

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APPROVED
MINUTES AND SUMMARY

SUMMARY
Thursday, October 31, 2024
2425 Reddie Drive
Wheaton, MD 20902
301-495-4605

The Montgomery County Planning Board met in regular session in the Wheaton Headquarters Building in Wheaton, Maryland, and via Microsoft Teams video conference on Thursday, October 31, 2024, beginning at 9:08 a.m. and adjourning at 5:56 p.m.

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

Items 1 through 4, Item 8, Item 6, Item 7, and Items 9 through 11 were discussed in that order and reported in the attached Minutes.

Commissioner Linden left the meeting at 4:25 p.m. after Item 7, and was necessarily absent for the remainder of the meeting.

There being no further business, the meeting adjourned at 5:56 p.m. The next regular meeting of the Planning Board will be held on Thursday, November 7, 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. Paschal Land Subdivision Plan No. 620240080 – MCPB No. 24-100
2. Paschal Land Forest Conservation Plan No. F20240270 – MCPB No. 24-101

BOARD ACTION

Motion: Hedrick/Bartley

Vote: 3-0-2

Other: Vice Chair Pedoeem and Commissioner Linden abstained due to being absent for the original vote.

Action: Adopted the Resolutions above, as submitted.

3. Gunner’s Lake Site Plan Amendment No. 81987068B – MCPB No. 24-105
4. Brooke Meadow Preliminary Plan Amendment No. 11994013A – MCPB No. 24-106

BOARD ACTION

Motion: Hedrick/Bartley

Vote: 5-0

Other:

Action: Adopted the Resolutions above, as submitted.

B. Approval of Minutes

1. Minutes for October 17, 2024

BOARD ACTION

Motion: Hedrick/Bartley

Vote: 3-0-2

Other: Vice Chair Pedoeem and Commissioner Linden abstained due to being absent for the original vote.

Action: Approved the Minutes of October 17, 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. 220241030, Silver Spring Park

R-60 zone, 2 lots; located on the west side of Houston Street, 150 feet south of Hankin Street; Silver Spring East Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220250110, Westwood Square

CRT zone, 9 lots; located on the south side of Zenith Overlook, 400 feet west of Westbard Avenue; Westbard Sector Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: Hedrick/Bartley

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)

Gladhill Farm: Administrative Subdivision No. 60230050 and Forest Conservation Plan No. F20230290 Extension Request No. 1: Request to extend review period to November 30, 2024.

Application to create three lots in the Agricultural Reserve (AR) Zone for one single-family detached dwelling unit; located on Clarksburg Road, 4,500 northeast of Prices Distillery Road; Parcel P333 on Tax Map EY51; 109.56 acres; 2006 Damascus Master Plan.

Staff Recommendation: Approval of Extension Request

J. Penn

BOARD ACTION

Motion: Hedrick/Linden

Vote: 5-0

Other:

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:

Action: Received briefing.

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

Ms. Figueredo recognized Jacqueline Hoban, Senior Natural Resources Specialist, who stopped traffic on Georgia Avenue to rescue a kitten from harm and Corinne Stephens, Senior Natural Resources Specialist, who used her vet tech skills to evaluate the kitten. Ms. Figueredo also noted the kitten will be adopted by Silvia Nunez, Natural Resources Specialist.

Ms. Figueredo highlighted recent Parks events including a tree climbing event for teens and seniors, the first annual Under the Lights Drop-In Play event hosted in collaboration with Montgomery County Recreation, federal grant funding received from the Transportation Alternatives Program for a one-mile trail extension and 2,800 linear feet of deteriorating boardwalk replacement for the Magruder Branch Trail, the 50th Anniversary of Pope Farm, the National Pollutant Discharge Elimination System (NPDES) Permit year six annual progress report, and the Strathmore Local Park ribbon cutting. Lastly, Ms. Figueredo noted the opening of the Garden of Lights event at Brookside Gardens on November 22, 2024.

Item 5. Postponed - FY26 Operating Budget – Follow Up

T. Bacote-Charles

BOARD ACTION

Motion:

Vote:

Other:

Action: Postponed to November 7, 2024.

Item 8. University Boulevard Corridor Plan Preliminary Recommendations

Staff will brief the Planning Board on the preliminary recommendations for the University Boulevard Corridor Plan.

Staff recommendation: Review preliminary recommendations and provide guidance to staff.

N. Yearwood

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing and provide comments.

Nkosi Yearwood, Planner III, offered a multi-media presentation regarding the University Boulevard Corridor Plan Preliminary Recommendations. Further information can be found in the Staff Report dated October 25, 2024.

Carrie Sanders, Chief of Midcounty Planning, offered brief comments regarding the community outreach to date and overall process for the University Boulevard Corridor Plan. Mr. Yearwood discussed the Plan area, demographics, purpose, outreach and engagement to date, community feedback received, and Plan vision.

Mr. Yearwood, Alex Rixey (Planner IV), Luis Estrada (Planner III), Zubin Adrianvala (Planner III), and Steve Findley (Planner IV), discussed preliminary recommendations for transportation, land use and zoning, urban design, parks, trails, and open spaces, environmental sustainability, community facilities, and historic preservation in greater detail. Lastly, Mr. Yearwood discussed the next steps in the process.

The Board asked questions regarding community feedback on the preliminary recommendations, developing the area without displacing residents, obtaining institutional cooperation, affordability of additional housing, the traffic configuration for the four corners area, prioritization of protected crossings, implementation process to reduce the heat island effect, and air quality surrounding Blair High School.

The Board also offered suggestions regarding zoning and land use, providing data on how the changes will be implemented, the four corners traffic configuration, maxing FAR to provide more flexibility, prioritizing protected crossings, equalizing residential density, creating more linkages/wayfinding signs to the Parks in the area, changing the zoning for private schools and churches, and potential consideration for creating a 15 percent MPDU requirement.

Staff, including Carrie Sanders, Chief of Midcounty Planning, and Jessica McVary, Planning Supervisor, offered comments and responses to the Board's questions and comments.

Item 6. Carroll Avenue Separated Bike Lanes (Public Testimony Accepted)

This is a Mandatory Referral for the Montgomery County Department of Transportation proposal for separated bike lanes along approximately 0.5 miles of Carroll Avenue between Piney Branch Road and Merrimac Drive, with other pedestrian and bicycle safety improvements.

Staff Recommendation: Transmit comments to the Montgomery County Department of Transportation.

D. Anspacher

BOARD ACTION

Motion: Hedrick/Linden

Vote: 5-0

Other:

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

David Anspacher, Chief of the Countywide Planning and Policy Division, offered a multi-media presentation regarding Carroll Avenue Separated Bike Lanes. Further information can be found in the Staff Report posted to the October 31, 2024 Agenda.

Mr. Anspacher stated the Montgomery County Department of Transportation (MCDOT) proposes to construct two-way and one-way separated bike lanes on Carroll Avenue between Merrimac Drive and Piney Branch Road, and noted the proposed project is fully funded through the Purple Line Bicycle and Pedestrian Priority Area (BIPPA) program in the FY24 Capital Improvement Program.

The total project length is approximately half a mile, and Mr. Anspacher stated there are two distinct sections of the project along Carroll Avenue including one section south of University Boulevard and one section north of University Boulevard. South of University Boulevard, the Applicant is proposing one-way separated bike lanes on either side of the road, in the direction of vehicle traffic, with each lane being five-feet wide. North of University Boulevard, the Applicant is proposing two-way separated bicycle lanes on the east side of the road that will be between eight and ten feet wide. Mr. Anspacher noted MCDOT will also be reducing vehicle lanes and making improvements to sidewalks and designated on-street parking as part of the project.

Mr. Anspacher discussed the existing conditions as well as Staff's recommendations and comments in greater detail. Mr. Anspacher also discussed an additional recommendation not included in the Staff Report regarding consideration of approaches to widen the street buffer at New Hampshire Estates Elementary School as well.

The Board asked questions regarding crosswalks, the Merrimac Drive intersection circle, sufficient right-of-way concrete barriers, the cleaning of the bikeway, notifications for the approaching train, and timeline of the project.

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

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Matt Johnson of MCDOT also offered comments and responses to the Board's questions. Mr. Johnson offered further comments regarding Staff's recommendation for the two-way bicycle crossings over University Boulevard and noted MCDOT's disagreement with Staff's recommendation and infeasibility to include with the proposed project.

Item 7. Appeal of Denial of Natural Resources Inventory/Forest Stand Delineation No. 420240850 for Persimmon Tree Subdivision – De Novo Hearing pursuant to County Code Chapter 22A-20(c)

A. BOARD ACTION

Motion: Linden/Pedoeem

Vote: 5-0

Other:

Action: Approved motion to make the determination that the current stream on the property is ephemeral.

B. BOARD ACTION

Motion: Bartley/Pedoeem

Vote: 5-0

Other:

Action: Approved motion stating the location where the intermittent stream begins is 80 feet south of the property line.

C. BOARD ACTION

Motion: Hedrick/Linden

Vote: 5-0

Other:

Action: Approved motion to remand to Staff for action consistent with today's proceedings, which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.

Matt Mills, Senior Counsel with the Office of General Counsel and Counsel to the Planning Board, offered brief opening remarks regarding the process for the Appeal of the Denial of Natural Resources Inventory/Forest Stand Delineation No. 420240850 for Persimmon Tree Subdivision. Further information can be found in the documents posted to the October 31, 2024 Agenda.

Erin Girard of Lerch, Early, and Brewer, offered opening statements on behalf of the Appellant and Allison Myers, Associate Counsel, offered opening statements on behalf of the Planning Department.

Ms. Girard offered a multi-media presentation and questioned Hamid Sharazi, the Appellant, and experts Michael Klebasko, Manager-Maryland Division of Wetland Studies and Solutions, Inc., and Robert Zarzecki, Environmental Specialist for Soil and Environmental Consultants, Inc. Emily Vaias, Principal Counsel, cross examined Appellant's witnesses.

The Board asked questions of Appellant's witnesses regarding weather conditions prior to Staff's visit, weather stations used to provide data, Department of Permitting Services involvement, stormwater drainage on the property, reasoning for pipe installation, size of the pipes, sump pump connection to the piping, location of the sump pump, timing of the sump pump pipe rerouting, determination of ground water elevation, stream evaluation, the locations for the beginning and end of piping on the property, soil types surrounding the property, stream classifications within

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the County, reasoning for obtaining two experts, approximate location of pipe outfall, reasoning for the decreased stream buffer, and Montgomery County Environmental Guidelines as compared to other jurisdictions.

At this time, Allison Myers, Associate Counsel, offered a multi-media presentation and questioned Planning Staff including Ariel Zelaya, Planner II, and Amy Lindsey, Planner III. Ms. Girard cross examined Planning Staff.

The Board asked questions of Planning Staff regarding timeline from pipe installation to submittal of the NRI, timing/date of video submitted by the Appellant, communication with experts, number of times Staff visited the site, Staff procedure, location where the headwater of the stream started, removed/impacted trees, how the groundwater table is measured, potential thresholds for the Environmental Guidelines components, further clarification of groundwater movement, location of the soil borings, hydro vegetation, reasoning for withdrawal of the Forest Conservation Plan, and correspondence exchange between Staff and the Appellant.

Ms. Girard and Ms. Myers offered brief closing statements followed by deliberation by the Board.

Item 9. Shaare Tefila Congregation: Preliminary Plan Amendment No. 12006056A (Public Hearing)

Request to eliminate a condition that precludes a day care center use on the property, eliminate a condition that allows a nursery school and kindergarten through grade nine school, while continuing the operation of a religious assembly use; located at 16620 Georgia Avenue; R-200 zone, 4.09 acres; 2005 Olney Master Plan.

Staff Recommendation: Approval with conditions

P. Estes/S. Pereira

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 4-0

Other: Commissioner Linden was necessarily absent.

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

Phillip Estes, Planner III, offered a multi-media presentation regarding the Shaare Tefila Congregation. Further information can be found in the Staff Report dated October 18, 2024.

Mr. Estes noted community comments were received regarding concerns with traffic, parking, noise, environment, safety, community character, public infrastructure, noticing, and opposition to another potential Day Care Center in the vicinity.

Mr. Estes stated the Applicant is proposing to amend a condition to allow a 128-person Day Care Center with the continued operation of a Religious Assembly use, the discontinuation of both the nursery school and the kindergarten through grade nine school, and the installation of bicycle parking spaces. Mr. Estes also noted the amendment generates fewer trips than the current approval and the amendment satisfies Local Area Transportation Requirements (LATR).

Item 10. Kirk Farm, Pre-Preliminary Plan No. 720240020 (Public Hearing)

Application to obtain binding direction from the Planning Board on site access and required improvements on Tall Timbers Road for the creation of one lot for one single-family detached unit; 2505 Tall Timbers Road; R-200 zone; 1.5 acres; 2005 Olney Master Plan.

Staff Recommendation: Approval with Conditions

U. Njeze

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 3-0-1

Other: Commissioner Linden was necessarily absent, and Commissioner Bartley abstained.

Action: Approved Staff recommendation for approval of the Pre-Preliminary Plan cited above, subject to binding 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 Kirk Farm. Further information can be found in the Staff Report dated October 21, 2024.

Mr. Njeze stated the Applicant is currently seeking binding decisions on the issues of site access and required improvements on Tall Timbers Road for a single-family dwelling unit. Mr. Njeze discussed the recommended binding elements in greater detail, and noted community correspondence was received noting concerns for loss of privacy, increased flooding on adjacent properties, damage to Tall Timbers Road from trucks during construction, preferred access from Brooke Farm Drive, loss of vegetation, and the installation of a temporary turnaround.

Lastly, Mr. Njeze noted a correction to Page 4 of the Staff Report which listed the stream valley buffer as 150 feet while the plan drawings show 125 feet, but this will be determined during a later application when an NRI is submitted.

John Ramsay, an adjacent property owner, offered testimony regarding support for access from Brooke Farm Road and noted concerns with increased traffic.

Jason Eustace, an adjacent property owner, offered testimony regarding support for access to the property from Brooke Farm Road, location of the proposed house, and lack of a traffic study for access from Tall Timbers Road. Mr. Eustace offered further comments regarding the maintenance of Tall Timbers Road in light of being considered a public road but not County maintained.

Patricia Beaston, an adjacent property owner, offered testimony regarding concerns with stormwater runoff, damage to her property, and location of the proposed house.

Patricia Beaston read testimony on behalf of Lindsey Bengtson, an adjacent property owner, regarding concerns for rainwater runoff and privacy.

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Steve Crum of Macris, Hendricks, and Glascock offered comments on behalf of the Applicant, noted agreement with Staff's conditions, and offered comments regarding noticing, access to the lot, and potential future improvement to Tall Timbers Road.

The Board asked if Tall Timbers Road was a Public Road and relating to responsibility for maintenance.

Staff, including Sandra Pereira, Upcounty Regulatory Supervisor, and Doug Johnson, Planner III, offered comments regarding process and environmental features of the site.

Item 11. Rose Village Sketch Plan Amendment No. 32021012A (Public Hearing)

Request to extend the Sketch Plan validity period and update the project design and scope to reflect a portion of the site being removed from the approval; located at 6001, 6003, & 6011 Executive Boulevard; CR-2.75 C-1.5 R-2.25 H-200 Zone; 21.56-acre tract; 2018 White Flint 2 Sector Plan.

Staff Recommendation: Approval with conditions

E. Tettelbaum

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 4-0

Other: Commissioner Linden was necessarily absent.

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

Emily Tettelbaum, Planner III, offered a multi-media presentation regarding Rose Village. Further information can be found in the Staff Report dated October 21, 2024.

Ms. Tettelbaum stated the Applicant is requesting to update the project design and scope to reflect the removal of the Mixed-Income Housing Community area from the approval, reduce the overall scale of development, refine the layout, and extend the Sketch Plan validity period for three years. Ms. Tettelbaum noted the Applicant is proposing to allow up to 980,266 square feet of total development with up to 297,266 square feet of non-residential development and up to 683,000 square feet of residential development. The existing office building and parking garage will be retained with three proposed residential buildings with a maximum height of 85 feet, one commercial building, and a garage expansion. Ms. Tettelbaum described the circulation, proposed open space, and phasing of the project as well.

Ms. Tettelbaum noted a correction to Page 10 of the Staff Report regarding vehicular access points and modifications to Condition Number 6e.

Phillip Hummel of Miles and Stockbridge offered a multi-media presentation and comments on behalf of the Applicant regarding the previously approved 2021 Sketch Plan, the factors that have changed since the previously approved Sketch Plan, and emphasis on affordable housing. Mr. Hummel also noted agreement to all conditions except for Condition Number 6e regarding the undergrounding of utilities. Mr. Hummel offered further comments regarding fire access and the surrounding area utilities.

Richard Cohen of Wilco offered comments regarding the unviability of the 2021 Sketch Plan and the affordable housing the project will bring to Montgomery County.

The Board asked questions regarding fire access, surrounding area utilities, foundation design, potential cost and consideration for conduit installation, and timeline.

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Staff, including Jason Sartori, Planning Director, Carrie Sanders, Chief of Midcounty Planning, and Matt Folden, Midcounty Regulatory Supervisor, offered comments and responses to the Board's questions.

Robert Mazzuca of Willco offered comments regarding the building materials, foundation design, and reasoning for not building higher in the future.

John O'Boyle of Richter and Associates offered comments regarding consideration for installation of a utility conduit and potential associated costs for undergrounding utilities.

The Board held further discussion regarding the undergrounding of utilities and voted to strike Condition 6e.