

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APPROVED
MINUTES AND SUMMARY

SUMMARY
Thursday, June 13, 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, June 13, 2024, beginning at 9:08 a.m. and adjourning at 5:38 p.m.

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

Items 1 through 5 were discussed in that order and reported in the attached Minutes.

Vice Chair Pedoeem left the meeting at 12:36 p.m. during Item 5, and returned for the afternoon session of the meeting at 2:07 p.m.

The Planning Board recessed for lunch at 1:02 p.m. and reconvened in the auditorium and via video conference to return to open session at 2:07 p.m. to discuss Items 6 and 7, as reported in the attached Minutes. The Planning Board also recessed for a brief break at 3:22 p.m. and reconvened in the auditorium and via video conference to return to open session at 4:00 p.m. to discuss Items 8 and 10, as reported in the attached Minutes.

Item 9 was postponed until June 27, 2024.

Commissioner Bartley left at 3:27 p.m. and was necessarily absent for the remainder of the meeting.

There being no further business, the meeting adjourned at 5:38 p.m. The next regular meeting of the Planning Board will be held on Thursday, June 20, 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. Saddle Ridge, Administrative Subdivision Plan No. 620240040 – MCPB No. 24-052
2. Saddle Ridge, Final Forest Conservation Plan No. F20240100 – MCPB No. 24-053

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Adopted the Resolutions cited above, as submitted.

B. Approval of Minutes

1. Minutes for May 30, 2024

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Planning Board Meeting Minutes of May 30, 2024, as submitted.

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. 220210830, Garrett Park – Academy of the Holy Cross

CRNF and R-60 zones; 3 parcels; located on the south side of Strathmore Avenue (MD 547), 250 feet east of Orleans Way; North Bethesda – Garrett Park Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220221060, 220221070, 220230330 & 220230350, Bloom Montgomery Village

TLD zone; 42 lots, 9 parcels; located on the west side of Montgomery Village Avenue, opposite Stewartown Road; Montgomery Village Master Plan.

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)

BOARD ACTION

Motion:

Vote:

Other:

Action: There were no Regulatory Extension Requests submitted for approval.

Item 4. 2024 Growth and Infrastructure Policy Update – Work Session Number 3 (Impact Taxes)

Work session to continue discussing the recommendations for the Transportation Element of the 2024 Growth and Infrastructure Policy update and Impact Tax recommendations. The Planning Board must transmit the draft 2024-2028 Growth and Infrastructure Policy (GIP) to the County Council by August 1, 2024. Council will adopt an updated policy by November 15, 2024.

Staff recommendation: Provide policy direction to Planning Department Staff
D. Buckley/L. Govoni

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing followed by discussion and policy direction from the Planning Board.

Dennis Hetman of Montgomery County Department of Finance, offered a multi-media presentation and overview of the Department of Finance’s analysis of the GIP Impact Tax Policies.

The Board asked questions regarding existing development calculations, assessment of potential development calculations, and transportation reductions within policy areas.

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

Mr. Hetman, Rachel Silberman of Montgomery County Office of Management and Budget, and Andrew Bossi of Montgomery County Department of Transportation (MCDOT) also offered comments and responses to the Board’s questions.

Lisa Govoni, Acting Planning Supervisor, offered a multi-media presentation regarding Work Session Number 3 of the 2024 Growth and Infrastructure Policy Update. Further information can be found in the Staff Report dated June 6, 2024.

Ms. Govoni gave an overview of the total impact tax revenues for Montgomery County and preliminary assessment of effect of impact taxes, and discussed the recommendations for Impact Taxes in the 2024–2028 Growth and Infrastructure Policy (GIP) update in greater detail.

Recommendation 4.1: With a recommendation of continued use of Utilization Premium Payments for schools identified as overcrowded, the calculation should remain at 100 percent cost of a seat.

Staff requested to revisit this recommendation at a future work session and the Board agreed.

Recommendation 4.2: Continue the use of the cap and carryover system as adopted through County Bill 25-23E. Its implementation is relatively new and will help soften any anticipated upward adjustments.

The Board agreed with Staff's recommendation.

Recommendation 4.3: Offer a 50 percent transportation and school impact tax discount to single-family attached and detached units that are 1,500 square feet or smaller.

The Board held discussion regarding whether 1,500 square feet would be sufficient and parking, as well as asking how many MPDU units would be exempt.

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

Staff recommended a modified square footage amount of 1,800 square feet, and the Board agreed with Staff's modified recommendation.

Recommendation 4.4: Remove the Desired Growth and Investment Areas exemption and rely on other policies to advance corridor-focused compact growth and housing. This will simplify the number of boundaries used in conjunction with the policy.

The Board agreed with Staff's recommendation.

Recommendation 4.5 (Staff noted new recommendation language): Modify the exemption to fully waive impact taxes for multifamily residential units that have three-bedroom units or more in multifamily structures.

Ms. Govoni noted Staff developed a definition for a 3 plus bedroom unit in Section 52-55 and read the language aloud for the Board, and also noted the new recommendation language listed above.

The Board agreed with Staff's new recommendation language.

Recommendation 4.6 (Staff noted new recommendation language): Given the high office vacancy rate and how expensive it is to convert to residential, exempt office-to-residential conversions from transportation and schools impact taxes when the building is adaptively reused or renovated for multifamily housing. Offer a 50 percent transportation and schools impact tax reduction for office-to-residential conversions when demolition is involved in the conversion of office-to-residential to multifamily or single-family attached housing.

Staff read the new recommendation language listed above to the Board.

The Board asked questions regarding the difference between office-to-residential conversion impact taxes and commercial impact taxes, and Staff offered comments and responses.

The Board agreed with Staff's new recommendation language.

Recommendation 4.7: Given the importance of this sector to the economic vitality of the County, continue exempting bioscience projects and add the exemption to the county code.

The Board agreed with Staff's recommendation.

Recommendation 4.8: Update the County Code to provide more clarity and allow credit for capacity improvements along state roadways.

The Board asked questions regarding credits along corridors, what the typed of improvements credits would be used for, projects and improvements along State/County roadway, and potential annual impact.

Staff, including Multimodal Transportation Planner III, Darcy Buckley, offered comments and responses.

Andrew Bossi and Rebecca Torma of MCDOT offered comments regarding development, frontage improvements, and the regional capacity of impact taxes.

Staff noted County Code changes and specific language will be brought back to discuss at a future work session.

Recommendation 4.9 (Staff noted new recommendation language): Although the federal Opportunity Zone program is expected to expire at the end of 2026, the Opportunity Zone impact tax exemption should remain for projects located in the Opportunity Zone designated census tracts regardless of federal status.

Staff read the new recommendation language listed above to the Board.

The Board asked questions regarding developments in opportunity zones and long-term infrastructure payments.

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

Rachel Silberman of Montgomery County Office of Management and Budget also offered comments regarding long-term infrastructure payments.

The Board also held discussion regarding potential drafting of language for collaboration between the Planning Department, County Executive, and County Council for exploration of alternative funding sources to fund infrastructure before the next GIP as well.

The Board agreed with Staff's new recommendation language.

Outstanding Topics

Ms. Govoni then discussed other testimony received and Staff's responses, as well as modified language for Recommendation 2.4: Student Generation Rate (SGR) – housing types, and next steps.

The Board asked questions regarding possibilities for developers to pay no impact taxes and lost revenue from projects not paying impact taxes. Staff offered comments and responses.

Item 5. Incentive Zoning Update Study – Work Session Number 2

Staff will provide the Planning Board with a summary of draft recommendations to update the Public Benefits Point System for Commercial Residential and Employment Zones. Staff will share recommendations related to public benefit requirements for the applicable zones, the overall structure of the policy, and specific public benefits.

A. Sharma

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing followed by discussion and policy direction from the Planning Board.

Atul Sharma, Assistant to the Deputy Director, offered a multi-media presentation regarding the Incentive Zoning Update Study Work Session Number 2. Further information can be found in the Staff Report posted on the website under the June 13, 2024 Agenda.

Mr. Sharma and Grace Bogdan, Planner III, gave a brief overview and recap of topics of discussion during Work Session Number 1 including zone by zone recommendations, supporting BLT and TDR programs, Standard versus Optional methods of development requirements, the simpler menu of Public Benefits, the tiered structure of Public Benefits, Optional Method Projects in the CR and CRT Zones, options to achieve Incentive Density, and ongoing questions.

The Board asked questions regarding zoning height for the Optional Method development and incentives offered, flexibility for benefits from each of the four categories, and potential to tailor benefit preferences by area.

Staff, including Deputy Director of Planning, Robert Kronenberg, offered comments and responses.

Daughan Pitts of Hayat Brown discussed the estimated costs of providing Public Benefits, the feasibility analysis applied to multiple prototypical development projects that were crafted, sample scenarios, and prototypes.

The Board asked questions regarding thresholds for the return on costs for the different scenarios, and Ms. Pitts offered comments and responses.

Mr. Sharma and Ms. Bogdan presented the public benefits proposed under the four overall categories, explained the proposed tiered structure, and development examples incorporating public benefits for each category in greater detail.

Housing for All Category

The Board asked questions regarding the MPDU percentage calculations, the earned FAR, and if the maximum height was different than the mapped FAR.

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

Environmental Resilience

The Board asked questions regarding mass timber construction, potential expansion of modular type construction, and the possibility of achieving more FAR for sustainable site design.

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

Infrastructure for Compact Growth

The Board asked questions regarding potential double-dipping of offsite improvements, parking, undergrounding of utilities, and flexibility for developer contributions of specific pieces of connectivity.

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

The Board held further discussion regarding infrastructure improvements, and suggested connections in dangerous areas could potentially be an incentive to increase FAR.

Mr. Sharma then discussed Staff's recommendation for flexibility/discretionary review and criteria for regulatory Staff to approve up to 0.25 FAR on a discretionary basis within established criteria.

The Board expressed interest and agreement, and asked questions regarding preferences for future Master Plans not in progress as well as flexibility to approve potential benefit not included on the list of benefits.

Staff recommended drafting potential language to bring back to the next Work Session, and the Board agreed.

Amenities for Complete Communities

The Board did not have any questions for Staff.

Lastly, Mr. Sharma and Ms. Bogdan discussed payment in lieu options for Public Benefits and double dipping, as well as Staff's recommendations for Excel-to-Build Density for Tier 4, periodic updates to the Menu of Public Benefits, Optional Method threshold for CR and CRT zones, and CR Optional Method at 0.5 FAR.

The Board asked questions regarding the number of Standard Method projects coming in lower than .5 FAR, funding for programming/placemaking, as well as suggesting periodic evaluation of the .5 FAR every few years.

Staff and Ms. Pitts offered comments and responses to the Board's questions, and the Board agreed with Staff's recommendations.

Item 6. Roundtable Discussion

Planning Director's Report
J. Sartori

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing.

Montgomery Planning Director, Jason Sartori, introduced Atul Sharma, Acting Assistant to the Deputy Director for Development and Design Review, who offered a multi-media presentation regarding the Planning Department's Placemaking strategies.

Mr. Sharma discussed the Department's placemaking efforts to date as well as looking ahead to the Strategic Placemaking Plan for the future. Mr. Sharma stated the Strategic Placemaking Plan will help to guide the Planning Department's placemaking events and vision. Mr. Sharma also described the eight overarching goals of the Strategic Placemaking Plan and implementation.

Mr. Sartori also discussed the Damascus Placemaking Festival kickoff meeting that had more than 100 community members in attendance, the Wheaton Placemaking project, the LGBTQ+ History Briefing to the County Council taking place on June 18, 2024, and finished by showing two brief videos of the Damascus Placemaking kickoff meeting and Montgomery Planning's valuable role.

The Board asked questions regarding the common area used for placemaking and Staff offered comments and responses.

Item 7. Attainable Housing Strategies Work Session Number 11

In 2021, the County Council requested the Planning Board consider and recommend “zoning reforms that would allow greater opportunities for Missing Middle housing in Montgomery County.” Attainable Housing Strategies is the resulting effort, through which a prior Planning Board prepared recommendations to allow the development of more diverse types of housing, including Missing Middle Housing, in Montgomery County.

Staff Recommendation: Request approval and transmit to the County Council

L. Govoni/B. Berbert

BOARD ACTION

Motion: Hedrick/Linden

Vote: 5-0

Other:

Action: Received briefing followed by discussion and policy direction from the Planning Board, and approved Staff’s recommendation to transmit to the County Council.

Ben Berbert, Planner III, and Lisa Govoni, Acting Planning Supervisor, offered a multi-media presentation regarding the Attainable Housing Strategies Work Session Number 11. Further information can be found in the Staff Report posted to the Agenda on the Planning Board website for June 13, 2024.

Mr. Berbert and Ms. Govoni discussed the Planning Board’s red line changes to the Final Draft Attainable Housing Strategies report in greater detail as well as additional modifications and language discussed during the meeting. Staff and Planning Director, Jason Sartori, also discussed Governor Moore’s Housing Package.

The Board asked questions regarding the inclusion of attached garages in overall square footage of housing, the marketability of three-bedroom 1,500 square foot units, and parking.

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

The Board agreed with Staff’s recommendations as well as the modifications and additional language added to the report.

Following the Board’s vote, Chair Harris offered comments regarding the approval of the Attainable Housing Strategies Report, the housing shortage within Montgomery County, and need for more attainable housing within the County.

Item 8. Calverton: Administrative Subdivision Plan No. 620230140 and Forest Conservation Plan No. F20240010 (Public Hearing)

- A. Administrative Subdivision Plan No. 620230140
- B. Forest Conservation Plan No. F20240010

Application to create a three-lot subdivision for three single-family detached units; located at 3100 Fairland Road; 0.97 acres; R-90 2 zone, 1997 Fairland Master Plan.

Staff Recommendation: Approval with Conditions

P. Estes

A. BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 4-0

Other: Commissioner Bartley was necessarily absent.

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.

B. BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 4-0

Other: Commissioner Bartley was necessarily absent.

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.

Phillip Estes, Planner III, offered a multi-media presentation regarding the Calverton Administrative Subdivision and Forest Conservation Plans. Further information can be found in the Staff Report dated May 31, 2024.

Mr. Estes stated the Applicant proposes to subdivide 0.97 acres of land into three lots with access to Fairland Road. Lot No. 1 will contain approximately 15,238 square feet for one new single-family detached dwelling unit and have frontage on Fairland Road; Lot 2 will contain approximately 14,982 square feet for one new single-family detached dwelling unit and will not have frontage on Fairland Road; and Lot No. 3 will contain 11,739 square feet of land with the existing single-family detached dwelling unit and will have frontage on Fairland Road. The semi-circular driveway will be removed and replaced with a shared driveway to serve all three lots. Mr. Estes noted, as conditioned, the Applicant will upgrade the existing five-foot-wide sidewalks to six-foot-wide sidewalk along the property's frontage, with a six-foot-wide buffer from the street and will construct a new bus stop pad as well.

Mr. Estes also stated there is approximately 0.45 acres of existing forest on the property, which is proposed to be removed. The property has a reforestation requirement of 0.55 acres within the same watershed or Priority Area and a reforestation requirement of 0.78 acres outside of the same watershed or Priority Area. The Applicant proposes to satisfy this requirement by purchasing the

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appropriate acreage in mitigation credits from an offsite forest bank or by providing a fee-in-lieu payment to the Forest Conservation Fund.

Michael McGonnigal, an adjacent property owner, offered testimony regarding drainage issues.

David McKee of Benning and Associates offered comments on behalf of the Applicant regarding the approved concept plan and stormwater management that will be provided on-site. Mr. McKee offered further comments regarding the current stormwater drain, the revised stormwater management plan, and how long the owners have lived on the property.

Joel Karpas of the Department of Permitting Services offered comments regarding stormwater analysis performed and upgraded storm drain.

The Board asked questions regarding additional stormwater drainage, the stormwater management system, the storm drain, and how long the owners have lived on the property.

Staff, including Deputy Director of Planning, Robert Kronenberg and Upcounty Regulatory Supervisor, Sandra Pereira, offered comments and responses.

Item 9. Postponed - Bethesda Downtown Plan Minor Master Plan Amendment Scope of Work

Staff will brief the Planning Board on the key takeaways from community engagement efforts and propose a Scope of Work for the plan, including a proposed Plan Boundary.

Staff recommendation: Approve the Scope of Work for the Bethesda Downtown Plan Minor Master Plan Amendment

E. Hisel-McCoy

BOARD ACTION

Motion:

Vote:

Other:

Action: Postponed to June 27, 2024.

Item 10. Permanent Operating Hours and Extents for Beach Drive – Work Session and Action Drive Open Parkways. Staff will provide a briefing on permanent operating hours and extents for Beach Drive Open Parkways

Staff Recommendation: APPROVE the permanent operating hours and extents of the Beach Drive Open Parkway from Friday at 9:00 AM through Sunday at 4:00 PM Standard Time / 6:00 PM Daylight Savings Time from Knowles Avenue (MD 547) to Cedar Lane.

A. Tsai

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 4-0

Other: Commissioner Bartley was necessarily absent.

Action: Approved Staff recommendation for approval of the permanent operating hours and extents of the Beach Drive Open Parkway from Friday at 9:00 a.m. through Sunday at 4:00 p.m. Standard Time/6:00 p.m. Daylight Savings Time from Knowles Avenue (MD 547) to Cedar Lane.

Kyle Lukacs, Trails Planner III and Andrew Tsai, Park Engineer, offered a multi-media presentation regarding the permanent operating hours and extents for Beach Drive. Further information can be found in the Staff Report dated May 2, 2024.

Mr. Lukacs described the timeline, gave a brief overview of the Beach Drive Open Parkway, the increased traffic on Culver Street, and the Open Parkway user counts. Mr. Tsai also discussed the Culver Street cut-through traffic, traffic mitigation issues, traffic study and data collection, existing conditions assessment, detour routes, potential conditions assessment, traffic study conclusions, and future traffic related steps.

Lastly, Staff requested approval for the permanent operating hours and extents of the Beach Drive Open Parkway to be from Friday at 9:00 a.m. through Sunday at 4:00 p.m. Standard Time/6:00p.m. Daylight Savings Time and reducing the overall extents to run 2.2 miles from Knowles Avenue to Cedar Lane.

The Board asked questions regarding significance of percentile speeds, added length of time with detour routes, Sunday closure hours year-round, timeline for the DC portion of Beach Drive, and potential monitoring of trail and parkway users.

Staff, including Parks Director Miti Figueredo and Deputy Director of Parks Administration, Darren Flusche, offered comments and responses.

The Board held further discussion regarding elimination of the portion from Cedar Lane to Connecticut Avenue, opening Beach Drive on Fridays year-round, and potential to extend Sunday closure to a later time in the summer months.

The Board agreed by consensus to opening Beach Drive Friday through Sunday with the hours listed by Staff, as well as consideration to extending summer closure hours, and the elimination of

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the portion from Cedar Lane to Connecticut Avenue. The Board also requested Parks Staff return in approximately one year to brief the Board on traffic and usage.