

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APPROVED
MINUTES AND SUMMARY

SUMMARY
Monday, July 8, 2024
2425 Reddie Drive
Wheaton, MD 20902
301-495-4605

The Montgomery County Planning Board met in regular session in the Wheaton Headquarters Building in Wheaton, Maryland, and via Microsoft Teams video conference on Monday, July 8, 2024, beginning at 9:08 a.m. and adjourning at 12:06 p.m.

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

Commissioner Bartley was necessarily absent.

Items 1 through 7 and Items 9 through 11 were discussed in that order and reported in the attached Minutes.

Item 8 was postponed to July 25, 2024.

There being no further business, the meeting adjourned at 12:06 p.m. The next regular meeting of the Planning Board will be held on Thursday, July 18, 2024, in the Wheaton Headquarters Building in Wheaton, Maryland, and via video conference.

Rachel Roehrich
Rachel Roehrich
Technical Writer/Legal Assistant

MINUTES

Item 1. Preliminary Matters

A. Adoption of Resolutions

BOARD ACTION

Motion:

Vote:

Other:

Action: There were no Resolutions submitted for adoption.

B. Approval of Minutes

1. Minutes of May 23, 2024

BOARD ACTION

Motion: Pedoeem/Linden

Vote: 4-0

Other: Commissioner Bartley was necessarily absent.

Action: Approved Planning Board Meeting Minutes of May 23, 2024, as submitted.

2. Minutes of June 6, 2024

BOARD ACTION

Motion: Pedoeem/Hedrick

Vote: 3-0-1

Other: Commissioner Linden abstained due to being absent for the June 6, 2024 meeting. Commissioner Bartley was necessarily absent.

Action: Approved Planning Board Meeting Minutes of June 6, 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)

BOARD ACTION

Motion:

Vote:

Other:

Action: There were no Record Plats submitted for approval.

Item 3. Regulatory Extension Requests (Public Hearing)

16998 Overhill Road: Preliminary Plan No.120240060 – Regulatory Extension Request No. 2 - Request to extend the regulatory review period until September 26, 2024.

Application to create one lot for an independent living facility; located at 16998 Overhill Road, south of the Intercounty Connector (ICC)/MD 200, approximately 400 feet east of Redland Road, RE-1 zone, 3.78 acres, 2004 Upper Rock Creek Area Master Plan. to create 11 lots for 11 single-family detached units.

Staff Recommendation: Approval of the extension request

J. Casey

BOARD ACTION

Motion: Pedoeem/Linden

Vote: 4-0

Other: Commissioner Bartley 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. Figueredo

BOARD ACTION

Motion:

Vote:

Other: Commissioner Bartley was necessarily absent.

Action: Received briefing.

Montgomery Parks Director Miti Figueredo offered a multi-media presentation regarding recent updates for the Parks Department.

Ms. Figueredo highlighted Councilmember Stewart's recent visit with the Montgomery Parks Resource Conservation team during a stream survey for freshwater eels. Ms. Figueredo stated July is Parks and Recreation Month and discussed Montgomery Parks Summer Camps currently taking place including the two-week Counselor in Training program, Week in the Park, Totally Tennis, Ice Skating, Garden Explorers, and the C and O Canal biking camp. Other recent events included the Columbia Local Park opening, the Scotland Juneteenth Heritage Festival, which Parks hosted in partnership with the Scotland Community, and the annual intern luncheon.

Item 5. ZTA 24-02: Agricultural and Rural Zones – Campground (Public Hearing)

This Zoning Text Amendment (ZTA) modifies the zoning ordinance to allow Campgrounds as a limited use in the AR and RC zones on properties that satisfy the requirements for Farming as defined in the code. The ZTA includes standards setting minimum tract areas, maximum acreage of Campground use, maximum number of structures, limitations on guest stays, and limitations on kitchen and sanitation facilities.

Staff Recommendation: Transmit comments to the District Council for a public hearing on July 16, 2024

B. Berbert

BOARD ACTION

Motion: Pedoeem/Linden

Vote: 4-0

Other: Commissioner Bartley was necessarily absent.

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

Benjamin Berbert, Planner III, offered a multi-media presentation regarding ZTA 24-02: Agricultural and Rural Zones – Campground. Further information can be found in the Staff Report dated July 1, 2024.

Mr. Berbert gave a brief overview of the background of the ZTA and stated the use Campground is currently only allowed in the R and RE-2C zones. This ZTA would expand the use to the AR and RC zones as a conditional use. Restrictions proposed for Campgrounds include siting on a property engaged in Farming, a minimum total property acreage, a maximum number of campsites, maximum length of stay, and limitation on kitchen and sanitation facilities.

Lastly, Mr. Berbert discussed the analysis and recommendations for the ZTA in greater detail for size of the property versus campground, recreational vehicle versus removable structures, duration of stays, environment, required reporting, and any climate assessment.

The Board asked questions regarding the maximum amount of the site usable for camping, definition of removable structures, entity responsible for taking applications, maximum number of vehicles and removable structures, RV hookups, and length of consecutive overnight stays.

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

The Board held further discussion regarding potentially recommending a definition for removable structures, reducing the maximum amount of site usable for camping, and the duration of consecutive nights that visitors may stay. The Board agreed by consensus to recommend defining removable structures, reducing the maximum amount of the site usable for camping from ten percent or five acres to five percent or five acres, and increasing the standard to three consecutive nights to better accommodate long or holiday weekend camping.

Item 6. ZTA 24-03: Great Seneca Life Sciences (GSLs) Overlay Zone (Public Hearing)

This ZTA would establish a new Great Seneca Life Science (GSLs) Overlay Zone to help implement the zoning and land use recommendations of the Great Seneca Plan: Connecting Life and Science, which was approved by the Planning Board on April 25, 2024. The overlay zone includes incentivizing housing production, modifying allowed land uses, standardizing development procedures across zones, and implementing a new system of public benefits for incentive density.

Staff Recommendation: Transmit comments to the District Council for a public hearing on July 16, 2024

B. Berbert

BOARD ACTION

Motion: Pedoeem/Linden

Vote: 4-0

Other: Commissioner Bartley was necessarily absent.

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

Benjamin Berbert, Planner III, offered a multi-media presentation regarding ZTA 24-03: Great Seneca Life Sciences (GSLs) Overlay Zone. Further information can be found in the Staff Report dated July 1, 2024.

Mr. Berbert stated the Planning Board voted on April 25, 2024 to transmit the Great Seneca Plan: Connecting Life and Science (GSP) to the Council. The Board subsequently voted on May 23, 2024 to request the introduction of this ZTA. ZTA 24-03 helps implement the zoning and land use recommendations from the Great Seneca Plan including modifying land uses, standardizing the development process across zones, creating opportunities for additional density and height, and providing a unique set of incentive density standards.

Mr. Berbert discussed the analysis and recommendations for the ZTA in greater detail for Public Benefits and incentive density, any climate assessment, and correspondence received.

Francoise Carrier of Bregman, Berbert, Schwartz, and Gilday, LLC offered testimony on behalf of Guardian Realty regarding the lack of flexibility with the language for surface vehicle parking and displayed suggested/proposed amended language. Ms. Carrier offered further comments regarding potential non-conforming issues.

Rob Eisinger of Promark Partners offered testimony regarding support for the ZTA and suggested eliminating the provision for the percentage cap on gross floor area for housing.

The Board asked questions regarding reasoning for surface parking between a public/private street, structured parking, potential parking restriction requirements, possible non-conformance issues for existing surface parking, massing, and subdivision requirements.

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Staff, including Jason Sartori, Planning Director, Carrie Sanders, Chief of Midcounty Planning, Jessica McVary, Planning Supervisor, and Maren Hill, Planner III, offered comments and responses to the Board's questions.

The Board held further discussion regarding massing and language for existing surface parking. The Board agreed by consensus to add the word "New" to the beginning of Development Procedure 6 on line 393 of the introduced ZTA with regard to existing surface parking lots.

Item 7. Proposed ZTA: Community Serving Retail Overlay, and Dormitories (Public Hearing)

This ZTA would implement recommendations from the 2024 Takoma Park Minor Master Plan Amendment including removal of the Community Serving Retail (CSR) Overlay Zone, and the modification of the Use Table under Section 59-3.1.6 to allow Dormitory as a limited use in the CRT and CR Zones.

Staff Recommendation: Transmit request to the District Council to introduce the proposed ZTA.
B. Berbert

BOARD ACTION

Motion: Pedoeem/Linden

Vote: 4-0

Other: Commissioner Bartley was necessarily absent.

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

Benjamin Berbert, Planner III, offered a multi-media presentation regarding the Proposed ZTA: Community Serving Retail Overlay, and Dormitories. Further information can be found in the Staff Report dated July 1, 2024.

Mr. Berbert stated that on April 2, 2024, the District Council approved the Takoma Park Minor Master Plan Amendment. This plan and the proposed ZTA recommends adding Dormitory as a limited use in the CR and CRT Zones, and deleting obsolete overlay zones including the Community-Serving Retail (CSR) Overlay Zone, as well as adding a new limited use standard requiring a site plan.

Lastly, Mr. Berbert discussed the analysis and recommendations for the ZTA in greater detail.

The Board asked questions regarding the reasoning for removal of the Community Serving Retail Overlay, and Staff offered comments and responses.

Item 8. Postponed - 2017 Bethesda Downtown Sector Plan Park Impact Payment Credit Methodology Briefing

The Bethesda Overlay Zone, Section 59.4.9.2.C.2b.ii, provides that “If a property owner dedicates land designated in the master plan as a recommended open space to the M-NCPPC Parks Department, the Planning Board may reduce the amount of square footage for which a Park Impact Payment must be made.” Staff will present a proposed formula and methodology for the calculation of this reduction.

Staff Recommendation: Approval of the proposed Bethesda Downtown Sector Plan Park Impact Payment Reduction formula and methodology.

G. Bogdan

BOARD ACTION

Motion:

Vote:

Other:

Action: Postponed to July 25, 2024

Item 9. Kings Crossing: Site Plan No. 820240070 and Final Forest Conservation Plan No. F20240230 (Public Hearing)

- A. Site Plan No. 820240070
- B. Final Forest Conservation Plan No. F20240230

Application for 11 single-family detached dwelling units; 8505 Crossview Road; R-200; 6 Acres; 1989 Germantown Master Plan.

Staff Recommendation: Approval with Conditions

U. Njeze

A. BOARD ACTION

Motion: Pedoeem/Linden

Vote: 4-0

Other: Commissioner Bartley was necessarily absent.

Action: Approved Staff recommendation for approval of the Site 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: Pedoeem/Linden

Vote: 4-0

Other: Commissioner Bartley was necessarily absent.

Action: Approved Staff recommendation for approval of the 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.

Ugonna Njeze, Planner II, offered a multi-media presentation regarding Kings Crossing. Further information can be found in the Staff Report dated June 28, 2024.

Mr. Njeze noted correspondence received from the Vistas Community Association Board of Directors expressing concerns with noise pollution, increased storm water discharge, decreased water supply line pressure, sewage backfill, increased traffic, and the clearing of trees.

Mr. Njeze stated the Application was accepted on January 24, 2024, for a total of 10 new single family detached dwelling units, including one existing dwelling unit to remain, and two open space parcels on 5.99 acres of land. Mr. Njeze noted the new units will be front loaded and oriented towards the surrounding public roads, with four units fronting on Autumn Gold Road and six units on Crossview Road. Of the 5.99 acres, 1.312 acres will be preserved as Common Open Space in two parcels, parcel D and Parcel E. Mr. Njeze stated the Applicant is also building an 11-foot-wide shared use path connecting the existing Crossview Road cul-de-sac to the Country Meadow Road cul-de-sac, which will be maintained by Montgomery Parks.

Mr. Njeze also discussed the pedestrian improvements, Forest Conservation Plan, and noted a correction to the date for Condition 7.a of the Site Plan.

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Dean Packard of Packard Associates, LLC offered brief comments and noted agreement to the conditions as presented by Staff.

The Board asked questions regarding the certain requirements, and Sandra Pereira, Regulatory Supervisor, offered comments and responses.

Item 10. Appointment of members to the Ashton Village Center Implementation Advisory Committee (AVCIAC)

Approve Stephen Faehner and Jim Meehan as new members of the Ashton Village Center Implementation Advisory Committee (AVCIAC). Reappoint Amy Medd, Nadine Masone-Mort, and Kathleen Wheeler to the Committee.

Staff Recommendation: Approve Appointments

J. Pratt

BOARD ACTION

Motion: Pedoeem/Linden

Vote: 4-0

Other: Commissioner Bartley was necessarily absent.

Action: Approved Staff recommendation for approval of Stephen Faehner and Jim Meehan as new members and reappointment of Amy Medd, Nadine Masone-Mort, and Kathleen Wheeler to the Ashton Village Center Implementation Advisory Committee (AVCIAC).

Jamey Pratt, Planner III, offered a multi-media presentation regarding the appointment of two new members for the Ashton Village Center Implementation Advisory Committee and reappointment of existing committee members who wish to continue. Further information can be found in the Staff Report dated July 2, 2024.

Mr. Pratt gave a brief overview of the Ashton Village Center Implementation Advisory Committee and described the new members for appointment as well as the members for reappointment.

The Board asked if it was common for advisory groups to be created for Master Plan implementation, and Staff offered comments and responses.

Item 11. Briefing: Demographic Profile of People with Disabilities in Montgomery County

Staff Recommendation: Brief the Planning Board
B. Sivasubramanian

BOARD ACTION

Motion:

Vote:

Other: Commissioner Bartley was necessarily absent.

Action: Received briefing.

Bhavna Sivasubramanian, Housing Research Planner II, offered a multi-media presentation regarding the Demographic Profile of People with Disabilities in Montgomery County. Further information can be found in the Staff Report posted under the July 8, 2024 Agenda on the Planning Board website.

Ms. Sivasubramanian gave an overview of the most recent data (2021) from the American Community Survey (ACS) for People with Disabilities in Montgomery County. Ms. Sivasubramanian discussed the types of disabilities, population characteristics, age and gender distribution, race and ethnicity, educational attainment, employment status, top occupations, modes of transportation to work, median annual earnings, and housing characteristics.

The Board suggested recommendations to accommodate disabilities be built into planning and Master Plans, and Jason Sartori, Planning Director, offered comments and responses.