status of the commercial buildings and construction timelines, residential building permit continuation, and construction of the daycare. Mr. Nardella also spoke about the housing sales, reasoning for daycare, and potential amenities for the open space. Mr. Nardella further noted that all the amenities are under bond and secure for completion.

The Board asked questions regarding estimated timeline for completion of the non-residential buildings, reasoning for the daycare, potential estimation of when triggers will be met, housing sales, and community input regarding the open space usage.

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

Item 11. State Legislative Update

A. HB 0805/SB 0537 Cannabis Licensee Locations – Restrictions

Recommendation: Informational/Received briefing

B. SB 0906 Housing and Community Development – Conversion of Commercial Buildings for Residential Use

Recommendation: Informational/Received briefing.

C. SB 0653 Standing – Environmental and Natural Resources Protection Proceedings (Clean Water Justice Act of 2024)

Recommendation: Informational/Received briefing

D. Borden

A. BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing.

B. BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing.

C. BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing.

Debra Borden, General Counsel, and gave an overview and discussed Bills HB 0805/SB 0537, SB 0906, and SB 0653 in greater detail, noting the briefing and discussion was informational, and no action was needed at this time.

The Board asked questions about HB 0805/SB 0537 and SB 0653. Ms. Borden offered comments and responses.

The Board discussed Bill SB 0906 and offered suggestions regarding the need to determine the definition of vacancy, vacancy rate, and conversion possibility.

Item 9. Clarksburg Gateway Sector Plan – Community Feedback Report

Provide the Planning Board a summary of and examples from the community feedback we have received on the sector plan area that will help inform the future recommendations for the plan.

J. Pratt/R. Duke/B. Brown/A. Jones

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing.

Roberto Duke, Planner III, and Jamey Pratt, Planner III, offered a multi-media presentation regarding the Community Feedback Report for the Clarksburg Gateway Sector Plan. Further information can be found in the Staff Report dated February 7, 2024.

Mr. Duke gave a brief overview of the Plan boundary noting the Plan Area consists of major employment centers planned in Clarksburg, includes several residential developments, public schools, parks, and vacant or underdeveloped properties, and is 969 acres. Mr. Duke discussed the timeline and the community outreach to date noting the community kickoff meeting in July 2023, followed by everyday canvassing, listening sessions, online surveys, and community comments.

Mr. Pratt stated approximately 755 comments were received throughout the various methods of interaction with the community. Once the comments were reviewed Staff distributed into nine topic areas, and Mr. Pratt noted many comments fell into one or more topics, with a total of 1,737 entries to the topic areas. The 755 were also assigned into 54 subcategories resulting in 3,036 subcategory assignments. Mr. Pratt described the top 10 subcategories as well as the race/ethnicity of the respondents and general age.

Mr. Pratt and Mr. Duke discussed the feedback and community comments in greater detail for the following: transportation, public facilities, livability and quality of life, housing, jobs and economy, historic resources, parks, and environment.

The main takeaways from the community feedback received include:

1. Transportation: Residents would like to see a completed road network, better pedestrian and bicycling infrastructure, and more public transportation options;
2. Public facilities: Residents want a library, a community center with recreation options and meeting rooms, and a public swimming pool open year-round;
3. Quality of life: Residents for the most part consider Clarksburg to be peaceful and appreciate its small-town feel and the diversity of the population. But they desire a “complete community,” with local restaurants, additional stores, and convenient public facilities. Many are worried about overdevelopment, especially if more houses are built without providing amenities the community currently lacks;

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4. Environment and parks: Residents appreciate the natural environment and frequently expressed a fondness for the forested areas, open spaces, and other green spaces, especially the regional parks in the area. But many are concerned that not enough will be done to protect water quality and forests as development continues. And many residents would like to see more local parks with active recreation opportunities for people of all ages; and
5. People want a place.

The Board asked questions regarding the difference between townhomes and single-family attached and reasoning for potential historic designation of the COMSAT building.

Staff, including Chief of Upcounty Planning, Patrick Butler and Historic Preservation Planner III, John Liebertz, offered comments and responses.

The Board held further discussion regarding the potential historical COMSAT designation, collocating public amenities, and lack of public facilities including a library, community center, pool, and recreation center.

Item 10. 12700 Travilah Road, Preliminary Plan No. 120220120 and Preliminary/Final Forest Conservation Plan No. F20230450 (Public Hearing)

- A. Preliminary Plan No. 120220120
- B. Preliminary/Final Forest Conservation Plan No. F20230450

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 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, 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/Final Forest Conservation Plan cited above, subject to conditions, which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.

Jeffrey Server, Planner III, offered a multi-media presentation regarding 12700 Travilah Road. Further information can be found in the Staff Report dated February 1, 2024.

Mr. Server described the site vicinity, property, and community outreach. Mr. Server noted correspondence was received after the posting of the Staff Report with concerns regarding stormwater runoff, future irrigation systems, rodent issues, and potential pollution.

Mr. Server stated the application proposes to create seven buildable residential lots for the construction of seven single-family detached homes. The Applicant is proposing a 6-foot-wide sidewalk with a 6-foot-wide street buffer on the western side of proposed Public Street A, as well as around the cul-de-sac. Mr. Server noted an 11-foot-wide sidepath with a 6-foot-wide street buffer is also proposed along the Property's entire frontage on Travilah Road.

Mr. Server discussed the Preliminary/Final Forest Conservation Plan and noted there is no existing forest or environmental features on the 16.03-acre property. Mr. Server stated the Applicant will satisfy the afforestation requirement of 3.17 acres off-site with forest bank credits or a fee-in-lieu payment if no banks are available.

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Rima Chami, an individual, offered testimony regarding concerns for nature, stormwater runoff issues, pesticides or chemicals that may seep into the ground, sewage seepage, displacement of rodents once construction begins, privacy, and screening from dirt and noise pollution.

Jeff Lewis of Site Solutions, Inc., offered comments on behalf of the Applicant regarding any potential rodents or pests, stormwater management, lack of sewerage seepage due connection to public water and sewer, and grading of the property.

The Board asked questions regarding the grading of the property and requested clarification as to pipestem description.

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