



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

MCPB
Item #
10/29/09

October 19, 2009

MEMORANDUM

TO: Montgomery County Planning Board

FROM: Damon B. Orobona, Senior Zoning Analyst *Damon*

VIA: Rose Krasnow, Chief of Development Review *RK*
Ralph Wilson, Supervisor of Zoning *RDW*

SUBJECT: **Local Map Amendment G-879**

RECOMMENDATION: *Approval.*

The applicant, Kensington Heights Two, LLC, owns a 1.76 acre property on McComas Avenue directly south of the Wheaton Plaza Shopping Center. The applicant is requesting a rezoning of this property from the R-60 Zone to the R-T 8 Zone to construct three single-family houses and 11 townhouses to fit within the established residential pattern of the block.

To obtain approval for an R-T 8 rezoning, the applicant must show that (1) the site is designated for the density allowed by the R-T zones in the relevant master or sector plan, (2) there is a need for a transition at the proposed location, or (3) the proposal is appropriate given the location and density sought.

Here, the applicant can satisfy all three of the alternative eligibility requirements. The site is specifically designated in the *Wheaton Central Business District and Vicinity Sector Plan* as suitable for the PD-9 Zone, a zoning category that supports an analogous density and housing mix as the R-T 8 classification. Given the setback requirements of the PD-9 Zone and the site's narrow shape, the Wheaton Sector Plan objectives may be better accomplished through R-T 8 zoning. The site will contribute to an existing transitional block between the Wheaton Plaza commercial area north of the site and single-family detached homes to the south. Lastly, the proposed density of up to eight dwelling units per acre is compatible with the prevailing density of the surrounding area, making the R-T 8 Zone appropriate at this particular location.

SUMMARY OF REPORT

| | |
|--------------------------|--|
| Public Hearings: | October 29, 2009 (Planning Board) November 6, 2009 (Hearing Examiner) |
| Overview of Site: | The site is comprised of 1.76 acres of land within the Wheaton Sector Plan boundary located along McComas Avenue, directly south of the Wheaton Plaza Shopping Center. The site is located just within a half-mile radius of the Wheaton Metrorail Station. The land is zoned R-60 and is currently undeveloped. |
| Proposed Zone and Use: | The applicant is proposing to construct three single-family detached houses and 11 townhouses to fit within the context of the existing residential block. The R-T 8 Zone is being proposed to accomplish these objectives. |
| Master Plan Consistency: | The project is consistent with the recommendations of the 1990 <i>Wheaton Central Business District and Vicinity Sector Plan</i> . The Sector Plan specifically recommends PD-9 zoning, a zoning category that encourages a density and housing mix analogous to that provided by the R-T 8 Zone. |
| Zoning Provisions: | The project satisfies the purpose clause and development standards of the R-T 8 Zone. The property is designated in the Wheaton Sector Plan for a residential density allowed by the R-T zones, the proposal contributes to an existing transition from the commercial area to the north to the single-family detached houses to the south, and the proposed density is appropriate for this location. |
| Recommendation: | Approve the reclassification from the R-60 Zone to the R-T 8 Zone. |
| Subsequent Review: | If the County Council approves the rezoning request, the applicant will need to undergo both subdivision and site plan review. |

I. PROCEDURAL HISTORY

Application G-879 seeks a local map amendment (rezoning), pursuant to §59-H-1.1 of the Montgomery County Zoning Ordinance, to reclassify 1.76 acres from the R-60 Zone to the R-T 8 Zone.

The applicant originally filed for the R-T 10 zoning classification, which would have allowed 15 townhouses and two single-family detached houses on the subject property. However, after working closely with the Montgomery County Planning Department (staff) for guidance in attaining compatibility with nearby properties and consistency with the relevant sector plan, the applicant revised the proposal and requested reclassification to the R-T 8 Zone. This revision results in uniformity of adjacent zoning classifications and a less-dense development containing three single-family detached homes and 11 townhomes.

The application was filed under the optional method of application, allowed under §59-H-2.5, which permits the applicant to restrict the development standards or the use of the property to less than the maximum permitted in the requested zone. Such binding limitations are shown on a schematic development plan that is submitted with the application, and these limitations, if approved, must also be reiterated in covenants filed in the land records of Montgomery County.

The Office of Zoning and Administrative Hearings has scheduled a public hearing date on this application for November 6, 2009, in the Stella B. Werner Council Office Building at 100 Maryland Avenue, Rockville, Maryland. Before the Hearing Examiner's proceedings, the Montgomery County Planning Board will conduct an initial public review of the application on October 29, 2009, at 8787 Georgia Avenue, Silver Spring, Maryland.

II. THE PROPOSAL

A. Overview

The Site. The subject property is located at 2609 McComas Avenue in Wheaton. The site is 1.76 acres in size and rectangular in shape, measuring approximately 200 feet wide and 400 feet deep, with approximately 200 feet of street frontage along McComas Avenue. The site abuts the Wheaton Plaza Shopping Center and is just within a half-mile of the Wheaton Metrorail Station.

The subject property is currently zoned R-60 and is undeveloped. It is the only undeveloped property on the block. However, the property contains a large dirt stockpile area that was created during the expansion of the Wheaton Plaza Shopping Center. Because of the stockpiling activity, the site's topography has a sharp 22 percent grade, resulting in a man-made grassy hill on the property.



The Surrounding Area. A surrounding area must be identified in a floating zone application so compatibility can be properly evaluated. For the subject site, the surrounding area is generally formed by Wheaton Plaza to the north, Georgia Avenue to the east, Kimberly Street and Calgary Avenue to the south, and the Wheaton Plaza ring road to the west. This area is appropriate for determining whether the proposed zone will be compatible with surrounding uses as this area captures virtually all nearby properties that may be affected by the rezoning and demonstrates the predominant land use patterns of the area.

The surrounding area is made up of a mix of commercial uses and residential developments of varying housing types. Wheaton Plaza, a large commercial shopping center developed under the C-2 Zone, makes up the entire northern half of the surrounding area. Below the shopping center is a transitional block along the north side of McComas Avenue (where the subject property is located) that contains a mix of single-family detached housing and townhomes. This transitional block has developed under R-60, R-T 8, and PD-9 zoning. South of McComas Avenue, the predominant land use is single-family detached housing, developed under the R-60 Zone. More townhomes and higher-density apartments are located along Georgia Avenue. The surrounding area is outlined in black below.



The Schematic Development Plan. The applicant is proposing to level the existing topography of the site and construct 11 townhouses and three single-family detached houses. The proposal maintains the established pattern of single-family detached homes fronting on McComas Avenue. The proposal places townhomes closer to the rear of the property, behind the single-family detached housing and abutting Wheaton Plaza. Given the narrow shape of the site, the general layout is compatible with neighboring patterns of development. The smaller groupings of townhomes on the east side of the site are in scale with abutting single-family detached homes. Further, the smaller groupings break the mass of what was originally proposed as a larger townhouse row. The row of five townhouses at the rear of the site (closest to Wheaton Plaza) provides a clear termination of the proposed private road and fits within an already existing transitional block that provides a buffer between Wheaton Plaza and the single-family homes on the south side of McComas Avenue. The applicant has stated a desire to provide a pedestrian connection to Wheaton Plaza from the rear of the site.

All townhomes will have two-car garages. The three single-family homes will also have two-car garages and driveways deep enough to accommodate additional parking for two extra cars. Twelve guest parking spaces will be provided within the development. The total parking count for the development is 40 spaces, 12 spaces more than required by the ordinance for a typical R-T 8 zoning application.

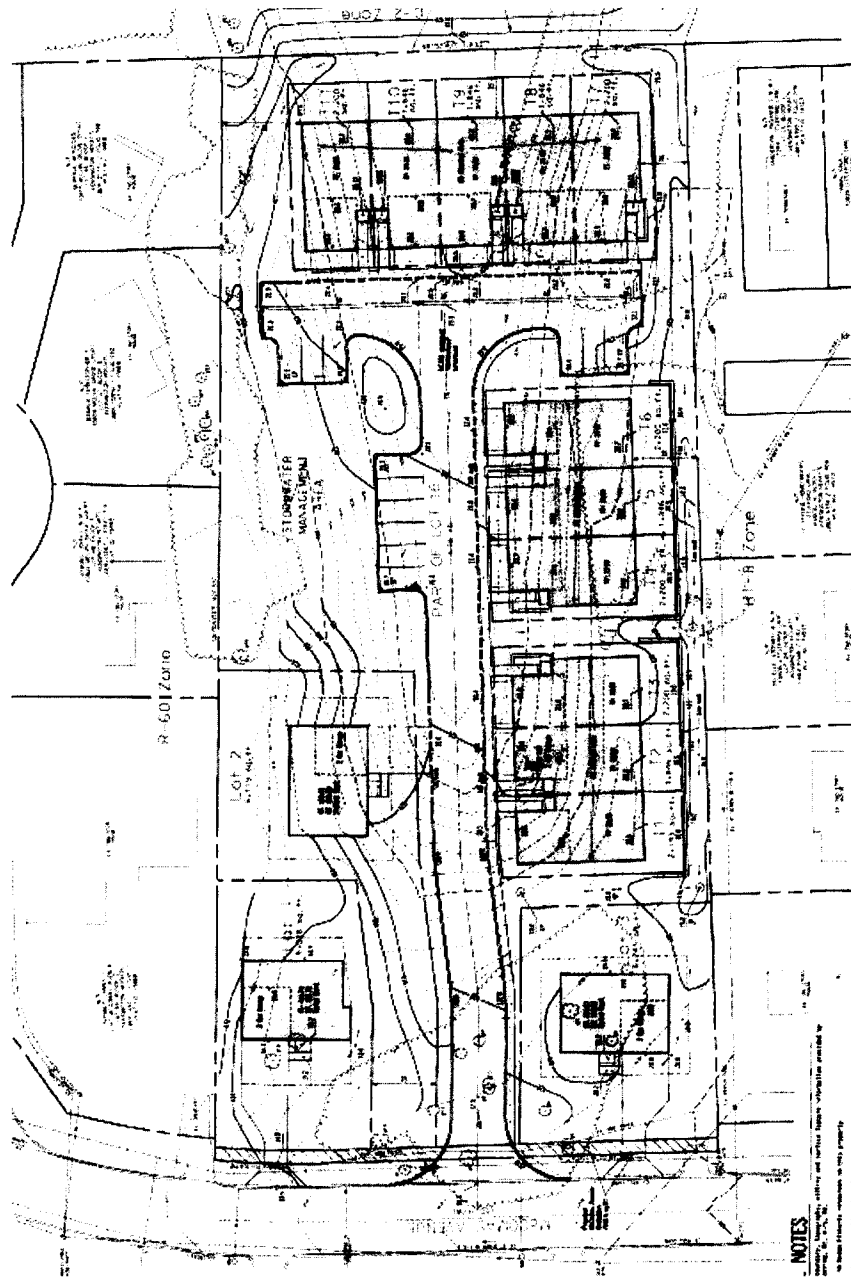
The applicant has chosen to submit a schematic development plan, which differentiates between elements of the proposal that are legally binding and elements that are merely illustrative and subject to variation during subsequent stages of review.¹ At site plan, staff will evaluate the site layout, circulation, open space, recreation areas, and landscaping and lighting in greater detail.² The binding elements for the subject application are shown below, followed by the illustrative portion of the plan.

¹ §59-H-2.5

² See Development Review (Site Plan Section) Interoffice Memorandum at attachment 1.

BINDING ELEMENTS

1. Vehicular access to this site shall be limited to McComas Avenue.
2. Building coverage shall not exceed 25% of the gross tract area.



NOTES

1. All building footprints shall be set back from the street frontage by a minimum of 10 feet.

2. All parking spaces shall be a minimum of 10 feet wide and 20 feet deep.

3. All parking spaces shall be paved with asphalt.

4. All parking spaces shall be marked with white lines.

5. All parking spaces shall be illuminated by streetlights.

6. All parking spaces shall be accessible to persons with disabilities.

7. All parking spaces shall be located within the H-18 Zone.

8. All parking spaces shall be located within the R-601 Zone.

9. All parking spaces shall be located within the McComas Avenue frontage.

10. All parking spaces shall be located within the stormwater management system.

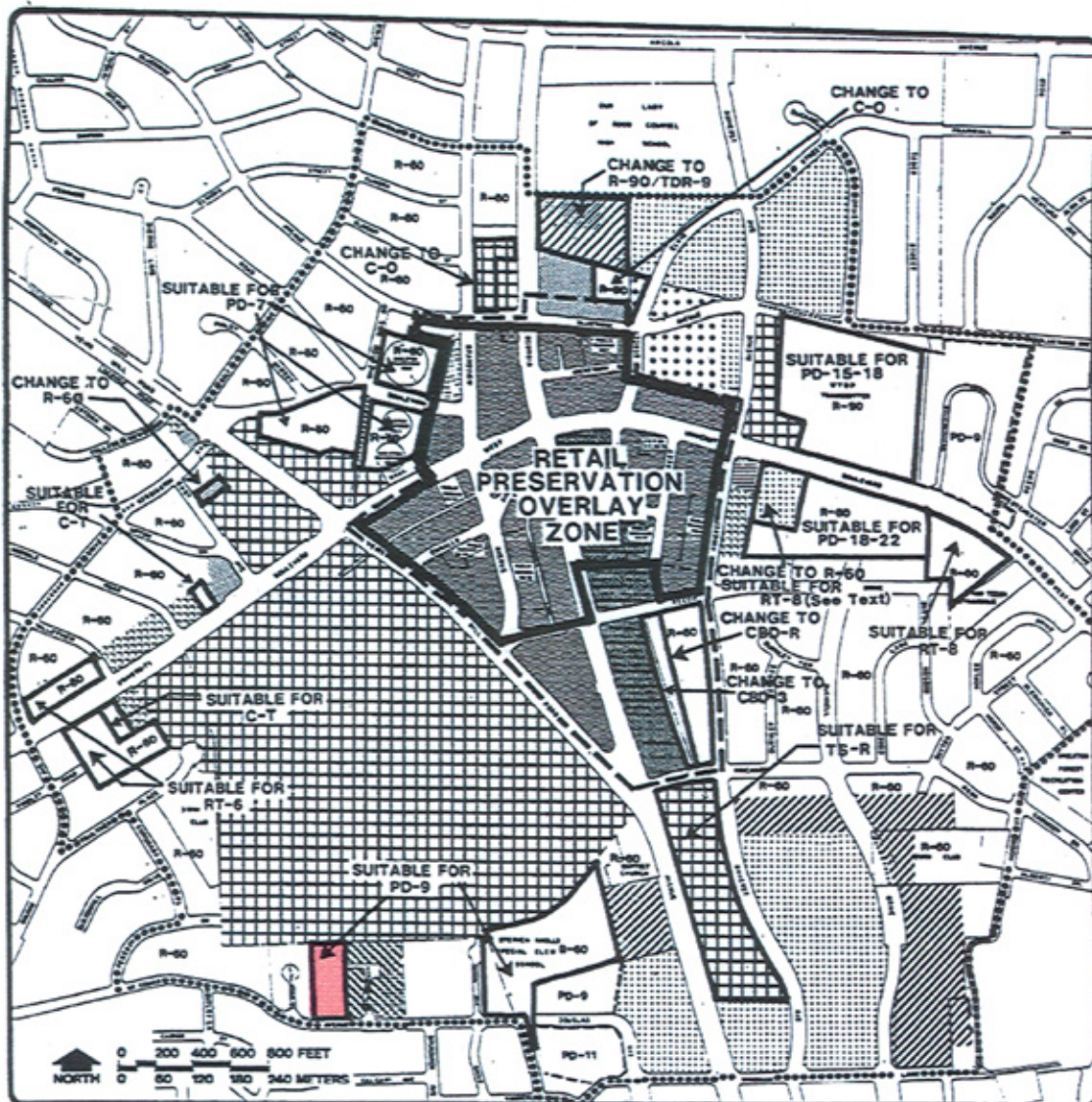
B. Master Plan Analysis

The property is located within the geographic area covered by the 1990 *Wheaton Central Business District and Vicinity Sector Plan*. The Sector Plan gives broad land use and zoning objectives that include maintaining Wheaton's residential character by encouraging "the development of housing in a range of types, prices, and rents, especially within walking distance of the Metrorail," and "reinforc[ing] Wheaton as a lively area [...] during evenings." Specifically, the zoning recommended in the Sector Plan continues the trend from the 1978 Wheaton Sector Plan and "recommends the use of Townhouse and Planned Development zoning [to] encourage [...] a variety of housing types on individual parcels."

To help accomplish the goals listed above, the Sector Plan specifically mentions the subject site as suitable for PD-9 zoning. Staff finds that the proposed R-T 8 Zone is consistent with the Sector Plan recommendation because of its analogous nature to the PD-9 Zone. Up to 14 units, comprised of three single family homes and 11 townhomes, are being proposed on the subject property under the R-T 8 Zone. Under the PD-9 Zone, the applicant could theoretically build up to 15 units on the property with a similar ratio of single-family houses to townhouses. However, given that the PD-9 Zone contains a setback requirement that requires any townhouse to be at least 100 feet away from an R-60 Zone³, the narrow width of this site (approximately 200 feet wide) could hinder the overall site design and mixture of unit types provided, thereby running counter to the Sector Plan's goal of providing a variety of housing near the Metrorail station. Based on the Sector Plan's guidance, staff finds that the analogous density and housing mixture provided through R-T 8 zoning, and the consistency in zone designation between adjacent developments, is consistent with the Wheaton Sector Plan.⁴ The Plan recommendation is shown below.

³ §59-C-7.15(b)(1)

⁴ See both Development Review (Site Plan Section) and Community-based Planning Interoffice Memorandums at attachments 1 and 2, respectively.



PROPOSED ZONING PLAN

| | | |
|-------------------------------|--|---------------------------------|
| R-90 One Family | R-20 Low Density Apartment | C-1 Local Commercial |
| R-60 One Family | PD-9 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 |

WHEATON

----- Sector Plan Boundary
 ----- Central Business District Boundary
 ----- Dedicated Street Not Constructed



SEPT.
1990

9

SECTOR PLAN

KW
PLANNING AREA

C. Compliance with Development Standards

The proposal shown on the schematic development plan complies with all applicable development standards under the R-T 8 Zone. As the layout is still illustrative, the application will need to satisfy development standards again at the time of subdivision and site plan review if the rezoning is approved.

| Development Standard | Permitted/Required | Proposed | Applicable Zoning Provision |
|---|-----------------------------------|---------------------------------|---------------------------------|
| Minimum Tract Area | 20,000 sq ft (0.46 acres) | 76,665 sq ft (1.76 acres) | §59-C-1.731(a) |
| Maximum Density | 8 dwelling units per acre | Up to 8 dwelling units per acre | §59-C-1.731(b) |
| Building Setback from Land Classified in One-family Detached Zone | 30 ft | 30 ft | §59-C-1.732(a) |
| Building Setback from Public Street | 25 ft | 105 ft | §59-C-1.732(b) |
| Building Setback from an Adjoining Side Lot | 10 ft | 18 ft | §59-C-1.732(c)(1) |
| Building Setback from an Adjoining Rear Lot | 20 ft | 25 ft | §59-C-1.732(c)(2) |
| Building Setback from Public Street for Single-Family Houses | 25 ft | 33 ft | §59-C-1.71(a) Footnote 1 |
| Building Sideyard Setback for Single-Family Houses | 8 ft | 10 ft | §59-C-1.71(a) Footnote 1 |
| Max Building Height | 35 ft | No more than 35 ft | §59-C-1.733(a) |
| Maximum Building Coverage | 35 percent | 25 percent | §59-C-1.34(a) |
| Minimum Percentage of Green Area | 50 percent | Not less than 50 percent | §59-C-1.34(b) |
| Parking | 2 spaces per dwelling = 28 spaces | 40 spaces | §59-C-1.735 and §59-E-3.7 |

III. ZONING PROVISIONS

A. The Purpose Clause

The R-T 8 Zone is a floating zone. A floating zone is a flexible legislative tool that allows the County Council to establish a zone for a particular land use, with regulations specific to that use, without having to attach the zone to a particular property. Once established, individual landowners can seek to have their property rezoned to a floating zone by demonstrating to the County Council that the rezoning will be consistent with the purpose and regulations of the proposed floating zone, compatible with surrounding development, and in the public interest. Hence, these zones “float” above the County until the Council selects a particular zone for a particular property.

To satisfy the purpose clause of the R-T 8 Floating Zone, one of three possible locational requirements must be met: The proposed rezoning must (1) be designated for the density allowed by the R-T zones in the relevant master or sector plan, (2) satisfy a need for a buffer or transitional use between commercial, industrial, or high density apartment uses and low density single-family uses, or (3) be determined to be an appropriate density at the particular location proposed.⁵ Here, the proposal satisfies all three of these locational requirements.

Designation on Master Plan. To satisfy the purpose clause requirement for a master plan designation, the applicant must show that the relevant master

⁵ §59-C-1.721. Intent and purpose. The purpose of the R-T Zone is to provide suitable sites for townhouses:

(a) In sections of the County that are designated or appropriate for residential development at densities allowed in the R-T Zones; or

(b) In locations in the County where there is a need for buffer or transitional uses between commercial, industrial, or high-density apartment uses and low-density one-family uses.

or sector plan designates the subject property for the density allowed under the R-T zones. As previously mentioned, the Wheaton Sector Plan recommends PD-9 zoning on the subject property, which is a density designation for up to nine dwelling units per acre. In this rezoning application, the applicant is proposing 14 homes developed under the R-T 8 Zone, which roughly equates to up to eight dwellings per acre. Since the Wheaton Sector Plan designates the property for up to nine dwelling units per acre, and the proposal under the R-T 8 Zone is for up to eight dwellings per acre – a density just as likely to occur under PD-9 zoning as R-T 8 zoning – staff finds that the applicant satisfies the master plan designation prong of the R-T Zone special regulations.

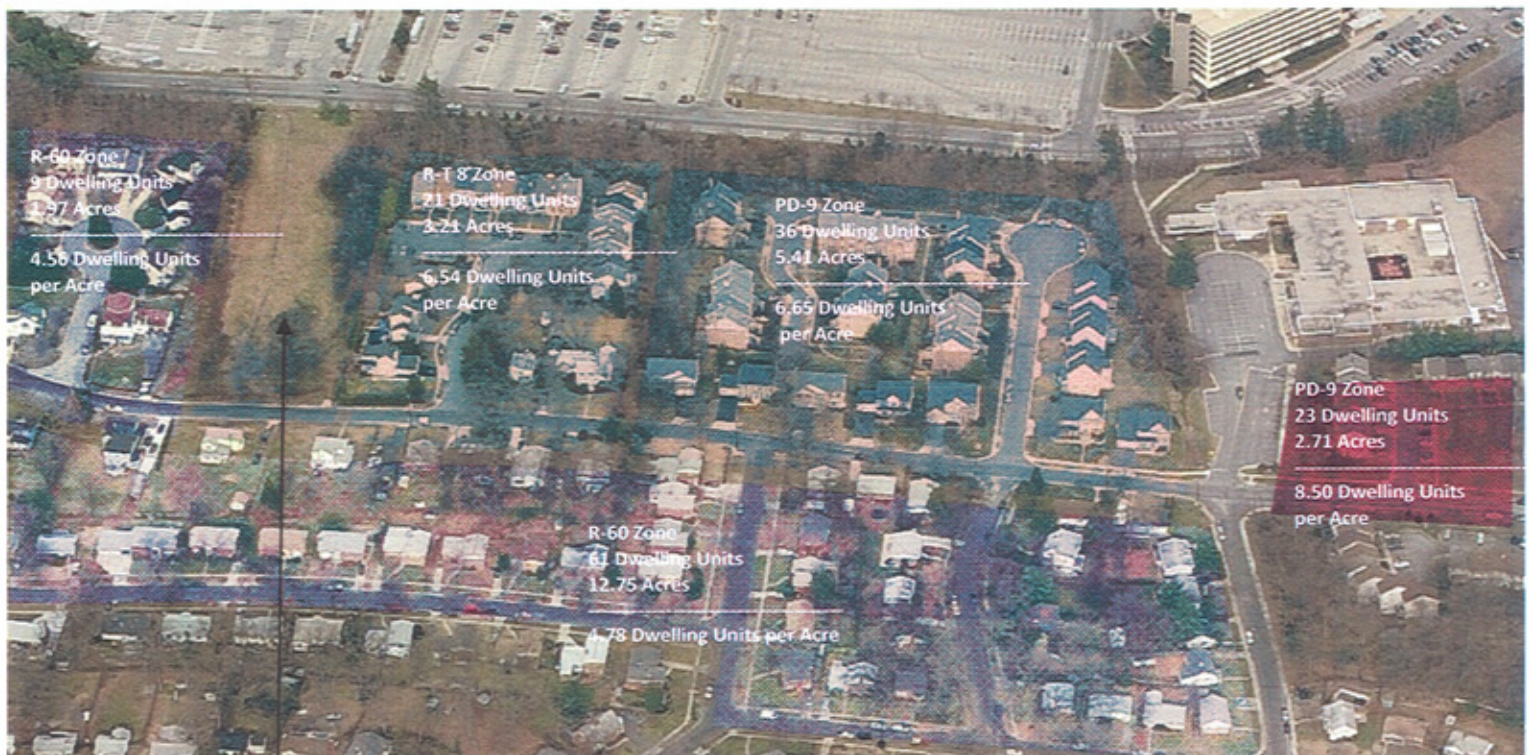
Transition. To satisfy the transition prong of the R-T Zone special regulations, the applicant must show that a need exists for a transition between commercial, industrial, or high-density apartment use and low-density single-family housing. The applicant's position is that the subject site is suitable because it will contribute to an existing transitional block from the Wheaton Plaza commercial shopping center to the single-family detached homes to the south of the site. Staff agrees. Here, the applicant satisfies this standard because Wheaton Plaza is a commercial use and the subject property is located between Wheaton Plaza and an area of single-family detached homes to the south. The entire block along the northern side of McComas Avenue has developed with single-family homes facing the McComas Avenue street frontage and more clustered homes with increased density closer to Wheaton Plaza. A need has clearly been established in the past for an appropriate transitional block at this location. The subject property should complete the transition along the northern side of McComas Avenue. The following picture illustrates this point.



Appropriate Density. To satisfy the appropriate density prong of the R-T special regulations, the applicant must show that the site is appropriate for the density proposed at this particular location. The term "appropriate" is undefined in the zoning ordinance. As has been established in previous cases, the term does not constitute a rigid standard to be mechanically applied. Rather, the term is applied in a flexible manner so that each application can be evaluated on a case-by-case basis given the location and density proposed.

Because the surrounding area contains quite a few commercial uses that do not contribute to residential density, only the residential portion of the surrounding area in close proximity of the subject site was used to compare residential densities. Given that the northern and southern sides of McComas Avenue have differing characteristics (the northern side being a more dense transitional buffer to Wheaton Plaza and the south side being primarily single-family detached homes), only the residential density of the northern side of McComas is relevant to whether the proposed density of the subject site is appropriate given its location. The existing density of the adjoining R-60 zoned

area to the west of the subject site is 4.56 dwellings per acre. The density of the R-T 8 zoned land to the immediate east is 6.54 dwellings per acre. Following the transitional block farther east, the PD-9 zoned developments compute to 6.65 and 8.50 dwellings per acre, respectively. Staff finds that given the transitional nature of the northern side of McComas Avenue, up to eight dwellings per acre is appropriate for this particular location. Although the density proposed for the subject site computes to slightly more than neighboring properties on the block, the site is designed in a way that matches single-family homes to its R-60 neighbors and townhouses to its R-T 8 neighbors. Additional factors, such as the site being in close proximity to the Wheaton Metrorail Station and that the proposal does not generate many peak-hour trips, lead to a conclusion that the proposed density is appropriate for the area. The exact number of units appropriate for this specific site will be finalized during site plan review.



Proposed R-T 8 Zone
14 Proposed Dwelling Units
1.76 Acres

8 Proposed Dwelling Units
per Acre

Although only one of the three alternatives of the R-T special regulations need to be satisfied, the proposed development satisfies all three of these locational requirements and therefore complies with the purpose clause of the R-T 8 Zone.

B. Compatibility

The proposal is compatible with adjacent development in the surrounding area. A good portion of the surrounding area is comprised of existing single-family detached housing and townhouses. Almost the entire northern side of McComas Avenue contains a mixture of single-family detached houses and townhomes. The proposal provides for a similar mixture of housing types in a design comparable to adjacent properties along McComas Avenue. As proposed, the development will continue the pattern of single-family detached homes facing McComas Avenue. Additionally, the proposal will locate the more densely clustered townhomes towards the rear of the property, contributing to an existing transition between Wheaton Plaza and the single-family detached homes on the opposite side of McComas Avenue.

Comparative density is also an important factor in determining compatibility with adjacent properties. The proposal will be similar to the prevailing density of the northern portion of McComas Avenue. Other factors, such as building heights, materials, and the exact number of dwellings, will be further refined at the site plan stage to ensure compatibility.

C. The Public Interest

The R-T 8 Zone requires that the proposed rezoning bear sufficient relationship to the public interest to justify its approval. When evaluating the public interest it is customary to consider master plan conformance and other public interest factors such as adverse impacts on public facilities or the environment. As previously stated, the proposal furthers the general intent of the 1990 Wheaton Sector Plan and is consistent with its objectives and general

language. The proposed rezoning to R-T 8 can provide an analogous density and housing mix to the Sector Plan's recommendation of the PD-9 Zone. The proposal will not have any adverse impacts on public facilities, and the property's proximity to the Wheaton Metrorail station makes it an ideal location for townhouse development. For these reasons, the application bears a sufficient relationship to the public interest to justify its approval.

IV. SECONDARY ISSUES

A. Adequate Public Facilities

Water and Sewer. The rezoning application and schematic development plan were reviewed by the Washington Suburban Sanitary Commission (WSSC). WSSC found that the reclassification from the R-60 Zone to the R-T 8 Zone and the subsequent proposed development would not burden the water or sewer systems of the area.⁶

Transportation and Roadways. The development will have sole ingress and egress from McComas Avenue. Internal vehicle circulation will be provided by a private street. Pedestrian access is provided through lead-in sidewalks. Transportation staff finds that the proposed access and vehicular/pedestrian circulation is safe and adequate, with final refinement to be considered at site plan review.

The proposed development is expected to generate fewer than 30 additional peak-hour trips during the morning and evening weekday peak periods. As the site would generate fewer than 30 peak hour vehicle trips, a full Local Area Transportation Review (LATR) study was not required.

Developments within the Kensington/Wheaton Policy Area are required to mitigate 15 percent of their new vehicle trips to meet the Policy Area Mobility Review (PAMR) test (one morning and two evening trips in this application). However, this application sufficiently mitigates the required number of trips by its

⁶ See WSSC Memorandum at attachment 3.

close proximity to both the Wheaton Metrorail Station and mixed use development where a higher percentage of alternative transportation options exist.⁷

Schools. Staff received comments from Montgomery County Public Schools (MCPS) regarding the proposal's potential impact on the school system. The site falls within the Einstein Cluster of the school system, which includes Oakland Terrace Elementary School, Newport Mill Middle School, and Albert Einstein High School. Although enrollment at Oakland Terrace is currently over-capacity, a new school is scheduled to open in August 2012 to alleviate overcrowding. Enrollment at Albert Einstein High School and Newport Mill Middle School is within capacity and is projected to remain within capacity for the entire six-year forecast. For these reasons, MCPS finds that there is adequate capacity to accommodate the proposed development.⁸

B. Environmental Considerations

A Natural Resources Inventory/Forest Conservation Plan (NRI/FSD) was approved on August 31, 2007 by Environmental staff. There are no streams, wetlands, floodplains, or highly erodible soils on site. Also, there is no forest on the property. Although there are two areas of existing tree cover, these areas do not meet the definition of forest given the small area covered. The site contains two specimen trees and four large trees. A preliminary forest conservation plan will be reviewed during preliminary plan review. No formal action on the preliminary forest conservation plan is required by the Planning Board at this time.

There are steep slopes occurring on the property. These slopes are man-made, created when the property was used as a stockpile area for excavated material during the expansion of Wheaton Plaza. There are no environmental

⁷ See Transportation Planning Interoffice Memorandum at attachment 4.

⁸ See Montgomery County Public Schools Memorandum at attachment 5.

buffers on the site. The property is not located within a special protection area or primary management area.⁹

C. Community Issues

As of the date of this report, staff has received only one letter regarding the proposal.¹⁰ This letter was received in early 2009 when the applicant was initially requesting a rezoning to the R-T 10 Zone. The issues raised in the letter deal primarily with the topography of the existing property, the orientation of the single-family houses, and the layout of open space – all issues that are finalized during the site plan stage of review. In fact, since the date of this letter, the applicant has worked closely with staff and has amended the application to request a lower density under R-T 8 zoning and has revised the site layout in a manner that addresses many of the concerns raised in the letter. Since the amended application has been filed, no correspondence from the community has been received.

V. CONCLUSION

Staff recommends that Local Map Amendment G-879 be approved.

⁹ See Environmental Planning Interoffice Memorandum at attachment 6.

¹⁰ Found at attachment 7.

VI. ATTACHMENTS

1. Development Review (Site Plan Section) Interoffice Memorandum
2. Community-based Planning Interoffice Memorandum
3. WSSC Memorandum
4. Transportation Planning Interoffice Memorandum
5. MCPS Memorandum
6. Environmental Planning Interoffice Memorandum
7. Community Letter



MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Interoffice Memorandum

Date: September 21, 2009
From: Robert Kronenberg, Supervisor, Development Review *RAK*
To: Damon Orobona, Senior Planner, Development Review
Subject: Pt. Lot 16 Kensington Heights
Zoning Case G-879

RECOMMENDATION OF SITE PLAN SECTION STAFF

Site Plan Staff appreciates the opportunity to provide design comments on the referenced zoning case since the application will require site plan approval. The Schematic Development Plan proposes changing the current R-60 zoned property to RT-8, providing for residential dwelling units at a maximum of 8 dwelling units per acre. The application is proposing a maximum of 14 dwelling units (3 one-family detached and 11 townhouses), a reduction of 17 dwelling units from the previous submittal, which was initially proposing changing the zone to RT-10.

Although the Wheaton Master Plan recommends a PD (Planned Development) zone for the property, Staff believes the RT zone is more compatible with the surrounding pattern of uses and adjoining properties, even though there are fewer units proposed than the PD zone would permit. Further, the setbacks associated with the proposed development, under a PD zone application, would limit the design and flexibility for unit types, layout and overall function typically promoted within the PD zone.

The binding elements recommended for this property set the maximum number of units and impose development standards which should not be detrimental to good design practices for the site and ultimate layout as the application proceeds to site plan.

Site Layout

The general layout and organization of the units on such a narrow piece of property is compatible with the neighboring pattern of uses and establishes a one-family detached frontage along McComas Avenue. The private road establishes the ingress/egress from McComas Avenue for the remaining townhouse units and provides for additional visitor parking. The smaller clusters of three units is more in scale with the abutting one-family detached houses and breaks the mass of a larger townhouse row. The row of five townhouses at the northern boundary creates a clear termination from the road. At site plan review, special attention should be afforded to the architecture of the units with less emphasis on the pad space/garage and more on the building materials.

Circulation

There is only one point of access from a public road (McComas Avenue) for the number of units proposed. Vehicular connection from the private drive to the east would have been more advantageous for circulation, but not possible since the adjacent drive is private and part of another neighborhood. The two units fronting McComas Avenue continue the pattern along the public street. Pedestrian access to the mall (ring road) should be explored from the private drive and parallel to McComas Avenue.

Open Space and Recreation

The open spaces are dispersed throughout the site and provide for a separation between townhouse rows and adjoining properties. The open space areas will be further analyzed during the site plan review for their use and function. Special attention should be given to the final design of the stormwater management facility and its proximity to the rear of the adjoining units.

Recreation amenities are not required for the minimal amount of dwelling units; however, the applicant should make some attempts to provide for a small area to promote community gathering. A recreational area could be designed along with the stormwater management area to create a nice amenity for the site.

Landscaping and Lighting

A concept plan is appropriate at this stage to focus on appropriate treatment of site elements, such as a buffer to the western boundary for the stormwater management facility, screening of vehicle headlights from the driveway turnarounds and street trees along the private drive. A buffer of the rear yards to the mall should also be considered to provide privacy for the townhouse units. Lighting should also be designed to be sensitive to infill situations and established neighborhoods.

A detailed landscape and lighting plan will be reviewed during the site plan application.

Recommendation

Site Plan staff recommends approval of Application G-879 with an understanding that the layout, circulation, open space, recreation and landscaping/lighting will be analyzed and evaluated in greater detail during Site Plan review, in conformance with Section 59-D-3.

RAK

MEMORANDUM

TO: Damon Orobona, Senior Planner, Build (Development Review) Division

Via: Khalid Afzal, Eastern Transit Corridor Team Leader, Vision (Community-Based Planning) Division *VA*

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

DATE: September 29, 2009

RE: Zoning Application No. G-879 – 2609 McComas Avenue, Kensington, Maryland

Recommendation

The amended June 18, 2009 application to re-zone approximately 1.76 acres from R-60 to RT-8 lies within the 1990 Sector Plan for the Wheaton Central Business District and Vicinity, (Wheaton Sector Plan). The Sector Plan notes that this property is suitable for PD-9 zoning. The property is located at 2609 McComas Avenue, Kensington, Maryland and is bordered by Wheaton Westfield Mall to the north and residential properties the east, west and south. The area west and south of the property is zoned R-60. The property to the east is zoned RT-8. The applicant is requesting that the property be rezoned from R-60 to RT-8.

Staff finds that the proposed re-zoning **is consistent** with the Approved and Adopted 1990 Master Plan for the Wheaton Central Business District and Vicinity.

Discussion

Although 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 for this property invalid, we do believe there is valid reasoning for applying the RT-8 zone to this property as follows:

1. The density being proposed by the applicant (14 units - 3 single-family detached units and 11 single-family attached units) is the same amount of development and mix of housing types allowed under PD-9. (Under the PD-9 zone the applicant could build 15 housing units).
2. Because of the size of the property and the 100 foot setback requirements adjacent to single-family zoned lands in the PD-9 zone, the applicant could not build the 15 units allowed under the PD zone. Since the Sector Plan promotes more housing near Metro, staff believes that the RT-8 zone would better accomplish the land use and zoning objectives of the Sector Plan.

3. The development adjacent to this property, (on the east), is zoned RT-8. The re-zoning request would promote consistency in use, zone designation, and density, and thereby meet the intent of the land use and zoning recommendations in the Sector Plan.

Master Plan Comments

Under the Land Use and Zoning Objectives on page 27, the Plan says “*Maintain Wheaton’s residential character by continuing to promote a balance of housing with the development of other uses.*”

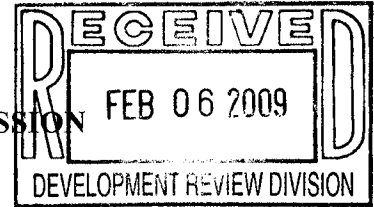
- *Encourage the development of new housing in a range of types, prices, and rents, especially within walking distance to Metrorail and Metrobus stations.*
- *Encourage new housing to help reinforce Wheaton as a lively area, especially during evenings...”*

In the zoning section on page 46 the Plan notes that, “*As in the 1978 Plan, this Sector Plan recommends the use of townhouses and Planned Development zoning. This zoning would encourage the development of a variety of housing types on individual parcels. Higher density development should be sited closer to the Metro station, to the business district, and to major roads.*”

Conclusion

Based on the Master Plan’s guidance, staff concludes that the proposed application **is consistent** with the Approved and Adopt 1990 Sector Plan for the Wheaton Central Business District and Vicinity.

WASHINGTON SUBURBAN SANITARY COMMISSION



**DEVELOPMENT PROPOSAL REVIEW
FOR A
REZONING APPLICATION**

APPLICATION NO.: G-879

DATE: FEBRUARY 5, 2009

APPLICANT: KENSINGTON HEIGHTS 2, LLC

LOCATION: 2609 McCOMAS AVE, KENSINGTON

COUNTY: MONTGOMERY COUNTY

200' SHEET NO.: 214NW03

PRESENT ZONING: R-60

PROPOSED ZONING: RT-10

SIZE OF PARCEL: 1.76 ACRES

DWELLING UNITS: 2 SFDUs, 15 THs

OTHER: N/A

WATER INFORMATION

1. Water pressure zone: 555B
2. A 10-inch water line abuts the property.
3. Local service is adequate.
4. Program-sized water main extensions (16 inches in diameter or greater) are not required to serve the property.
5. The impact from rezoning this property would be negligible; estimated fire flow requirements would remain the same.

SEWER INFORMATION

1. Basin: Rock Creek
2. An 8-inch sewer line abuts the property.
3. Flow from the present zoning: 2,900 GPD
Flow from the requested zoning: 4,600 GPD
Flow from the proposed development: 3,375 GPD
4. Program-sized sewer mains are not required to serve the property.
5. Interceptor capacity is adequate.
6. Rezoning this property would not significantly impact the sewerage system.

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 Bruce MacLaren, 301-206-8817.



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

October 19, 2009

MEMORANDUM

TO: Damon Orobona, Analyst
Development Review Division

FROM: Shahriar Etemadi, Supervisor
Transportation Planning

SUBJECT: Zoning Application G-879
2609 McComas Avenue
Wheaton CBD Policy Area

This memorandum is Transportation Planning staff's review of the proposed zoning change to facilitate construction of a residential 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 further reviewed at the time of preliminary plan:

1. Limit the preliminary plan to 11 townhouse units and 3 single-family detached houses.
2. Dedicate 30 feet from centerline for McComas Avenue.
3. Construct a pedestrian connection to the Wheaton Mall site.

DISCUSSION

The subject property is located adjacent to and immediately south of the Westfield Wheaton Mall west of Georgia Avenue (MD 97) in the Wheaton CBD Sector Plan Area. The applicant proposes vehicle access via McComas Avenue. Internal vehicle circulation will be on a private street with a 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 review. The site is located approximately 1,500 feet from the Wheaton Metrorail Station via the Mall site (but 4,900 feet via McComas Avenue and Georgia Avenue) and is also served by both Ride-On and Metrobus transit routes on Georgia Avenue (MD 97) and University Boulevard (MD 193).

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*. Georgia Avenue (MD 97) is designated as a major,

divided highway with a 120-foot right-of-way with six travel lanes. University Boulevard (MD 193) is also designated as a major, divided highway with a 120-foot right-of-way with six travel lanes. McComas Avenue is constructed to Secondary Residential Street roadway standard with no sidewalks. It is also designated as a signed, shared roadway in the local sector plan. Partial sidewalks exist on McComas Avenue closer to Georgia Avenue, but they end 750 feet west of the site.

Local Area Transportation Review

According to the accepted traffic statement, the proposed development is projected to generate fewer than 30 additional peak-hour trips during the morning (6:30 to 9:30 AM) and evening (4:00 to 7:00 PM) weekday peak periods as shown in Table 1. As the site would generate fewer than 30 peak hour vehicle trips, a full LATR study was not required.

Table 1 – Site Trip Generation

| Proposed Land Uses | Proposed | Weekday Peak-Hour Trips* | |
|-------------------------------|----------|--------------------------|----|
| | | AM | PM |
| Townhouse Units | 11 | 5 | 9 |
| Single-Family Detached Houses | 3 | 2 | 3 |
| Total | 14 | 7 | 14 |

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

Policy Area Mobility Review

Under the *FY 2007-2009 Growth Policy*, developments within Kensington/Wheaton Policy area are required to mitigate 15% of their new vehicle trips (calculated for this application as 1 AM peak hour and 2 PM peak hour trips) to meet the Policy Area Mobility Review test. The bases of the trip mitigation by this applicant is that the site is located approximately 1,500 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 residential development *at this location* would be expected to generate 25% fewer (or 2 fewer morning and 4 fewer evening peak hours) vehicle trips than the countywide average on which is used in the mitigation requirements calculation. The application therefore would mitigate their impact by locating close to a metrorail station, where higher percent of non-automobile mode share exist.

SE:tc

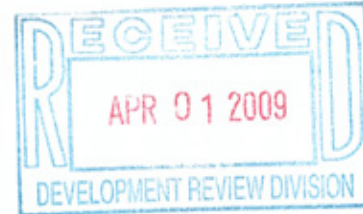
mno to Orobona re G879.doc



MONTGOMERY COUNTY PUBLIC SCHOOLS
MARYLAND
www.montgomeryschoolsmd.org

March 26, 2009

Ms. Renee Miller
Community-Based Planning Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760



Dear Ms. Miller:

This is sent in response to Zoning Application No. G-879, known as "P16, Kensington Heights." This property is located at 2609 McComas Avenue, Kensington, Maryland 20895.

This rezoning would result in up to 2 single homes, 15 town houses, and 17 multi-family units. Based on average yield factors derived from the Montgomery County Department of Planning's 2005 Census Update Survey, the impact of this project is estimated to be approximately seven (7) elementary, two (2) middle, and three (4) high school students.

This property is located within the Oakland Terrace Elementary School attendance area, the Newport Mill Middle School attendance area, and the Albert Einstein High School attendance area. Albert Einstein High School is part of the Downcounty Consortium (DCC) where students may choose to attend their base area high school or one of four other high schools in the Consortium.

Enrollment at Oakland Terrace Elementary School is currently over capacity and is projected to remain over capacity. To address this situation, a new school, Downcounty Consortium Elementary School #29, is scheduled to open in August 2012. Enrollments at Albert Einstein High School and Newport Mill Middle School are currently within capacity and are projected to remain within capacity for the six-year forecast. See enclosed pages from the Montgomery County Public Schools Recommended Amendments to the FY 2009-2014 Capital Improvements Program (CIP).

The current growth policy school test (FY 2009) finds capacity adequate in the Einstein Cluster.

Sincerely,

Bruce H. Crispell, Director
Division of Long-range Planning

BHC:lmf

Enclosure

Copy to: Mr. Bowers, Mr. Lavorgna, Ms. Turpin

Division of Long-range Planning

2096 Gaither Road, Suite 201 ♦ Rockville, Maryland 20850 ♦ 240-314-4700 ♦ Fax 240-314-4707



**THE MARYLAND-NATIONAL CAPITAL PARK AND
PLANNING COMMISSION**

Planning Department, Montgomery County, Maryland
8787 Georgia Avenue, Silver Spring, Maryland 20910

MEMORANDUM

TO: Damon Orobona, Development Review

VIA: Stephen D. Federline, Master Planner, Environmental Planning

FROM: Mary Jo Kishter, Environmental Planning

DATE: September 24, 2009

SUBJECT: Zoning Application G-879 - Kensington Heights

The Environmental Planning Division recommends approval of zoning application G-879: a rezoning request from R-60 to RT-8. Issues that can be resolved during the subsequent steps in the development approval process include the following:

1. Per Chapter 22A of the County Code, provide a complete preliminary forest conservation plan submission with the preliminary plan package that indicates maximum tree retention, and planting.
2. Demonstrate compliance with Section 50-32(b) of the Subdivision Regulations (*Unsafe Land*) to the satisfaction of the Planning Board. At the minimum, this may include the removal of most of the existing stockpile area, and demonstration of the structural integrity of the soil to the satisfaction of the Montgomery County Department of Permitting Services, prior to any development on the site.

DISCUSSION

The 1.76-acre property is located at 2609 McComas Avenue, approximately 200 feet west of the intersection of Littleford Lane and McComas Avenue, in Kensington. The property is part of Lot 16, Kensington Heights. It is bordered by McComas Avenue to the south, Wheaton Plaza to the north, and residential properties to the east and west. Currently, the property is undeveloped; however, it contains a large stockpile area that was created during the expansion of the Wheaton Plaza shopping center. The applicant is seeking to rezone the property from R-60 to RT-8 and construct three detached single-family residences and eleven attached single-family residences.

There is no forest, streams, wetlands, floodplains, or any associated buffers on the property. The property is within the Lower Rock Creek watershed, a Use I/I-P watershed.

The topography of the property consists of man-made steep slopes as a result of the use of this

property as a stockpile area during the expansion of the adjacent Wheaton Plaza shopping center.

Excluding deposited soils within the stockpile, two natural soil types exist on this project site, Glenelg silt loam (2C) and Baile silt loam (6A). The majority of the site is comprised of the Baile silt loam, which is characterized as a very deep, poorly drained and slowly permeable soil type. The Baile silt loam is classified as a hydric soil. The portion of the property underlain with this soil type has been disturbed by the creation of the stockpile area for the adjacent Wheaton Plaza shopping center. The northern and southern portions of the property are mapped with the Glenelg silt loam. The Glenelg silt loam is very deep and well drained, with moderate permeability.

Zoning Ordinance

A Development Plan is not required for this zoning application, but the applicant's optional 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, and requires a minimum of 50 percent green area for the RT-8 zone. The schematic development plan meets these standards by proposing to maintain 50 percent of the property as green area.

Environmental Inventory

Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420072910 was approved by Environmental Planning staff on August 31, 2007. There are no streams, wetlands, floodplains, or highly erodible soils on the site. There are steep slopes on the property; however, they are not natural and were created when the property was utilized as a stockpile area for excavated material from the expansion of the Wheaton Plaza shopping center. The property is located within the Lower Rock Creek watershed, which is classified as Use I/I-P. There are no environmental buffers on the project site. This property is not located within a Special Protection Area or Primary Management Area.

Forest Conservation

NRI/FSD # 420072910 was approved by Environmental Planning staff on August 31, 2007. There is no existing forest on the subject property. There are two areas of existing "tree cover" that do not meet the definition of "forest" due to a lack of minimum density and/or area requirements. The site contains two specimen trees and four large trees.

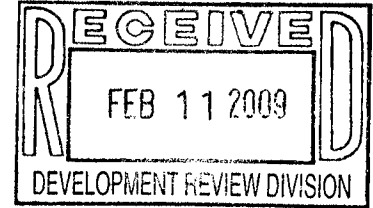
This property is subject to the Montgomery County Forest Conservation Law and requires the submission of a preliminary forest conservation plan with the preliminary plan of subdivision. A preliminary forest conservation plan (PFCP) was submitted with the zoning application. This submission was not required by the Forest Conservation law (Chapter 22A), and does not appear to have been accompanied by a completed application and appropriate review fees. Notwithstanding the required submissions, staff cannot conduct a comprehensive review of a PFCP for a schematic development plan outside the broader context of the preliminary plan review.

Stormwater Management

The Montgomery County Department of Permitting Services (DPS) has not approved a stormwater management concept plan for this project.

Steven L. Howard & Raymond T. Whitley

*10804 Littleford Lane
Kensington, Maryland 20895-2837
301.949.4775 (Voice & Fax)
stevenlhoward@comcast.net*



February 9, 2009

Francoise M. Carrier
Office of Zoning and Administrative Hearings
100 Maryland Ave.
Rockville, MD 20850

Re: Zoning Application No. G-879

Dear Francoise:

I am writing you with my concerns regarding the above referenced zoning application. First let me say, I am a supporter of the County's policy to support higher densities near or around Metro Stations. However, I do feel strongly that any purposed community should appear to fit into the existing surrounding community. In this case, approximately 87% of its perimeter adjoins an existing community.

My first and biggest concern would be the water runoff issue. I live on the east side of the site and I along with my neighbor to the north have experienced standing water from the runoff from the hill on this site. The hill was created when excavation was done during the expansion of Wheaton Plaza. The dirt removed from the Plaza was deposited onto this site and has never been removed. This concern (water runoff) is heightened by the fact that the purposed site plan shows a retaining wall on the west side of the site. This seems to suggest that the entire site will slope down to the east causing all water runoff to drain to the east side. I think the only way to address this concern would be to return the site to its original elevation before any development occurs.

Another concern that I have would be the site plan showing that side profiles of the two single family detached houses would be facing McComas Ave. In the past, sites developed on McComas Ave (McComas Ct., Littleford La., Melvin Grove Ct. and Torrence La./Ct.) all included houses with frontal profiles facing McComus Ave. I think having these two houses face McComus Av. is more in keeping with the character of our community,

I also think the two purposed townhouse buildings that are perpendicular to McComus Ave. appear to be too close together with more like an alley instead of a roadway between them. I think their closeness creates a more Urban appearance and not a Suburban appearance of the surrounding community. In the past, new communities (off of McComus Ave.) with townhouses (McComus Ct., Littleford La. And Torrence Ct.) all have a sense of open space. I admit that most of this space is parking, but I believe it creates a sense of open space when one enters these communities.

I think an alternative site plan might include having the single family homes side by side facing McComus Ave and placed on the west side of the site. These homes could have narrow but deep footprints much like the newer home across the street at 2708 McComus Ave. and the three newer homes at 3609, 3611 and 2613 Perry Ave. These homes could have rear detached garages, like these four homes and the two newer homes at 3209 and 3211 McComus Ave. With this concept, the main entrance would be moved to the east side of the site. This would also give more distance from the curve (on McComus Ave. west of this site) to the entrance of the community hopefully making exiting from the community a little safer. I only mention this issue since every time I exit Littleford La. I wish I had a longer site line to the east of our entrance before the crest of McComus Ave., to see oncoming traffic from the east.

With the concept of moving the entrance to the east side of the site, one could eliminate the 5 unit building on the east side of the site and replacing it with green space and parking to create a sense of openness and space when entering the community much like McComus Ct., Littleford La. and Torrance Ct. With the two detached homes facing McCoums Ave. the depth of their lots could be shorten allowing the 5 unit building on the west side of the site to be increased to 7 or 8 units much like those on Littleford La. The rear building could be shifted an increased by 1 unit for a net loss of 1 or 2 units for the entire site. The two units on the west end of the rear building would most likely lose their ability to have garages. I also believe this concept would also assist in controlling the water runoff issue by channeling most of it to the hard surface of the curbed parking lot and entrance roadway.

I have also enclosed a very rough drawing of this concept in order to better illustrate my thoughts on this matter.

Thanking you in advance for your time to review and to consider my concerns. However, should you have any questions; I can be reached by one of the above methods.

Sincerely,



Steven L. Howard

Enclosure

CC: ✓ Damon Orobona, Development Review Division of the Park & Planning Department

Marty Hunt, Attorney for the Developer

Melvin Grove Court

