



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item #4
November 13, 2008

MEMORANDUM

DATE: November 3, 2008

TO: Montgomery County Council
Office of Zoning and Administrative Hearing

FROM: Renée M. Miller, AICP, Senior Planner *RM*
Development Review Division (301-495-4723)

VIA: Rose Krasnow, Chief, Development Review Division *RK*
Ralph D. Wilson, Zoning Supervisor *RDW*

SUBJECT: **Local Map Amendment (G-877) and Associated Schematic Development Plan** to reclassify approximately 3.02 acres in Wheaton from the R-60 (Residential, One Family) and C-T (Commercial-Transitional) to the RT-10 (Residential, Townhouse).

MASTER PLAN: Wheaton Central Business District and Vicinity Sector Plan

FILING DATE: June 18, 2008

PLANNING BOARD: November 13, 2008

PUBLIC HEARING: November 24, 2008

I) SUMMARY RECOMMENDATION

This application is a request to reclassify approximately 3.02 acres of land within the Wheaton Sector Plan area from the C-T (Commercial-Transitional) and R-60 (one-family detached residential) zones, to the RT-10 (Townhouse) zone. The townhouse zone is a floating zone that contains eligibility requirements, development standards, and a site plan review requirement where building location, landscaping, and site design issues are addressed. The schematic development plan associated with the application would restrict development to 36 townhouses, including 6 Moderately Priced Dwelling Units (MPDUs), establish a 40-foot setback line from the property line adjacent to the one-family residential detached homes, and a restriction on the access to the site from roads other than Findley Road. The central issue in the case is density. The sector plan recommends townhouse development for the site, but at a density of 6 dwelling units per acre, not 10.

Staff recommends that Local Map Amendment (G-877) and Associated Schematic Development Plan be approved for the following reasons:

1. The application satisfies the requirements of the purpose clause;
2. The application satisfies the development standards of the RT-10 zone;
3. The application proposes a compatible form of development; and
4. The application conforms to the land use goals of the sector plan, although it does not conform to the strict density recommendation of the plan for the subject site.

II) SITE LOCATION

The subject property is located just west of Wheaton Plaza on University Boulevard, at the southwest corner of Valley View Avenue and University Boulevard. The site is within ½-mile of the Wheaton Metro Station. The site does not have direct vehicle access from University Boulevard. (See Attachment 1.) Access to this site is via Findley Road, an existing 50-foot right-of-way, which terminates into the western boundary of the property. The site is generally higher in elevation than most of the surrounding development. The lowest elevation is along University Boulevard and at the University Boulevard intersection with a service road into Wheaton Plaza. The site increases in elevation from these two points towards the rear of the property. The highest elevation is at the southeast corner of the property, nearest the cul-de-sac of Faulkner Place. (See Attachment 2.)

The surrounding area of a site must be identified in a floating zone case so that compatibility and other issues can be properly evaluated. In general, the definition of the surrounding area takes into account those areas that would most directly be affected by the proposed development. In the present case, the surrounding area is generally described as follows: College View Drive to the north, Veirs Mill Road to the east, McComas Ave to the south, and Hobsin Street to the west. (See Attachment 3.)

Important nearby land uses near the site include the Giant Grocery Store at Wheaton Plaza, zoned C-2, and the Kensington Heights and the Kensington View neighborhoods, zoned R-60. There are also several small businesses zoned C-T and C-2 located near the site. (See Table 1 and Attachment 3.) The surrounding area is characterized by one-family detached and multi-family housing, and several non-residential uses, including professional offices and service-related retail. There are also several special exceptions in the area that were mostly approved in the 1970s and 1980s. Table 2 below, identifies each of the special exceptions within the surrounding area

Table 1: Surrounding Zoning

Direction	Amendment Site (immediately adjacent to site)		Surrounding Area	
	Zoning Designation	Existing Use	Zoning Designation	Existing Use
North	N/A R-60 ¹	University Boulevard Kensington View Subdivision	C-2 R-60 and R- 20	Office Building Single- and Multiple-Family Residential
South	R-60	Kensington Heights Subdivision	R-60	Single-Family Residential
East	C-2	Giant Food Store	C-2, C-T ¹ CBD-2	Mixed Use, including Retail, Multiple-Family and Office
West	R-60	Kensington Heights Subdivision	R-10 R-60	Single- and Multiple-Family Residential

Table 2: Special Exceptions

Case No.	Address	Zone	Use	Approved
CBA-565	2900 Faulkner Pl	R-60	Private Club (Swim & Tennis)	10/28/1957
CBA-565-A	2900 Faulkner Pl	R-60	Private Club (Swim & Tennis)	Not available
CBA-3063	11190 Veirs Mill Rd	C-2	Drive-In Restaurant	10/19/1971
S-242	2813 W. University Blvd	C-T	Non-Resident Medical Office	09/19/1973
S-262	3101 W. University Blvd	R-60	Private Educational Institution	08/22/1973
S-394	11194 Veirs Mill Rd	C-2	Auto Filing Station	04/23/1975
S-459	10914 Georgia Ave	R-60	Private Educational Institution	03/24/1975
S-694	10900 Georgia Ave	R-60	Housing for Elderly or Handicapped person	08/16/1979
S-742	2609 McComas Rd	R-60/RT-8	Housing for Elderly or Handicapped person	03/05/1980 (denied)
S-854	2809 W. University Blvd	C-T	Home Occupation- Tailoring	12/08/1982
S-892				
S-1203	3114 W. University Blvd	R-60	Housing for Elderly or Handicapped persons	07/26/1985
S-1228	2921 W. University Blvd	R-60	Accessory Apartment	12/29/1987
S-1509	2741 W. University Blvd	C-2	Drive-In Restaurant	04/01/1998
S-1695	11201 Upton Dr	R-60	Off-street parking related to a commercial use	08/24/1984
S-2038	2917 W. University Blvd	R-60	Non-Resident Medical Office	02/23/2001 (revoked)
S-2245	2915 W. University Blvd	R-60	Major Home Occupation	02/07/1997 (denied)
S-2664	11030 Veirs Mill Rd	C-2	Drive-In Restaurant	06/01/2007

¹ Three properties contain previously approved special exceptions. For further information, please refer to Section II.B.2.

III. ZONING HISTORY

The site has been the subject of two previous rezoning applications: (1) F-971, which was withdrawn in 1975, and (2) G-541, which was withdrawn in 1987. Both cases proposed to change the site’s zoning designation from the R-60 zone to the C-2 zone, but due to inadequate public facilities at the time of the zoning requests, the cases were withdrawn. The subject site was designated in the 1990 Wheaton Central Business District and Vicinity Sector Plan as suitable for development under the standards of the C-T and RT-6 zones. (See Attachment 4.)

IV. PROPOSED DEVELOPMENT

The applicant proposes to build 36 townhouses on the subject property under the optional method of application that allows restrictions to be placed on land use, density, bulk, and staging, through binding elements. The application was accompanied by a schematic development plan. The following table identifies the binding elements proposed by the applicant.

Table 3: Binding Elements, G-877 (Kensington Heights 2, LLC)

Binding Elements (per submitted SDP, June 2008)
1) The maximum number of dwelling units shall be 36 dwelling units.
2) The maximum number of MPDUs based on the maximum number of dwelling units shall be 6 MPDUs.
3) The minimum setback from the adjoining single-family lots shall be 40-feet.
4) A single entrance to the subject property shall be provided by way of Findley Road.

The townhouses are rear-entry, three-story buildings, each with two car garages. The moderately priced dwelling units feature the same townhouse design, but with one-car garages. The townhouses would be set back a minimum of 35-feet from the existing frontage along University Boulevard. The entire frontage along University Boulevard would be landscaped. The townhouse zone requires submittal of a site plan under §59-D-3 of the Zoning Ordinance. The layout, scale, massing, and materials of the townhouses would be reviewed at that time. (See Attachment 5.)

IV) DEVELOPMENT STANDARDS

The following table compares the applicant’s proposal to the development standards of the RT-10 zone.

Table 4: Development Review Standards

Development Standards	Required/Permitted	Proposed	Binding Element
§59-C-1.722 Row Design.	(a) 8 townhouses is the maximum number permitted in any one attached row. (b) Three continuous, attached townhouses is the maximum number permitted with the same front building line. The variations in building line must be at least 2 feet. (c) For one-family attached units, there can be no more than 12 units in one row	Between 4 and 8 townhouses in a row, <i>The application does not satisfy (b)</i> No more than 8 in a row.	N/A N/A
§59-C-1.723 Combined Tracts	Not Applicable	Not Applicable	Not Applicable
§59-C-1.73 Development Standards.			
§59-C-1.731 Tract Area and Density. (a) Minimum Tract Area (sf) (b) Maximum density of development (du)/ ac	20,000 sf 10 du/ac	131,363 sf <i>See §59-C-1.74</i>	1. The maximum number of units shall be 36. 2. The maximum number of MPDUs shall be 6.
§59-C-1.732 Building Setbacks (minimum feet) (a) From any detached dwelling lot or land classified in a one-family, detached, residential zone ² (b) From any public street (c) From an adjoin lot (1) Side (end unit) ³ (2) Rear	30' 25' 10' 20'	40' 28' 28' 40'	<i>The minimum setback from the adjoining single-family lots shall be 40-feet.</i>
§59-C-1.733 Maximum Building Height (feet) (a) Main Building (b) Accessory Building	35' 25'	35' <i>None proposed</i>	
§59-C-1.74 Development including MPDUs. Where moderately priced dwelling units are included in a development in accordance with the requirements of Chapter 25A, the following optional method standards are permitted in order to facilitate the provision of those units. It permits an increase over the total number of dwelling units otherwise permitted. It also permits some additional housing types and modification of some area and dimensional requirements.			
(a) Additional use: dwelling unit, one-family attached (b) Maximum density of development (du)/ac of usable area (c) Maximum percentage of tract occupied by building may be increased (d) If necessary in order to accommodate the increased density:	Not more than 40% of the total number of dwelling units. 12.20 du/ac 40 45% 2 foot off-set front building line of	Not Applicable 12.20 du/ac 35% 55%	<i>See binding elements # 1 & 2, above.</i>

² Unless a more desirable form of development can be demonstrated by the applicant to the satisfaction of the Planning Board using the street, side and rear lot line setbacks as provided in this section.

³ Where the side lot of an end unit abuts a public street, the side yard setback must equal the required front yard setback.

Development Standards	Required/Permitted	Proposed	Binding Element
(1) Minimum Green Area (2) §59-C-1.722 may be waived	townhomes	<i>Applicant has not requested a waiver of this requirement.</i>	

The application, with a minor adjustment to the schematic development plan, satisfies the development standards of the RT-10 zone. The subject property exceeds the minimum tract area of 20,000 square feet. The proposed dwelling unit density is within the density limit of 10.0 dwelling units per acre plus the additional density. The building coverage, green area, and parking are all within specified requirements of development and will be reviewed again at site plan. The proposed schematic development plan does not show any variation in the building fronts of the individual townhouses, which is a requirement of §59-C-1.722. The 2-foot variation required by this standard can be addressed at site plan. The applicant will be able to accommodate the 2-foot variations without jeopardizing other development requirements, such as setbacks.

V. PURPOSE OF THE ZONE

The purpose clause of the townhouse zone requires that one of three requirements be met. The proposed rezoning must satisfy a need for a “buffer or transitional use” between commercial, industrial, or high-density apartment use and low density one-family residential use; or it must be “designated on a master or sector plan” for such development; or it must be determined to be “appropriate” for development at the location and density sought. The site is specifically identified in the Sector Plan as a suitable location for townhouse development at six dwelling units per acre. Although the application is not in strict conformance with the sector plan density recommendation, it satisfies the purposes of the zone. The site is appropriate for townhouse development at densities permitted in the RT-10 zone and provides a transitional land use from the shopping center to the adjacent one-family detached residential development.

VI. COMPATIBILITY

The applicant proposes a development density that is compatible with the surrounding area. The site lies within a block that is approximately 6.8 acres in size that has an overall density of about 6 dwelling units per acre. Currently, this block contains 24 properties, plus the subject site. If the subject site were developed with townhouses under the RT-6 zone, as recommended in the sector plan, the density on the block would not increase and remain at 6 dwelling units per acre, or 42 total dwelling units (24 existing plus 18 new townhouse units). Development of the site under the applicant’s RT-10 proposal would increase the overall density of the block by about 2 dwelling units per acre and increase the total number of dwelling units on the block to 60 (36 proposed townhouses, plus the existing 24 properties). The difference in density between the RT-6 and RT-10 zones is not a substantial increase for the block. In addition, when considering compatibility of the neighborhood, the site is located immediately adjacent to the service road of a major retail shopping center, and fronts on a major roadway with a 120-foot right-of-way and six travel lanes. The site is also within ½-mile the Wheaton Metro Station and 1/3-mile from the Central Business District. According to plans

submitted by the applicant, the nearest townhouse will be approximately 125-feet from the rear of the adjacent house, and the existing forested area will remain along the rear property line of the subject site. (See Attachment 6.)

VII. WASTE WATER AND WATER SERVICES

The application was reviewed by the Washington Suburban Sanitary Commission (WSSC) staff. It was concluded that townhouses at the proposed location would not significantly impact the WSSC distribution and collection system. (See Attachment 7.) Additionally, WSSC staff stated that the proposed rezoning would not significantly impact the sewerage system and that the downstream gravity sewer system may have existing capacity.

VIII. TRANSPORTATION

Transportation planning staff recommends that the following transportation-related comments be made part of the Planning Board's recommendations on the subject rezoning application.

- 1) Limit future development on the proposed R-T zoned 3.0157 acre lot to 36 townhouse units;
- 2) Satisfy future State Highway Administration (SHA) and Montgomery County Department of Transportation (DOT) requirements at the time of preliminary plan.

Pedestrian access is provided by lead-in sidewalks to the site. The site is located approximately 2,300 feet (< ½-mile) from the Wheaton Metro Station and is served by both Metrobus and RideOn bus routes. Vehicular access is limited to Findley Road, a 50-foot dedicated right-of-way with approximately 22-feet of paved roadway. Findley Road extends only one block east and west of its intersection with Drumm Avenue. Drumm Avenue provides access to University Boulevard. Findley Road currently "dead-ends" into this site and there are no sidewalks along either side of the street.

According to the accepted traffic study, the proposed development is anticipated to generate 17 additional vehicle trips during the A.M. peak-hour and 30 additional trips during the P.M. peak-hour. Trip credit for proximity to the Metro was not applied for the LATR test in order to be conservative. Table 5 below describes a summary of the critical lane volume (CLV) values for the existing, background and total future traffic conditions anticipated for development of this site. The submitted traffic study shows that all 3 intersections anticipated to be affected by this request are projected to pass the policy area standards for the total future traffic.

Table 5: Capacity Calculations Summary

Intersection	Congestion Standard	Traffic Conditions					
		Existing		Background		Total	
		A.M.	P.M.	A.M.	P.M.	A.M.	P.M.
University Blvd and Newport Mill Rd	1,600	556	700	556	700	558	702
University Blvd and Drumm Ave	1,600	411	548	411	558	425	572
University Blvd and Valley View Ave	1,600	376	667	376	667	377	669

This site is located within the Kensington/Wheaton Policy area, as such, the 2007-2009 Growth Policy classified the Policy area requires applicants to mitigate 15% of their new vehicle trips. New vehicle trips are calculated as any trips over 3 morning peak-hour and 4.5 evening peak-hour trips. For further discussion regarding the mitigation of new vehicle trips, please refer to Attachment 8 of this report.

IX. PUBLIC SCHOOLS

Staff has received written correspondence from the Montgomery County Public School staff regarding the proposed application. The area is served by Rock View Elementary, Newport Middle and Einstein High Schools. Einstein High School is the base area for students, which is part of the “Downcounty Consortium” of high schools. High School students in this consortium are guaranteed enrollment to their base school, but also may choose to attend Blair, Kennedy, Northwood or Wheaton High Schools. (See Attachment 9.)

According to school system staff, Rock View Elementary School is currently over capacity and an addition is scheduled to open August, 2010. Newport Mill Middle School is within capacity and is projected to remain within capacity. Einstein High School is slightly over capacity. The FY 2009 Growth Policy School test finds this cluster of schools is under the 105% level for the elementary, middle and high school level tests; therefore, there are no restrictions in the FY 2009 on subdivision approvals in this area. (See Attachment 9.)

X. MASTER PLAN

The subject property is within the 1990 approved and adopted Sector Plan for Wheaton Central Business District and Vicinity. The subject site is classified in the R-60 zone, but under the plan, a portion of the site would be appropriate for reclassification to the C-T zone and a portion for reclassification to the RT-6. Community-Based Planning did not, in their review of the application, note any changes in the land use or the development pattern of the area since adoption of the sector plan that would render the Sector Plan RT-6 recommendation invalid. Additionally, the sector plan is currently undergoing a comprehensive update. (See Attachment 10.)

XI. ENVIRONMENTAL

According to Environmental Planning staff, the subject property contains 1.02 acres of existing forest that is designated a moderate priority for retention with 16 trees having a diameter of 30-inches or greater. This property also is the largest remaining forested area within the Wheaton CBD Sector Plan area. There are also no streams, wetlands or any associated buffers on-site. (See Attachment 11.)

Staff recognizes that although the applicant proposes to maintain a 55% green area, this area may decrease through the development process due to the addition of facilities, such as stormwater management; however, they will still be able to achieve the green area requirements under §59-C-1.74(d)(1).

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) #420072150 was approved for the site on June 27, 2007. This property is also subject to the Montgomery County Forest Conservation Law and a forest conservation plan will be required with the submission of the preliminary plan of subdivision. Given the location of this project Environmental Planning staff recommends that an urban forest strategy be utilized that maximizes tree cover through the forest conservation plan. In addition, the site is located in the Kensington Heights Branch sub-watershed of the Rock Creek watershed. This sub-watershed is designated a "Watershed Restoration Area," and as such, the Countywide Stream Protection Strategy recommends comprehensively examining and addressing stormwater retrofit, stream restoration and habitat improvement opportunities.

A Legacy Open Space application was requested on this site by the Kensington Heights Civic Association; however, at this time, park staff did not recommend a full review. Park staff walked the site and found significant invasive plant species in sparse woods that would rate low priority retention. Good quality specimen trees did occur but were generally along the property's edge. Park staff believed that these trees had the potential into be incorporated in future development scenarios. (See Attachment 12.)

XII) COMMUNITY COMMENTS

The Kensington Heights Citizens Association submitted written correspondence in opposition to the applicant's proposal to reclassify the subject site from the R-60 zone to the RT-10 zone. However, the association does not oppose development of the site with townhouses at the RT-6 density, as they indicated that the RT-6 change would provide the community benefits of preserving green space and visual screening by enabling new construction to be concentrated on the less densely wooded portions of the lot. (See Attachment 13.)

Staff has received to additional correspondences from the Kensington View Civic Association and Montgomery County Civic Federation both in support of the rezoning to an RT-6 zone. See Attachment 14 and 15, respectively.

XIII) CONCLUSION

Based on the foregoing analysis, staff recommends that Local Map Amendment (G-877) and its associated Schematic Development Plan seeking to reclassify approximately 3.02 acres in Wheaton from the R-60 (Residential, Detached One Family) and C-T (Commercial-Transitional) zone to the RT-10 (Residential Townhouse) be approved for the following reasons:

1. The application satisfies the requirements of the purpose clause;
2. The application satisfies the development standards of the RT-10 zone;
3. The application proposes a compatible form of development; and
4. The application conforms to the land use goals of the sector plan, although it does not conform to the strict density recommendation of the plan for the subject site.

ATTACHMENTS

- Attachment 1-** General Location Map
- Attachment 2-** Pictometry and Site Photos
- Attachment 3-** Surrounding Area Map
- Attachment 4-** Proposed Zoning Plan, 1990 Sector Plan for Wheaton Central Business District and Vicinity
- Attachment 5-** Schematic Development Plan, submitted by applicant, June 2008
- Attachment 6-** Schematic Cross-Sections, submitted by applicant, October 2008
- Attachment 7-** Memorandum from Washington Suburban Sanitary Commission, received October 14, 2008
- Attachment 8-** Memorandum from David Paine, Transportation Planning Division to Renée M. Miller, AICP, Development Review Division, received October 17, 2008
- Attachment 9-** Email correspondence from Bruce Crispell, Montgomery County Public Schools to Renée M. Miller, AICP, Development Review Division, received October 14, 2008
- Attachment 10-** Memorandum from Sandra Tallant, Community-Based Planning Division to Renée M. Miller, AICP, Development Review Division, received October 28, 2008
- Attachment 11-** Memorandum from Amy Lindsey, Environmental Planning Division to Renée M. Miller, AICP, Development Review Division, received October 22, 2008
- Attachment 12-** Memorandum from Dominic Quattrocchi, Park Planning and Stewardship to Renée M. Miller, AICP, Development Review Division, received October 15, 2008
- Attachment 13-** Correspondence from Donna Savage, Kensington Heights Citizens Association to Renée M. Miller, AICP, Development Review Division, received August 15, 2008
- Attachment 14-** Correspondence from Virginia Sheard, Kensington View Civic Association, to Renée M. Miller, AICP, Development Review Division, received October 29, 2008
- Attachment 15-** Correspondence from Jim Humphrey, Montgomery County Civic Federation to Renée M. Miller, AICP, Development Review Division, received November 3, 2008
- Attachment 16-** Correspondence from Karen Cordry to Royce Hanson, Chairman, Montgomery County Planning Board, received November 3, 2008

ATTACHMENT 1

General Location Map & Vicinity



LEGEND

- Metro Station
- 1/4-Mile Distance
- Wheaton CBD
- Rezoning Case
- Lake and Pond
- Stream and River
- Parcel

1 inch = 1,000 feet
Address: University Boulevard and Findley Road, Kensington



ATTACHMENT 2



Figure 1: Across University Blvd (looking towards subject site)



Figure 2: Site @ service road (University Blvd to right)



Figure 3: Looking towards University Blvd (from site)



Figure 4: Looking east towards Giant and service road



Figure 5: Looking east (site to right) along University Blvd



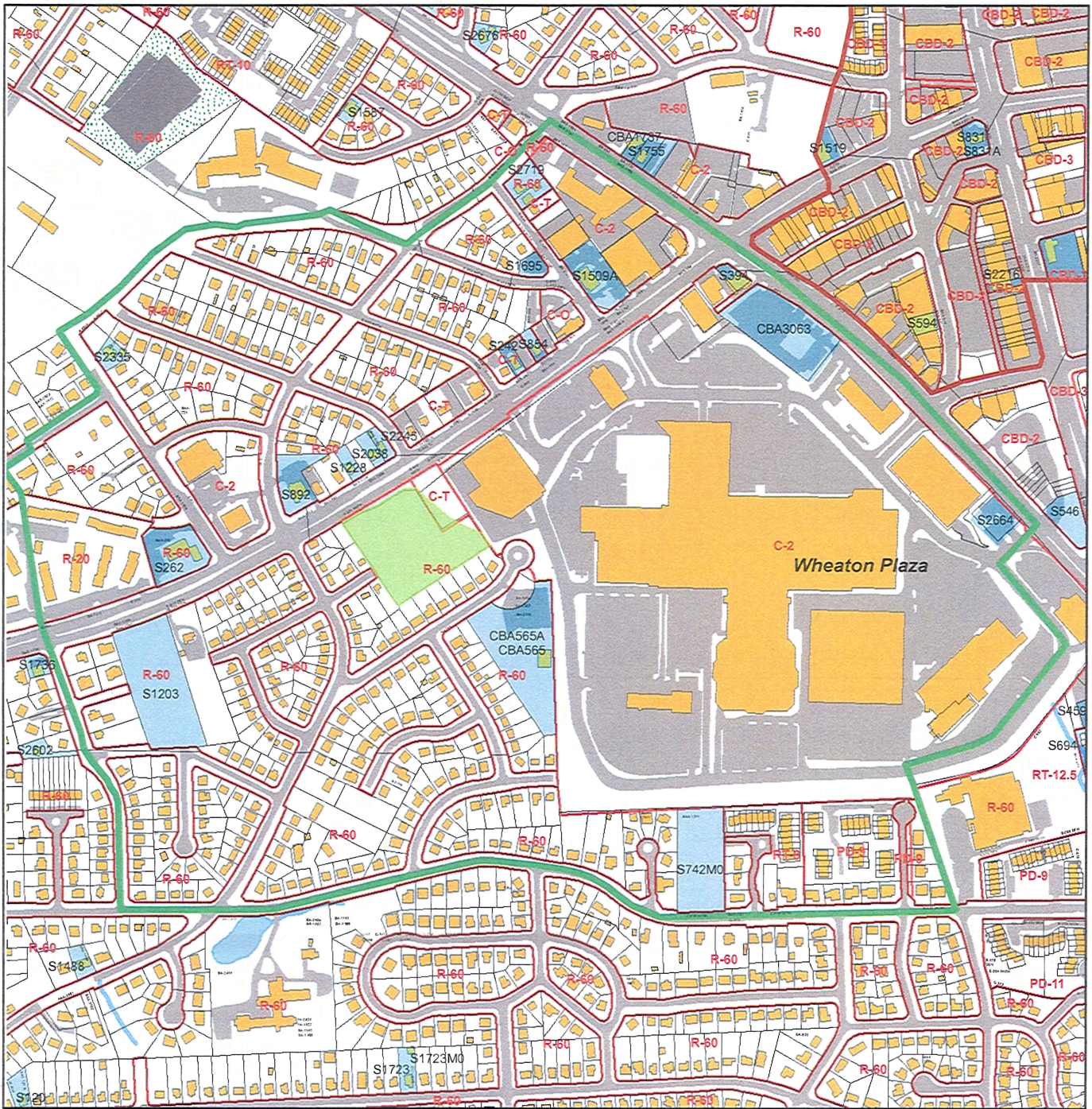
Figure 6: Faulkner Pl cul-de-saq (highest point of site is beyond the trees)








Figure 7: Looking west (Findley Rd)

ATTACHMENT 3

Surrounding Area Map



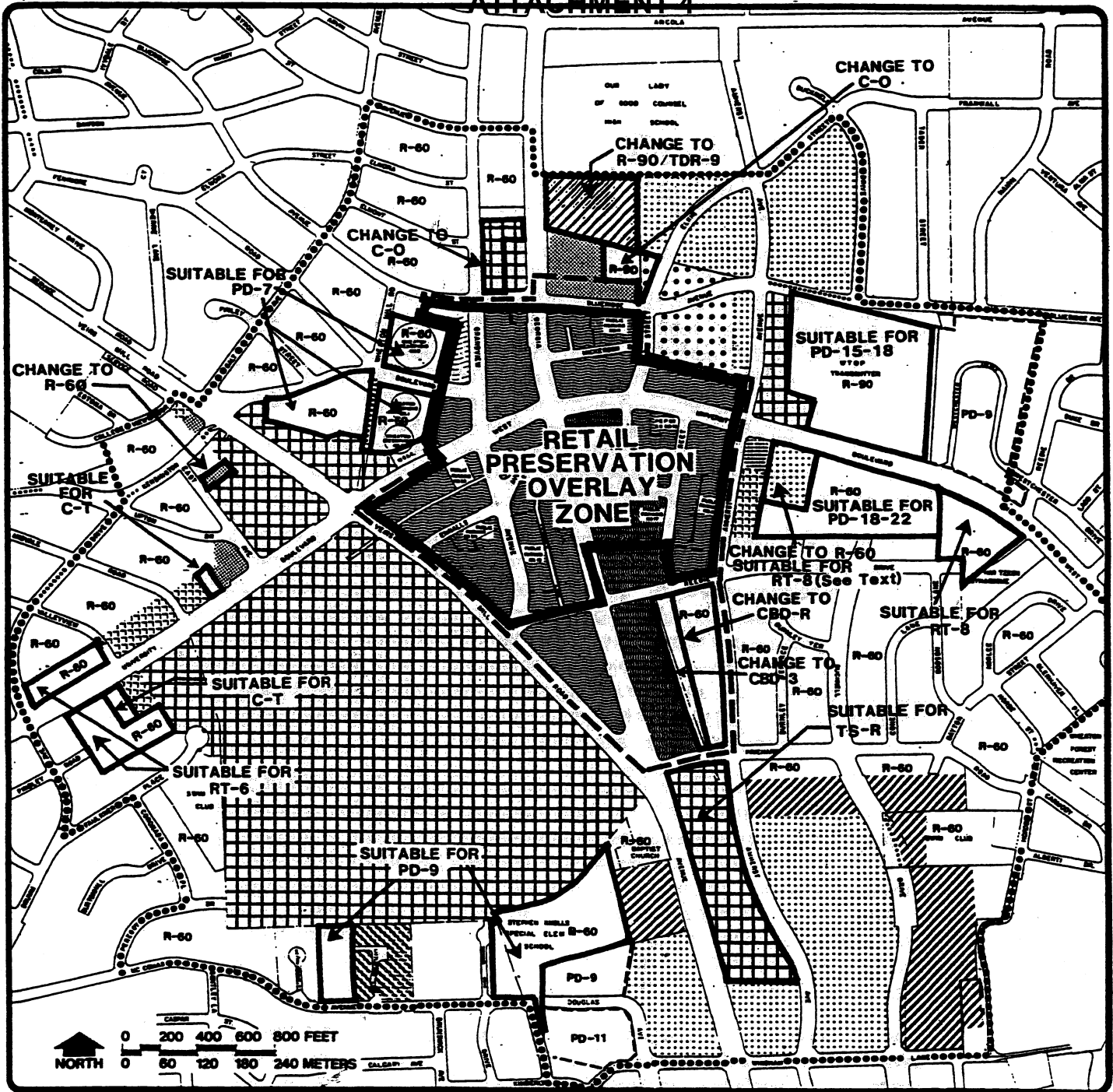
LEGEND

-  Rezoning Case
-  Wheaton CBD
-  Parcel
-  Lake and Pond
-  Stream and River

1 inch = 600 feet
Address: University Boulevard and Findley Road, Kensington



ATTACHMENT 4



PROPOSED ZONING PLAN

- | | | |
|-------------------------------|----------------------------------------|------------------------------------|
| R-90 One Family | R-20 Low Density Apartment | C-1 Local Commercial |
| R-60 One Family | P.D. Planned Development Zone | C-2 General Commercial |
| RT-8 Townhouse | O-M Office Building Moderate Intensity | CBD-1 Central Business District |
| RT-12.5 Townhouse | C-O High Density Office | CBD-2 Central Business District |
| R-30 Medium Density Apartment | C-T Commercial Transition Zone | CBD-3 Central Business District |
| | | Sector Plan Boundary |
| | | Central Business District Boundary |
| | | Dedicated Street Not Constructed |

WHEATON



SEPT. 1990

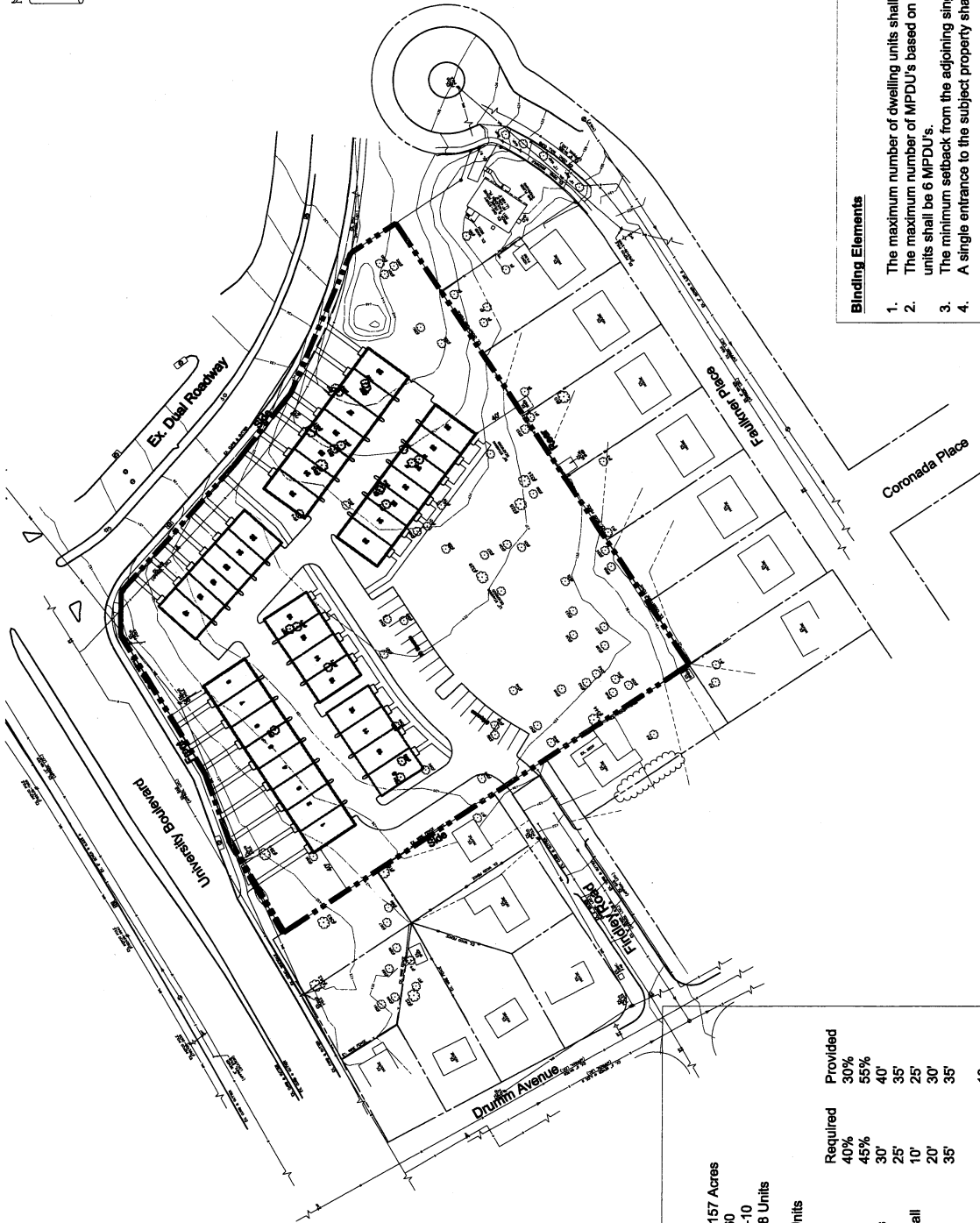
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SECTOR PLAN

KW

PLANNING AREA

ATTACHMENT 5



Binding Elements

1. The maximum number of dwelling units shall be 36 dwelling units.
2. The maximum number of MPDU's based on the maximum number of dwelling units shall be 6 MPDU's.
3. The minimum setback from the adjoining single family lots shall be 40'.
4. A single entrance to the subject property shall be provided by way of Findley Road.

All other features on the Schematic Development Plan are for Illustrative Purposes Only.

Site Analysis

Existing Area
 Proposed Zoning
 Max. Units /Acre @ 12.20
 Total Units Provided
 MPDUs Provided

3.0157 Acres
 R-60
 RT-10
 36.8 Units
 36
 6 Units

Max. Building Coverage
 Min. Green Area Provided
 Min. Setbacks From Detached Units
 Min. Setback From Public Street
 Min. Side Setback from Westfield Mall
 Min. Rear Setback
 Max. Height

Required
 40%
 45%
 30'
 25'
 10'
 20'
 35'

Provided
 30%
 55%
 40'
 35'
 25'
 30'
 35'

Maximum Surface Parking
 Minimum number of Parking spaces per unit (36 X2)

18 spaces
 72 spaces

LESSARD GROUP INC.

8521 LEESBURG PIKE, SUITE 700 | VIENNA, VA 22182

P: 703.760.9344 | F: 703.760.9328 | WWW.LESSARDGROUP.COM



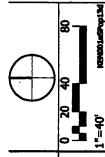
Schematic Development Plan

April 8, 2008

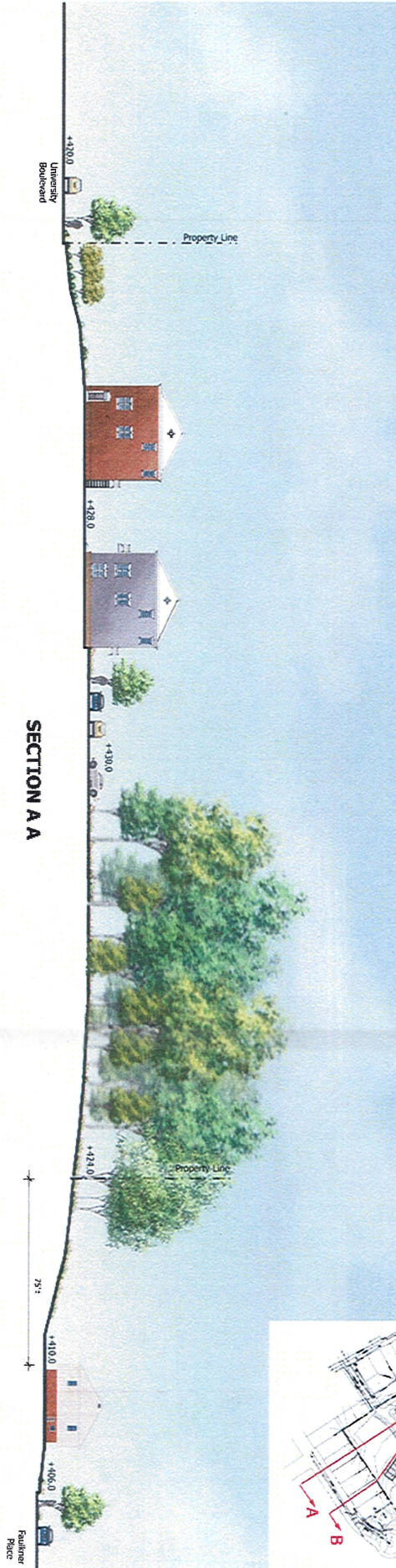
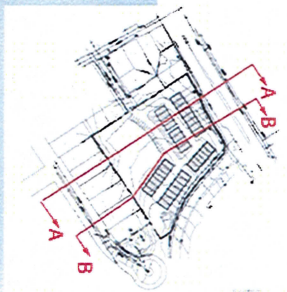
The Residence at University Boulevard
 Montgomery County, MD

Kensington Heights, LLC

KEN.001A.008



ATTACHMENT 6



LESSARD GROUP INC.
 8521 LEESBURG PIKE, SUITE 700 VIENNA, VA 22182
 P: 703.760.9344 F: 703.760.9328 WWW.LESSARDGROUP.COM

SECTIONS

OCTOBER 15, 2008

RESIDENCE AT UNIVERSITY BOULEVARD

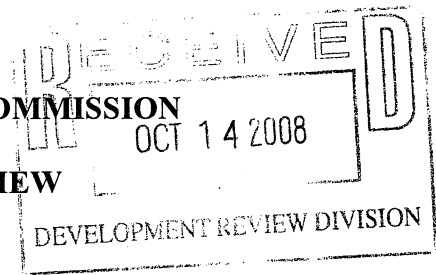
Montgomery County, MD
 Kensington Heights LLC
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ATTACHMENT 7

WASHINGTON SUBURBAN SANITARY COMMISSION

DEVELOPMENT PROPOSAL REVIEW FOR A REZONING APPLICATION



APPLICATION NO.: G-877

DATE: OCTOBER 14, 2008

APPLICANT: KENSINGTON HEIGHTS 2, LLC

LOCATION: W. UNIV. BLVD AND FINDLEY RD, KENSINGTON

COUNTY: MONTGOMERY COUNTY

200' SHEET NO.: 214NW03

PRESENT ZONING: R-60; C-T

PROPOSED ZONING: R-T 10

SIZE OF PARCEL: 131,364.52 SQ.FT.

DWELLING UNITS: N/A

OTHER: N/A

WATER INFORMATION

1. Water pressure zone: 660A & 555B
2. 12-inch water line (contract # 3617, in University Blvd) and 6-inch water line (contract # 4746, in Findley Road) abut the property.
3. Local service is adequate.
4. The impact from rezoning this property would be negligible.

SEWER INFORMATION

1. Basin: Rock Creek and Sligo Creek
2. An 8-inch sewer line (contract no 4376 in University Blvd) and 8-inch sewer line (contract # 4747 in Findley Road) abut the property.
3. Average Flow from the present zoning: 4500 GPD
Average Flow from the requested zoning: 5550 GPD
Average Flow from the proposed development: N/A
4. Rezoning this property would not significantly impact the sewerage system. Downstream gravity sewer system may have existing capacity limitations.

Statements of adequacy/inadequacy are made exclusively for this application at this time. Further analysis of adequacy will be part of the review at the time of application for water/sewer service.

Reviewed by Hansa Desai, 301-206-8816.



ATTACHMENT 8

MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

October 17, 2007

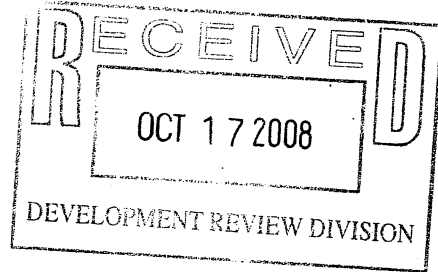
MEMORANDUM

TO: Renee Miller, Analyst
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning *SE*

FROM: David Paine, Coordinator *DP*
Transportation Planning

SUBJECT: Zoning Application G-877
Out Lot B
Wheaton CBD Policy Area



This memorandum is Transportation Planning staff's review of the proposed zoning change to facilitate construction of a townhome development adjacent to the Wheaton Regional mall. With recommendations listed below, we find the transportation network adequate to support the rezoning.

RECOMMENDATIONS

We recommend the following conditions as part of the APF test for transportation, to be followed at the time of preliminary plan:

1. Limit the preliminary plan to 36 Townhouse units.
2. The applicant shall satisfy future State Highway Administration (SHA) and Montgomery County Department of Transportation (DOT) requirements at the time of preliminary plan.

DISCUSSION

The subject property is located adjacent to and immediately west of the Westfield Wheaton Mall along the south side of University Boulevard (MD 193) in the Wheaton CBD Sector Plan area. The applicant proposes vehicle access via Findley Road. Internal vehicle circulation will be on a circular driveway with parking area provided.

Pedestrian access is provided via lead-in sidewalks to the site. The site's proposed pedestrian network and circulation will also be considered at time of preliminary plan and site plan. The site is located approximately 2,300 feet from the Wheaton Metro Station and is also served by both Ride-On and Metrobus transit routes on University Boulevard (MD 193). University Boulevard has sidewalks on both sides.

Master Planned Roadways

The adjacent roadways are listed in the 1989 *Wheaton Central Business District and Vicinity Sector Plan* and 2005 *Countywide Bikeways Functional Master Plan*. University Boulevard (MD 193) is designated as a major, divided highway with a 120-foot right-of-way with six travel lanes. Drumm Avenue is constructed as a

Secondary Roadway Standards with a 60- foot right-of-way and sidewalks on the west side of the road. Findley Road is constructed as a tertiary road standards with a 50-foot right-of-way, without sidewalks.

Local Area Transportation Review

According to the accepted traffic study, the proposed development is expected to generate 17 and 30 additional peak-hour trips during the morning (6:30 to 9:30 AM) and evening weekday peak period (4:00 to 7:00 PM), respectively, as shown in Table 1.

Table 1 – Site Trip Generation

Proposed Land Uses	Proposed	Weekday Peak-Hour Trips*	
		AM	PM
Townhouse Units	36	17	30

* Trip Credit for proximity to Metro was not applied for the LATR test in order to be conservative in measure.

Table 2 shows the resulting critical lane volume (CLV) values for the existing, background, and the total future traffic conditions for the total redevelopment. The intersections in the study area are located within the Kensington/Wheaton Policy Area and have a CLV standard of 1600. The traffic study shows all three intersections projected to pass the policy area standards with total traffic.

Table 2 – Results of Intersection Capacity Analysis

Intersection	Congestion Standard	Weekday Peak-Hour	Traffic Condition		
			Existing	Background	Total
1. University Boulevard (MD193) and Newport Mill Road	1,600	AM	556	556	558
		PM	700	700	702
2. University Boulevard (MD193) and Drumm Avenue	1,600	AM	411	411	425
		PM	548	548	572
3. University Boulevard (MD193) and Valley View Avenue	1,600	AM	376	376	377
		PM	667	667	669

Policy Area Mobility Review

Under the *FY 2007-2009 Growth Policy*, The Kensington/Wheaton Policy area is classified as “acceptable with partial mitigation Policy Area Mobility Review (PAMR). PAMR requires that the applicant to mitigate 15% of their new vehicle trips, calculated as 3 AM peak hour and 4.5 PM peak hour trips. The site-specific trip reduction action by the Applicant to mitigate peak-hour impact comes by way of the site being located approximately 2,300 feet from the Wheaton Metro Station in the Wheaton Metro Station Policy Area (MSPA). Based on the specific Census Tract data (Tract 7038) for Journey to Work, the non-auto driver mode split (NADMS) for Wheaton is 46.1%. The countywide average rate for townhouses is 21.0%, a 25.1% difference. Thus, the townhouse development *at this location* would be expected to generate 25% fewer (8) vehicle trips than the countywide average on which the mitigation is based. The application therefore would mitigate their impact by locating close to higher order transit and significant mixed use development, where non-automobile use is higher.

DP:tc

ATTACHMENT 9

Miller, Renee

From: Crispell, Bruce [Bruce_Crispell@mcpsmd.org]
Sent: Tuesday, October 14, 2008 1:59 PM
To: Miller, Renee
Subject: G-877 Rezoning - "Kensington Heights"

Renne,

This e-mail is sent in response to your request for the school impacts of Rezoning G-877, known as "Kensington Heights." This property is located on the southern side of University Boulevard, near the intersection with Drum Avenue. This rezoning would result in 36 townhouses (of which 6 are MPDUs.) Student generation rates in this portion of the county indicate that this would generate approximately 7 elementary school students, 4 middle school students, and 5 high school students.

This area is served by Rock View Elementary School and Newport Mill Middle School. In addition, the property is within the base area for Einstein High School, which is part of the Downcounty Consortium of high schools. High School students in this consortium are guaranteed they may attend their base area high school (Einstein High School), but may also choose to attend Blair, Kennedy, Northwood, or Wheaton high schools.

Rock View Elementary School is currently over capacity and has an addition planned, scheduled to open in August 2010. Newport Mill Middle School is within capacity and is projected to remain within capacity. Einstein High School is slightly over capacity throughout the forecast period. The current, FY 2009, growth policy school test finds this cluster of schools is under the 105 percent level for elementary, middle, and high school level tests. Therefore, there are no restrictions in FY 2009 on subdivision approvals in this area. The following link will take you to our web site where tables displaying enrollments and school capacities for these schools may be found in Chapter 4 of the Master Plan.

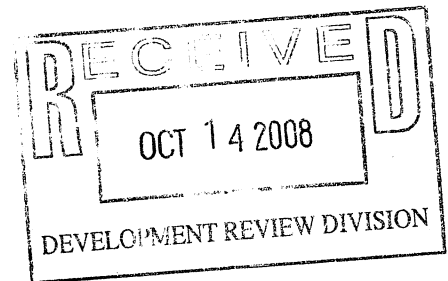
http://www.montgomeryschoolsmd.org/departments/planning/CIPMaster_Current.htm

Let me know if I can be of further assistance.

Bruce Crispell

Director, Division of Long-range Planning
Montgomery County Public Schools
(240) 314-4702 (office)
(240) 314-4707 (fax)

2096 Gaither Road - Suite 201
Rockville, Maryland 20850
bruce_crispell@mcpsmd.org





ATTACHMENT 10

MONTGOMERY COUNTY PLANNING DEPARTMENT THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

October 27, 2008

MEMORANDUM

TO: Renee Miller, Senior Planner, Development Review Division

VIA Khalid Afzal, Eastern Transit Corridor Team Leader, Community-Based Planning Division *KA*

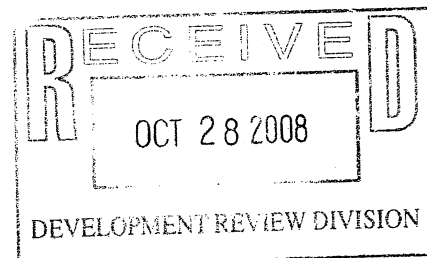
FROM: Sandy Tallant, Planner Coordinator, Community-Based Planning Division *ST*

SUBJECT: Zoning Application No. G-877 - Out Lot B, located at West University Boulevard, and Findley Road in Kensington, Maryland

The Application to rezone approximately 3.0 acres from C-T and R-60 to R-T-10 lies within the 1990 Sector Plan for the Wheaton Central Business District and Vicinity, (Wheaton Sector Plan). The Community-Based Planning Division comments on this rezoning are as follows:

1. The zoning application request for the RT-10 Zone is inconsistent with the Wheaton Sector Plan, which recommends that a small portion of this R-60 property could be rezoned to C-T and the rest to the RT-6 Zone if parcels fronting University Boulevard are assembled, (page 46 and 47). Staff believes that there is no significant change in the land use or the development pattern of the area since the adoption of the Wheaton Sector Plan in 1990 that would render the Sector Plan recommendation of RT-6 zoning for this property invalid.
2. Staff also points out that as of September 4, 2008, the Montgomery County Planning Board directed staff to prepare a comprehensive update to the Wheaton Sector Plan. During the development of this plan staff will be reviewing the zoning within the planning area which includes Out Lot B. Staff believes that any rezoning of this property other than that recommended in the Wheaton Sector Plan should be done as part of the overall Wheaton Sector Plan comprehensive update.

KA:ST:tv: M:/Afzal/Wheaton/Rezoning/G-877





MEMORANDUM

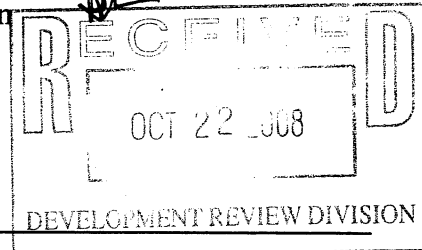
TO: Renée Miller, Development Review Division

VIA: Mark Pfefferle, Supervisor, Environmental Planning Division *MP*

FROM: Amy Lindsey, Environmental Planning Division *AL*

DATE: October 21, 2008

SUBJECT: Zoning Application G-877
 Kensington Heights



The Environmental Planning Division recommends approval of zoning application G-877 subject to the following condition:

1. Submission of a forest conservation plan with the preliminary plan of subdivision that indicates maximization tree retention and planting to create an urban forest.
2. Submission of a noise analysis with the preliminary plan of subdivision indicating existing baseline noise conditions, 20-year future conditions, and methods to mitigate the noise impacts.

DISCUSSION

The 3.02-acre property is located west of the Westfield Wheaton Shopping Malls entrance on University Boulevard in the Wheaton. The property is within the Wheaton Central Business District (CBD) and the applicant proposes to rezone the property from R-60 to R-T 10 and construct 36 townhouse units and associated infrastructure. There is 1.02 acres of existing forest on the subject site. There are 16 trees 30 inches in diameter and greater on the property with most of the large trees located within the existing forest. This property has the largest remaining forested area within the Wheaton CBD Master Plan area. There are no streams, wetlands, or any associated buffers onsite. The property is within the Rock Creek watershed; a Use I/I-P watershed.

Zoning Ordinance

A Development Plan is not required for this rezoning application but the Schematic Development Plan must meet the specific findings for the applicable zone. Section 59-C-1.7 contains the development standards for the R-T zones. Since the proposed plan includes moderately priced dwelling units, the development standards of 59-C-1.74 apply. Section 59-C-1.74 (d) states

If necessary in order to accommodate the increased density:

- (1) *The percentage of green area may be reduced to not less than: 45*

The schematic development plan meets this standard by proposing to maintain 55 percent of the property as green area. This percentage may be decreased through the development process due to the addition of facilities like stormwater management, which are excluded from the definition of green area. However, this property should still be able to achieve this development standard.

Staff recommends maximization of the percentage of property devoted to green areas.

Environmental Guidelines

The site does not include any streams, wetlands, or floodplains or associated buffers on the property. There are no steep slopes or highly erodible soils on-site. This property is not within a Special Protection Area or Primary Management Area.

Forest Conservation

Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) # 420072150 was approved on June 27, 2007. This property is subject to the Montgomery County Forest Conservation Law and requires the submission of a forest conservation plan with the preliminary plan of subdivision. The property has 1.02 acres of existing forest that is designated a moderate priority for retention.

The Schematic Development Plan shows a green area approximately 0.34 acres in size that is currently forested. Given the location of this project staff recommends that an urban forest strategy be utilized that maximizes tree cover on the forest conservation plan.

Stormwater Management

The Department of Permitting Services (DPS) has not approved a stormwater management concept plan for this project. The stormwater management concept plan is required at the time of preliminary plan approval. It is unknown what impact storm water management will have on the proposed green space.

Noise

This property is located along a section of University Boulevard with high rates of speed and traffic volume. The applicant will have to submit a noise analysis with the preliminary plan of subdivision. Site design techniques should be used to minimize the impact of noise on outdoor living spaces. Interior noise levels must meet the 45 dBA Ldn standard.

Green Building

This project will is not required to comply with County Council Bill 17-06, Montgomery County Green Buildings Law.

Water Quality

The subject property is located in the Kensington Heights Branch sub watershed of the Rock Creek watershed, a Use I/I-P watershed. The *Countywide Stream Protection Strategy* (CSPS) assesses this tributary as having poor overall conditions. The sub watershed is designated a Watershed Restoration Area. The CSPS recommends comprehensively examining and addressing stormwater retrofit, stream restoration and habitat improvement opportunities.

RECOMMENDATION

Given the urban, highly impervious nature of the planning area, the remaining natural areas take on additional importance, mitigating effects of urban development. Some of the environmental benefits of retained forest/tree cover and planted areas include reduction of "heat-island" effect, stormwater recharge and filtration, and both carbon storage and sequestration. Staff believes that development of this property represents an opportunity to maximize the amount of urban forest through the protection of existing trees and planting of additional canopy trees.

ATTACHMENT 12

Montgomery County Department of Parks - Park Planning & Stewardship Division



MEMORANDUM

TO: Renee Miller, Development Review Division

VIA: Brenda Sandberg, Legacy Open Space Program Manager

FROM: Dominic Quattrocchi, Park Planning and Stewardship

DATE: October 15, 2008

RE: Legacy Open Space Nomination: (Kensington-Outlot B, 3.02 acres, 03550751, R60)

Recommendation

Staff does not recommend adding Kensington-Outlot B to the Legacy Open Space program at this time.

Background

This site was nominated for consideration by the Legacy Open Space (LOS) program as an Urban Open Space resource. The nomination was received in January, 2008, from Donna R. Savage representing the Kensington Heights Citizens Association. The application nominates the site as an urban open space that meets the following Legacy Open Space criteria:

5. The Resource provides human or ecological connectivity between significant park, natural or historic areas and/or corridors.
8. The Resource provides a significant opportunity (a) to increase access to public open space in communities with high population densities, (b) to protect scarce open space in an urbanized community, (c) to improve the character of a green boulevard of countywide or regional significance

Analysis

M-NCPPC staff does not feel the property warranted a full review at the time. The potential for meaningful dedication of open space through development review or future park acquisition as part of redevelopment of the Wheaton Mall minimize the merit or need of this property for future public open space. In addition a recent Planning Board decision (17JAN2008) of the Montgomery College of Art and Design on Georgia

Avenue (a similar scenario to Kensington-Outlot B, with stronger merit of LOS designation) were considerations in not fully vetting Outlot B.

Staff walked Outlot B on 21FEB2008 and found significant invasive plants species in sparse woods that would rate low priority for retention. Some good quality specimen trees did occur but were generally along the property edge, with the potential to be incorporated in future development scenarios. Several active or recently active "homeless" camps were noted.

The overall philosophy of Legacy Open Space is to identify resources of exceptional countywide significance for preservation efforts: those that "rise above the rest."



Kensington Heights Citizens Association

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www.kensingtonheightsweb.com

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□ □ □ □ □ □ □

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(see Web site)

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Christina Sarlo (online)
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Shirley Roberts (print)
301-962-4986

Fire and Safety

Shirley Fraser
301-962-0787

Shirley Harding
301-933-0513

Advised with:

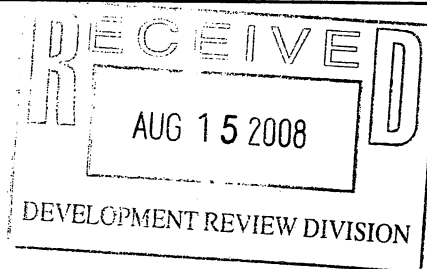
1 Civic Group
1000 Citizens of Kensington
Communities
1 Civic Federation
1000 Citizens Coalition

Recipient of the 1998 Wheaton-
Kensington Civic Association Award

represents 717 single-family
homes in Kensington, Maryland.

August 12, 2008

Renee M. Miller, AICP
Planner, Development Review Division - Zoning
M-NCPPC
8787 Georgia Ave.
Silver Spring, MD 20910
via U.S. mail and fax: 301-495-1306



re: Zoning Application #G-877, Outlot B, Kensington Heights

Dear Ms. Miller:

The Kensington Heights Citizens Association, first constituted in 1954, represents 717 single-family homes and is an active member in the Montgomery County Civic Federation and the Coalition of Kensington Communities. For the record, the Kensington Heights Citizens Association objects strongly to the rezoning application for Outlot B filed by Sterling Mehring d/b/a Wheaton Land Investment LLC. A summary of our objections follows.

We would prefer this 3-acre property be developed at its current zoning of R-60, single-family homes. However, we would support rezoning to the Master Plan recommendation of RT-6 because this change would provide the community benefit of preserving green space and visual screening by enabling new construction to be concentrated on the less densely wooded portions of the lot.

Compatibility. As proposed, upzoning to RT-10 and construction of 36 townhomes will not be compatible with the rest of Kensington Heights, of which this development will be a part and which Outlot B borders on its west and south. Surrounding Outlot B for several blocks in Kensington Heights are a variety of single-family detached residences, all in the R-60 zone. In addition, most of Outlot B is elevated about 20 feet above the grade of adjacent homes, so that the proposed 36 townhomes would tower over the existing 1-2 story homes in our neighborhood. Furthermore, development of this property at the proposed density would significantly reduce the screening effect of the mature trees that provide a buffer between the current residences and University Boulevard and the neighboring shopping mall.

KHCA would support rezoning to the Master Plan recommendation of RT-6 for several reasons. At six dwelling units per acre, rezoning Outlot B to RT-6 would ensure compatibility with the rest of the neighborhood while maximizing green space and retaining mature trees on this site, as well as allowing for correct siting of the townhouses to take full advantage of visual screening possibilities and to prevent stormwater runoff problems for neighbors.

Traffic. Traffic generated by the proposed residential units would have a decidedly negative impact on the utility and safety of existing residential streets. There is limited stacking capability on Drumm Avenue at University Boulevard. With cars parked on both sides of Drumm Avenue because few of the houses have driveways, there is only one lane available for moving traffic. Delivery trucks and emergency vehicles, including those that service the nursing home at the corner of Drumm and McComas avenues, routinely enter into and exit from Kensington Heights via Drumm. Exiting Kensington Heights by Drumm Avenue, which is one of our primary exit routes, is dangerous at present, with a limited line of sight westward on University Boulevard. In particular, we understand that all of the traffic from the proposed 36 residences in this development would be funneled onto the portion of Findley Road that is east of Drumm Avenue, a small residential street that now serves only 4 homes on R-60 lots, thus dramatically increasing the traffic impact on these residents.

Stormwater management. Upzoning to RT-10 and construction of 36 townhomes will pose a significant stormwater management problem, given the large impervious area proposed. The concern is especially significant for residences on Faulkner Place, which back onto a steep hill leading up to Outlot B.

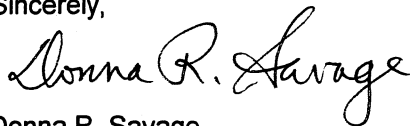
Legacy Open Space application pending. On September 26, 2007, we officially requested that Outlot B be considered for the Legacy Open Space program (please see attached letter). As Kensington and Wheaton experience increasing development in the years ahead, green space will be at a premium. Outlot B presents an opportunity to preserve some green space in the midst of an ever-increasing "landscape" of buildings, pavement, and roads. As far as we know, our application is still pending.

Meetings with the developer. We have had multiple meetings with Mr. Mehring and his colleagues during the past 1½ years. The KHCA executive committee first met with Mr. Mehring on February 8, 2007, and again on March 13, 2007. The Outlot B Working Group of the KHCA Land Use Committee has met with him twice to discuss issues – on May 23, 2007, and January 9, 2008. At our request on July 23, 2007, and prior to the filing of any papers, Councilmember Valerie Ervin brokered a meeting between the developer and Kensington Heights that occurred on October 30, 2007. At all of these meetings and in all correspondence with Mr. Mehring, we have made it clear that our primary concern is the proposed density and the many ways in which building that many homes would negatively impact our community.

During all of the meetings KHCA held with Mr. Mehring, he was not able to identify why it would be appropriate to change the zoning so as to roughly double the density on Outlot B, in light of (1) the number of townhomes, condominiums, and apartments in nearby Wheaton that have been built in the last few years; (2) the large projects currently under development (at the HOC apartment complex and the Centex Good Counsel development); and (3) other projects that may begin construction shortly, such as the Avalon Bay project (corner of Blueridge and Georgia avenues in Wheaton) if it is approved by the Planning Board. There simply is no showing that the need, if any currently exists, for more housing in the Kensington-Wheaton area would be appropriately met by imposing a substantial increase in the designated zoning for Outlot B, especially in light of the other existing problems detailed in this letter.

Thank you. We look forward to working with you on this rezoning application case.

Sincerely,



Donna R. Savage
Land Use Chair, KHCA
10804 McComas Ct.
Kensington, MD 20895



Aaron Garnett
Outlot B Working Group Chair, KHCA
2931 Findley Rd.
Kensington, MD 20895

Enc.



Kensington Heights Citizens Association

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September 26, 2007

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301-949-6903

Dr. Royce Hanson
Planning Board Chair, M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

via fax: 301-495-1320

COPY

Re: Outlot B, Kensington Heights

Dear Dr. Hanson:

We respectfully request that the parcel of land known as "Outlot B" in Kensington Heights be considered for inclusion in the Legacy Open Space program.

Description of Outlot B. This parcel of land is approximately 3 acres in size. It is located in the northeast corner of Kensington Heights, at the corner of University Blvd. West and the entrance to Westfield Wheaton that is across from Valley View Drive. There are no structures on this property and it is partly forested and partly open field (the part nearest both roads is open). Immediately adjacent to this property on the east is Westfield Wheaton, on the north is University Blvd., and on the west and south are R-60 single-family residences. The vast majority of this land is currently zoned R-60.

Current Ownership of Outlot B. Outlot B was acquired by the original owners of Wheaton Plaza and was included (along with 3 other R-60 properties in Kensington Heights) in the sale of the entire mall to Westfield in the 1990s. Within the past year, Westfield sold Outlot B (plus the other 3 properties) to Avalon Bay, which quickly sold these parcels to Sterling Mehring, a developer who lives in Silver Spring. Mr. Mehring's corporation, Kensington Heights 2 LLC, is the current owner.

Reasons for Considering Outlot B for LOS. For more than 10 years we have been suggesting to this property's various owners that it would be a wonderful site for a park. Wheaton Plaza/Westfield Wheaton is a vast area of buildings and asphalt and vehicles, with scant greenery. There is no real support and encouragement for pedestrians, other than a cement sidewalk between an asphalt ring road and asphalt parking lots. As downtown Wheaton, beyond the Westfield mall, transitions to a denser urban area, there will be less green space and fewer opportunities for pedestrians to relax during their hectic days.

What We Envision. We would like this 3-acre site to become a green park – with tree, shrub, and flower plantings; benches; and maybe a gazebo in the center of the open area. A meandering path or two, with attractive solar lighting, would help pedestrians get from University Blvd. to the mall. In addition to neighborhood pedestrians, we also envision this park as a place for employees of the mall to take their breaks in the fresh air. Perhaps this park could be a public-private partnership; for example, it could be called "Target Park" if Target provided a significant portion of the purchase and upkeep funds. (Target is very close by – just across the mall's ring road from this acreage.)

We would be happy to discuss this parcel further with you and/or your designee, and to tour it with you as well. Please let us know how we can move Outlot B further along in the LOS consideration process. Thank you.

Sincerely,

Donna R. Savage
KHCA Land Use Committee
10804 McComas Court, Kensington 20895
<Donna@IntelligentFingers.com>

cc: Khalid Afzal, M-NCPPC, and Natalie Cantor, Director, Mid-County Regional Center

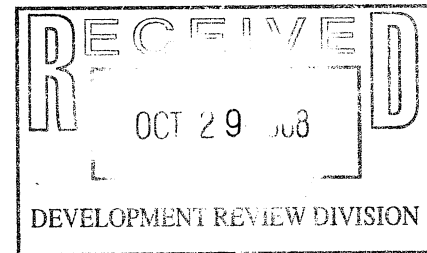
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Kensington Heights Civic Association
Kensington Communities
Civic Federation
Kensington Citizens Coalition

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represents 717 single-family homes in Kensington, Maryland.

ATTACHMENT 14

To: Renee M. Miller, AICP
Planner, Development Review Division – Zoning
M-NCPPC
8787 Georgia Avenue, Silver Spring, MD 20910



From: Virginia Sheard, Kensington View Civic Association Land Use and Zoning Committee

Ref: Local Map Amendment No. G-877, Outlot B

Members of the Kensington View Land Use and Zoning Committee strongly support the Kensington Heights community in opposing the above referenced application for rezoning of the 3+ acre Outlot B at the corner of University Boulevard and the access road into the Wheaton Mall.

The existing Wheaton Sector Plan provides two viable options for development of this parcel, either under the current R-60 single family detached homes (18 units) or optionally, as RT-6 (18 townhouses clustered to result in more open space).

This application requests a much higher density through the local map amendment process which should be only discussed within the context of the revision of the Wheaton Sector Plan which is currently underway. At this time, the Local Map Amendment process should not be used as a convenient rezoning tool unless there is a time sensitive compelling and demonstrable public need or benefit. The requested rezoning should be considered only as part of the discussion of the Wheaton and vicinity area as an integrated plan for accommodating future projections of need and implementing the boulevard sidewalk and landscaping design principles for boulevards and streets are developed within this revision process.

The application suggests that the increased density will contribute to the area-wide goal of 550 new units mentioned in the current Plan. The Good Counsel site, mixed use development at Georgia and Blueridge Avenues, apartments on Reddie Drive at Georgia Avenue, redevelopment of the church site at Pritchard and Georgia Avenue, redevelopment of the Safeway site on Georgia Avenue, and other potential mixed use development within the immediate CBD area will substantially provide for new housing needs. Careful consideration must be given to providing a diversity of housing as well as to how to transition from an increasing high density use to existing low density neighborhoods.

Our more important concerns are:

- Local map amendments to the Wheaton Sector Plan area at this time should only be discussed in the Sector Plan revision process which is currently underway.
- The subject lot is positioned to be a transition between the existing low density single family homes and the traffic, noise, and lights of the mall. The recommendations of the existing Sector Plan adequately provide for an increased density without creating a burden on the existing community. The requested density far exceeds these recommendations and would adversely affect the existing residents of Findlay with excessive traffic and activity.
- The proposed density requires that front yards and entrances for more than half of the units are on major traffic thoroughways (University Boulevard and the Mall access road), effectively

reducing their functional use. Actual entrances would likely be through garages and back doors. In addition, non-resident, parking would be in the rear of these units requiring visitors and delivery services to park in marked spaces and walk along the front sidewalks on University and the access road to the target unit.

The quality of lifestyles presumed by new development must be considered. A similar development on the Wheaton Lumber site seems to be successful but has experienced a continuing pattern of changing ownership. Also that site at Grandview and Blueridge is not confronted with the much higher volume of traffic that is typical on University Boulevard and the mall access road and projected to substantially increase in the future.

- Under the existing development options of R-60 or RT-6, a well planned site could accommodate approximately 18-20 units in a self-contained residential layout with all units fronting into the community, a continuous sidewalk network, and would promote interactivity and the development of a cohesive small neighborhood. Circulation within the proposed rezoned development would be very tight and marked by driveways rather than continuous pedestrian friendly sidewalks.
- The application proposes that all vehicular traffic would enter and exit from Findlay Road, onto Drumm Avenue (platted at Warner Avenue in 1946), to University Boulevard. Findlay is a tertiary road, 50' wide, where residents park on both sides of the street. Drumm Avenue is also a tertiary road and functions as a major access/exit road for a large part of Kensington Heights as well as the primary access/exit for emergency vehicles serving the nursing home on McComas Avenue. Residents of Drumm park on both sides of the street. Accessing University from Drumm is increasingly becoming a waiting game as the traffic volume on University increases well beyond peak hours and is dramatically affected by holiday mall traffic coming up University from Kensington.

Vehicles from the proposed density would use Drumm to access University to go to Wheaton or go to the light at Valley View, make a U-turn to go towards Kensington if there is no break in traffic to go directly across and make a left turn, stacking on Drumm waiting to access University, adversely affecting the existing neighborhood traffic.

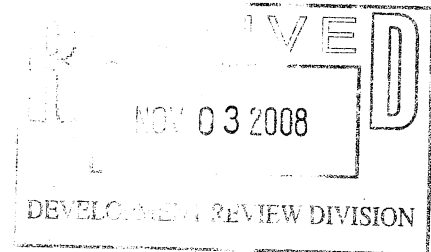
Virginia Sheard, KVCA Land Use and Zoning Committee
301-949-3372

Copy: Khalid Afzal, Community-Based Planning Division
Françoise M. Carrier, Office of Zoning & Administrative Hearings

ATTACHMENT 15



October 31, 2008



Montgomery County Planning Board
c/o Renee Miller, Development Review staff
(Renee.Miller@mncppc-mc.org)

SUBJECT: Limited Map Amendment No. G-877 - applicant: Kensington Heights 2 LLC

Based on a position of record in support of adherence to master plans, the Montgomery County Civic Federation supports the rezoning into the RT-6 Zone of the site which is the subject of Limited Map Amendment application Number G-877 (referred to as "Kensington Heights 2 LLC"). We offer this support for the following two reasons--

- The RT-6 Zone is recommended for this site in the applicable master plan.
- The 6 dwelling unit per acre density of development allowed in the RT-6 Zone [see County Code Sec.59-C-1.731(b), RT-6 Development Standards--Density] is the townhouse category density that is most compatible with the 6.10 dwelling unit per acre density allowed in the R-60 single-family detached home neighborhood in which the site is located [see County Code Sec.59-C-1.622, R-60 Development Standards--Density].

We trust that Planning Board members will consider these comments when evaluating this rezoning matter prior to adopting a recommendation to the District Council. Thank you.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Jim Humphrey".

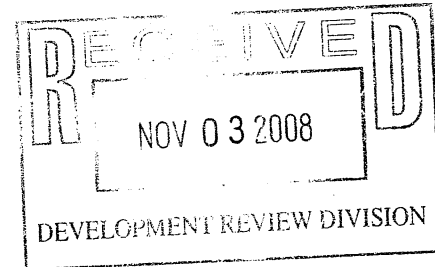
Jim Humphrey
Chair, MCCF Planning and Land Use Committee
(301)652-639 day/evening/weekends
email - theelms518@earthlink.net

ATTACHMENT 16

**Karen Cordry, Esq.
10705 Torrance Drive
Silver Spring, MD 20902**

October 31, 2008

Dr. Royce Hanson
Chairman, MC Planning Board
M-NCPPC
8787 Georgia Ave.
Silver Spring, MD 20910
via fax: 301-495-1320



re: Rezoning Application #G-877 (Outlot B, Kensington Heights)

Dear Dr. Hanson:

I write this letter with respect to the rezoning request for the project referred to as Outlot B, located in the northeast corner of Kensington Heights. I am the Treasurer for the Kensington Heights Citizens Association (KHCA); Outlot B is located within our boundaries. I am also currently the Chair of the Wheaton Redevelopment Advisory Committee (WRAC) and am a member of the Ad Hoc Joint Sector Plan Group that is currently working with Park and Planning staff on the Sector Plan for the Wheaton area. In those capacities, I have been involved with the issues confronting KHCA as well as the broader planning concerns arising from the efforts to redevelop Wheaton in a way that will be sensitive to the needs of its existing residents and businesses in planning for future growth.

The current proposal for development of Outlot B requests a change from the existing R-60 zoning (allowing a maximum of 18 single-family detached homes on the parcel), not just to RT-6, which would allow for the same number of townhouses, but to RT-10, a doubling of the existing density allowed. The developer's plan requests the right to build 36 townhouses on a plot of little more than 3 acres. Outlot B now is completely undeveloped, with trees over much of the property. It is one of only two areas of undeveloped land in direct proximity to the downtown area that is being reviewed under the current Wheaton Sector Plan process. (The other parcel, often colloquially referred to as "Mount McComas," is located on the south side of the Wheaton shopping mall and is owned by this same developer.) Placing 36 townhouses on only 3 acres, when combined with the roads and sidewalks attendant thereto, will leave little room on the property to retain any of that green space.

As a member of KHCA, WRAC, and the Working Group, I believe there are serious concerns with this proposal, not least of which is the significant potential for conflict between this proposed change and the potential results of the Wheaton Sector Plan process. Attached hereto is the Planning Statement developed through the Working Group and adopted by WRAC and the Wheaton Urban District Advisory Group (WUDAC). Several points of note in the Statement conflict with this rezoning request. It states that limits for density should be imposed that would provide appropriate transitions from the urban core to established residential areas (Par. IIE). Similarly, it states that a goal is to preserve the character of existing residential neighborhoods from encroachment by higher-density development. (Par. IJJ). Currently, the south side of University Boulevard from the shopping mall west to the Town of Kensington is comprised solely of single-family detached homes with lots of 1/6 acre or more. This proposal would not only change the nature of the buildings allowed – from single family homes to attached town homes – but would also double the density compared to the surrounding area. Such an abrupt transition would be inconsistent with both of the stated principles and is precisely the sort of encroachment by higher-density development that the Statement counsels against.

Another concern is the impact on the green space in the community that would result from the placement of 36 new homes on this small area. Par. II(I) and IIG of the Statement point to the need to preserve existing green space in the Wheaton Central Business District (CBD) and the surrounding areas and to expand that green space. There is almost no green space currently available within the CBD and little ability to create such space except by way of large projects that would remove existing structures. This 3-acre parcel, on the other hand, would provide much-needed green space as Wheaton grows.

The neighborhood would prefer that Outlot B remain totally undeveloped and become part of the Legacy Open Space program. Outlot B was nominated to the LOS program by way of KHCA's letter to you dated September 26, 2007; KHCA has not heard officially whether Outlot B has been accepted for LOS designation. However, even if Outlot B is not eligible for LOS designation, the need for green space surrounding downtown Wheaton strongly counsels against approving the applicant's request for added built density of any kind.

The neighborhood has been willing to accommodate the developer's plan to the extent that he seeks to change the zoning from R-60 to RT-6. Allowing a limited number of townhouses, while concededly somewhat inconsistent with the surrounding neighborhood, would allow those units to be clustered and would preserve the maximum amount of open/green space. However, doubling those levels, as requested by the applicant, would be highly inconsistent with the Sector Plan principles developed by the community – and with the same sentiments repeatedly expressed in the various community meetings conducted by Park and Planning staff in April and September of this year.

While the Wheaton Sector Plan principles have not yet been formally adopted by the Planning Board and the County Council, they appear to be consistent with the approach taken throughout the County in the sector planning process. Assuming the likelihood that these principles will be adopted, it would be unwise to approve requests at this time that have the strong potential to conflict with the final outcome of the process. In addition, in light of the current economic downturn, the numerous other residential projects already in development in the Wheaton area, and the glut of housing on the market, there seems to be no need to rush forward a project of this density at this time.

Accordingly, in light of the substantive and procedural concerns noted above, I urge the Planning Board *not* to approve this request.

Sincerely,



Karen Cordry

copy: Françoise M. Carrier, Hearing Examiner, fax: 240-777-6665
Renee M. Miller, Planner, fax: 301-495-1306
Donna R. Savage, KHCA Land Use Committee Chair, fax: 301-942-3329
Martin Klauber, People's Counsel, fax: 240-777-9705
Steve Robins, applicant's attorney, fax: 301-347-1778

Wheaton Redevelopment Advisory Committee Goals for Wheaton's Redevelopment

The Goals were approved by the Wheaton Redevelopment Advisory Committee (WRAC) on September 17, 2008, at their monthly meeting. Meetings, regularly scheduled for first Monday of the month, are open to the public and all are encouraged to participate.

Notice: The Planning statement found below represents discussions conducted among members of the Ad Hoc Joint Sector Plan Group. ("Ad Hoc") The Ad Hoc Committee has no vested authority and exists solely to provide information to Wheaton Redevelopment Advisory Committee (WRAC) and the Wheaton Urban District Advisory Committee (WUDAC) as they address Sector Plan issues in their respective committees. Current Ad Hoc membership consists of representatives of both WRAC and WUDAC, as well as members several of local civic and neighborhood associations.

I. Our vision for Wheaton redevelopment:

To create a vibrant community that is economically and environmentally sustainable, that attracts and integrates new development, that builds on the value of the existing businesses, and that maintains the small hometown feel of our residential surroundings.

II. Our goals to implement that vision:

We want:

- A. Wheaton to be a destination for the outside world and a place where its existing residents want to live, work, and play.
- B. New buildings and amenities that will make Wheaton that "destination."
- C. To decide on a "theme(s)" for Wheaton that reflects its existing strengths – its ethnic diversity, its eclectic small business community, and its "crossroads" location – and these added goals as the basis for marketing Wheaton to new businesses, residents, and visitors.
- D. To work from the theme(s) to identify and develop anchor institutions that will provide the trigger for the development and amenities that we want to see throughout the Wheaton Urban District ("WUD").
- E. The building envelope of the WUD to set reasonable limits for heights and density levels that step down from the center out, and that provide for appropriate transitions from the urban core to established residential areas.
- F. Transit-oriented, mixed-use development that provides additional space for living, working, and shopping in Wheaton while minimizing the need for more auto traffic through and within Wheaton.
- G. To put a high priority on ensuring safety for pedestrian and bikers and to create pedestrian and biker-friendly access to the entire WUD, including Westfield.
- H. To retain existing and encourage new small businesses as street-level components of mixed-use high-density development in the Central Business District ("CBD"), as well as in lower-density business areas through the rest of the Urban District.
- I. To expand the green spaces within the WUD and determine how best to link them to each other and to other green space outside the WUD, such as the Wheaton Regional Park and other neighborhood park space.
- J. To preserve the character of existing residential neighborhoods and protect them from encroachment by higher-density development, either directly or by overflow effects from added traffic, parking, and noise.

III. What Specifically Do We Want?

We want:

- A. To develop existing Parking Lot 13 and the surrounding areas as the "Town Centre" for the new Wheaton.
- B. The street levels of the Town Centre to be interactive (i.e., retail/restaurant) space, with office and/or housing space on the upper levels.
- C. Consideration of added amenities for inclusion in the WUD development planning process. The following are examples of desirable additions that should be reviewed for inclusion.
 - 1) Hotel
 - 2) Arts/Entertainment related activities
 - Theater
 - Art Galleries
 - Meeting Rooms
 - Auditorium
 - Living/working space for artists
 - Museum space
 - 3) Multifunctional library (characteristics and size to be determined)
 - 4) More bookstores (speciality and/or mega stores)
 - 5) More and greater diversity of restaurants (such as outdoor cafes, breakfast locales, coffee shops, specialty restaurants, etc.)
 - 6) More and greater diversity of retail businesses ranging from "small, quirky" businesses (i.e., the 14th/U Street Corridor example) to national changes that are requested in market survey – our goal is to maintain the best of what we have now and to add a diverse range of new businesses.
- D. Well-designed parking structures located in convenient proximity to the Town Center and other WUD activities with the amounts determined by the needs of a balanced transit-oriented design planning process.
- E. Better signage, walkways, and bike paths throughout the WUD, with attention paid to handicapped access, and way-finding signage to attractions in and outside the WUD.
- F. Additional, mixed use office/retail/residential development in the CBD as a building block for the economic density needed to support these amenities in sizes and locations that are consistent with the building envelope developed through the sector plan process.
- G. More green space (public and private) within the CBD as part of the Town Centre and surrounding areas, and as an integral part of the authorization for new construction.

IV. What Do We Want the New Space to Look Like?

- A. The Town Centre should be defined by special design and landscaping treatment, such as visitor seating, green spaces, night lighting effects, public events spaces, as well as inviting space for daily usage. Visitors approaching from surrounding roads, the Pedestrian Gateway, and the Metro should have the sense they are entering a special space. The design should integrate the Town Centre with the surrounding mixed-use developments, the Wheaton Triangle roads and the Westfield mall.
- B. The Town Centre and other new substantial developments should demonstrate high architectural design and meet LEED standards for "green" building. They should include the use of rooftop spaces as additional open space and provide recreational amenities. Rooftop green spaces should be in addition to, not in lieu of, green spaces required at ground level. Street level facades should be open, inviting, and on a human scale to ensure a flow between the building interiors and the public space.

- C. Furniture and other fixtures both in the CBD and throughout the WUD, such as benches, chairs, fountains, signage, street lamps, bollards, paving, banners, and other elements, should be unified under the "themes" noted above for the Town Centre and other public spaces in the WUD.
- D. High priority shall be devoted to enhancing the experience for pedestrians and bikers both in the vicinity of the Town Centre and throughout the WUD through features such as inviting window space at street level, wide sidewalks that allow for outdoor cafes, landscaping buffers between road traffic and bike paths and pedestrian walkways, well-designed lighting that is visually appealing while minimizing leakage to the night sky, and the like. Design standards shall place high priority on increasing pedestrian and biker safety particularly with respect to the Wheaton Triangle state roads.

V. What do We Need to do to Get There?

We need to:

- A. Review the existing zoning for the Westfield Shoppingtown Mall as the initial step towards integrating this major retail area into the urban core.
- B. Review the boundaries of the CBD, the WUD, and the Wheaton sector plan area to determine whether they should be expanded, limited, or revised to ensure that all necessary areas are being considered and brought into the planning process at the same time.
- C. Identify likely areas/timing of development activity: Avalon Bay, Safeway site, Metro Bus Bays, Parking Lot 13, other Urban District areas (i.e., Royal Mile Pub area; University Blvd. from Georgia Avenue to Amherst Ave; Georgia north of University Blvd., Westfield, etc.
- D. Determine how development process will likely progress through those areas; how will completing early ones open up space and opportunity for later projects, what are the Define appropriate building profiles for those areas?
- E. Identify existing limits on building heights and density and determine how they correlate to acceptable building envelope developed above. Work with Sector Plan process to revise obsolete limits.
- F. Decide on and prioritize the amenities we want and determine what added commercial and residential development will be needed to support those amenities. Which amenities can be self-sustaining or sustaining on an interrelated basis with other amenities, which would need to be paid for by public funds, and which would be paid for by developers as a tradeoff for added density. Determine which trade-offs are desirable and acceptable.

Example – multi-purpose rooms and auditorium that could be used for business meeting center during the day and for entertainment activities at night; meeting center would support local restaurant catering business and provide a base of support for hotel. Complex could be largely self-sustaining.

Example – library – could be paid for by public funds or could be paid for by allowing added office space at appropriate mixed use site.

Example – Art galleries/living space for artists could start with below-market rent, subsidized from county or building developers, and graduate to market rates over time