



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

MCPB  
Item #  
7/22/10

July 12, 2010

MEMORANDUM

TO: Montgomery County Planning Board

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

VIA: Rose Krasnow, Chief of Development Review *RK*

SUBJECT: Local Map Amendment G-876

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RECOMMENDATION: *Approval.*

The applicant, Washington Property Company, is the contract purchaser of a 1.76 acre property located approximately a quarter-mile south of the Wheaton Metro Station at the intersection of Georgia Avenue and Veirs Mill Road. The property has frontage along Georgia Avenue and is directly adjacent to the Westfield Wheaton Shopping Center. Currently, the First Baptist Church of Wheaton is located on the site, but the Church has expressed an interest in relocating to another location within the County. Recognizing the desire for urban infill at this location, the applicant is proposing a six-story, 221-unit residential building. As part of the proposal, the applicant will provide an improved streetscape along Georgia Avenue and the stabilization of a degraded 800-foot stream channel immediately adjacent to the site. To accomplish the project, the applicant is requesting a rezoning of the property from the R-60 Zone to the TS-R Zone.

Staff recommends approval of the rezoning and the associated development plan because the proposal complies with the intent and purposes of the TS-R Zone, is compatible with the surrounding area, and is consistent with the general intent and recommendations of the Wheaton CBD Sector Plan.

If the Board decides to recommend approval of the project, it may also wish to recommend a conceptual waiver of 16 required parking spaces, as the proposed project is in an urban location where many of the anticipated residents will utilize public transportation and nearby shopping and service destinations. The Board will revisit the requested waiver again at site plan review once the final unit count is determined.

## SUMMARY OF REPORT

Public Hearings:	July 22, 2010 (Planning Board) July 30, 2010 (Hearing Examiner)
Overview of Site:	The site is comprised of three parcels, totaling 1.76 acres. The site is located just south of the intersection of Georgia Avenue and Veirs Mill Road, is within a quarter-mile of the Wheaton Metro Station, and is immediately southeast of the Westfield Wheaton Shopping Center. The First Baptist Church of Wheaton currently sits on the R-60 zoned property.
Proposed Zone and Use:	The applicant is proposing an infill redevelopment project for a six-story residential building with structured parking and an improved streetscape along Georgia Avenue. The applicant will provide off-site public improvements as well as public use space along the approximate 360 feet of Georgia Avenue frontage. The building will not exceed an FAR of 2.5, and 12.5 percent of the homes will be MPDUs. The TS-R Zone is being proposed to accomplish these objectives.
Sector Plan Consistency:	The project is consistent with the 1990 <i>Wheaton Central Business District and Vicinity</i> Sector Plan.
Zoning Provisions:	The project satisfies the intent, purposes, and regulations of the TS-R Zone. Although the zoning ordinance typically requires 238 parking spaces for a project of this size at this location, the applicant has requested a waiver of 16 spaces. Staff recommends the waiver, as the site is within a quarter-mile of the Wheaton Metro Station and is within walking distance to many services and shopping destinations.
Recommendation:	Staff recommends the TS-R Zone at this location. If the Council approves the rezoning request, the applicant will be required to undertake both subdivision and site plan review.

## I. PROCEDURAL HISTORY

The applicant filed for the TS-R zoning reclassification on May 27, 2008. Shortly after the initial filing, the applicant requested postponement of the application due to a weakened economy and various other business and financial considerations. After nearly two years, the applicant renewed efforts to process the application in April 2010.

The Office of Zoning and Administrative Hearings has scheduled a public hearing date on this application for July 30, 2010, 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 July 22, 2010, at 8787 Georgia Avenue, Silver Spring, Maryland.

## II. THE PROPOSAL

### A. Overview

*The Site.* The 1.76 acre subject property is in a key location in downtown Wheaton, located at the intersection of Georgia Avenue and Veirs Mill Road, within a quarter-mile of the Wheaton Metro Station, and directly adjoining the Westfield Wheaton Shopping Center.

The R-60 zoned property is currently a fully-developed church campus, with no forested areas or specimen trees on the property. The site gently slopes to the southwest corner where a stream channel is located just off-site. The southwest corner of the subject property contains .20 acres of stream valley buffer. Although a buffered area, this portion of the site is largely asphalt parking, as the church was constructed before current stream valley regulations were in place. The site has approximately 360 feet of street frontage along Georgia Avenue.

*The Surrounding Area.* The site is adjacent to the southern boundary of the Wheaton Central Business District (CBD). The Westfield Wheaton Shopping

Center and its ancillary outparcels are immediately to the northwest of the property. Across Georgia Avenue, the site is bordered by a six-story multifamily residential building, an automotive dealership, and a Best Buy retail center. The Plaza Gardens at Moonrise development, which is a two-story townhouse community zoned RT-12.5, is immediately south of the property along Georgia Avenue. South of Plaza Gardens are two more five-story multifamily residential buildings also along Georgia Avenue. The Stephen Knolls Elementary School is directly to the southwest of the site. The surrounding area has developed under a variety of residential, commercial, and mixed use zoning classifications, ranging from R-60 to CBD-3.

A surrounding area must be identified in a floating zone application so compatibility can be properly evaluated. Here, staff defines the surrounding area as generally formed by University Boulevard to the north, Amherst Avenue to the east, McComas and Douglas Avenues to the south, and the Westfield Wheaton ring road to the west. Staff finds this area appropriate for determining whether the proposed zone will be compatible with surrounding uses since it captures virtually the entire downtown Wheaton neighborhood and demonstrates the varied land use patterns and zoning classifications of Wheaton's CBD and vicinity. The surrounding area is outlined below, followed by a graphic showing metro proximity.

# Surrounding Area



Surrounding Area

Subject Property

## Metro Proximity



*The Development Plan.* The applicant will raze the existing church on the subject property, an older building that was constructed before the Wheaton Metro Station was operational or even planned, and will replace it with a six-story multifamily residential building that is more sensitive to urbanizing surroundings.

The proposed building will contain a maximum of 221 residential dwellings, including 12.5 percent moderately priced dwelling units (MPDUs), which correlates to a maximum of 193 market-rate dwellings and 28 MPDUs at a maximum FAR of 2.5. The building will have a mix of 2-bedroom units, 1-bedroom units (some with den), and studio apartments.

Although design details are conceptual at the rezoning stage of review, the applicant's submission proposes a building footprint and site layout that fit the context of the larger surrounding area and the general goals for the downtown Wheaton neighborhood. The building will front directly along Georgia Avenue, with the applicant providing distinctive architectural features at the northeastern corner of the site, providing a focal point at the intersection of Georgia Avenue

and Veirs Mill Road. At this time, the applicant is proposing street-fronting residential units with stoops and plentiful landscaping features along the Georgia Avenue streetscape. The project's public use space requirement will be satisfied through improving the 7,000-plus square feet of streetscape along the Georgia Avenue frontage. Active and passive recreational space will be provided for the building's residents through an internal terraced area. The applicant has been in discussions with staff regarding the potential for street-level commercial uses along Georgia Avenue, with the decision that potential mixed-use at this location should be fully considered at the time of site plan review.<sup>1</sup> Various aspects of the proposal are illustrated below, followed by the proposed binding and non-binding elements of the development plan.

### Illustrative Rendering along Georgia Avenue



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<sup>1</sup> The TS-R Zone allows many ancillary street-level commercial uses by-right if certain zoning provisions are satisfied.





## NON-BINDING & BINDING ELEMENTS:

### Non-binding/illustrative elements:

- (1) The development plan generally depicts the overall and unified concept for the proposed development and the conformance to the Wheaton Central Business District and Vicinity Sector Plan and Zoning Ordinance.
- (2) Building and parking locations shown hereon are approximate. Specific building and structure locations, footprints, parking locations, and other design details will be refined and finalized during the Subdivision and Site Plan proceedings.
- (3) The exact limits of the areas to be dedicated to public use may be refined at future planning stages.

### Binding elements:

- (1) Because the Planning Staff has determined that the proposed building improvements will encroach upon stream valley buffer, the Applicant must provide stream valley buffer mitigation as generally provided for in the exhibit labeled "Conceptual Stream Valley Buffer Encroachment Mitigation Exhibit" made part of the record for this case or as otherwise approved by the Planning Board in conjunction with 59-D-3 site plan approval for this project.

## **B. Sector Plan Consistency**

The property is located within the geographic area covered by the 1990 *Wheaton Central Business District and Vicinity Sector Plan*. Although the Plan is silent with respect to the subject property, the Plan provides many general goals for the surrounding area that the proposal will further.

On page 27, the Plan states, "[e]ncourage new mixed use development to concentrate around the Metro station and in other areas of greater transit accessibility... [e]ncourage the development of new housing in a range of types, prices, and rents, especially within walking distance of the Metrorail and Metrobus stations..., and [e]ncourage new housing to help reinforce Wheaton as a lively area, especially during evenings."

Under the *Residential Land Use* section on page 33, the Plan "attempts to build upon the existing retail advantages and the potential of the Metro transit station in Wheaton. In attempting to capitalize on these assets, the Plan

recommends the development of a strong supporting population base. A variety of housing types in close proximity to the Central Business District and the Metro station would meet the needs of the residential housing market, would provide built-in purchasing power for the local retail Marketplace, would provide for an increase in the potential ridership on the Glenmont Transit Route, and should not contribute to the demand for commuter parking in the station area since it would be within walking or short bus-ride distance."

The proposed project addresses the demand for housing and encourages greater diversity in Wheaton by offering more housing choices. Due to the project's location proximate to Metro, residents of the proposed building can take advantage of existing transit infrastructure. The project contributes to increasing the population living in Wheaton and will support existing and forthcoming retail establishments.<sup>2</sup>

### III. ZONING PROVISIONS

#### A. The Development Plan Findings

Before approving a development plan, five specific findings must be made under §59-D-1.61. These findings relate to consistency with the master or sector plan, compatibility with surrounding development, circulation and access, preservation of natural features, and perpetual maintenance of common areas. The required findings are set forth below with analysis following.

*(a) That the zone applied for is in substantial compliance with the use and density indicated by the Master Plan or Sector Plan, and that it does not conflict with the general plan, the county capital improvements program or other applicable county plans and policies;*

As indicated previously, the TS-R Zone is in substantial compliance with the general recommendations of the Wheaton CBD Sector Plan for the surrounding area. The proposed development will promote the County's housing

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<sup>2</sup> See Community-based Planning Interoffice Memorandum at attachment 1.

and smart growth policies by creating additional housing within walking distance of Metro. The project will also contribute to the County's stock of affordable housing by providing MPDUs.

*(b) That the proposed development would comply with the purposes, standards and regulations of the zone as set forth in article 59-C, would provide for the maximum safety, convenience, and amenity of the residents of the development and would be compatible with adjacent development.*

As further explained in section III.B. of this report, the proposed development complies with the purposes, standards, and regulations of the TS-R Zone.

The proposal achieves compatibility with the surrounding uses as the proposed building joins many other similarly-sized residential buildings in the surrounding Wheaton CBD area that provide support for Wheaton's retail shopping venues. Two five-story multifamily residential buildings are located in the immediate vicinity along Georgia Avenue just south of the subject property. A newly constructed six-story multifamily residential building is across Georgia Avenue from the subject property and is adjacent to the Metro Station. Further north, an eighteen-story mixed use building, including a Safeway grocery store at street-level, was recently approved. Among the larger residential buildings in the surrounding area are a range of smaller residential developments, such as the townhouse community to the immediate south of the site, and big-box commercial developments and ancillary outparcels. The array of building types help shape downtown Wheaton's character.

The applicant's proposed building, although taller than the adjacent two-story townhomes, is an appropriate step-up in height and density given the site's proximity to Metro. Further, a break in massing, architectural dressings, and landscape buffering will assist in a smooth transition between the subject property and the adjacent townhomes.

The proposal provides convenience and amenities to the residents of the development by sheer location alone, as many transportation options, services,

and shopping destinations are within walking distance from the project. The site has been designed in a safe and efficient manner.

*(c) That the proposed internal vehicular and pedestrian circulation systems and points of external access are safe, adequate, and efficient;*

As discussed later under the transportation section of the report, the vehicular and pedestrian circulation systems for the project have been safely designed to provide a clear drive aisle and a distinct pedestrian sidewalk. The sidewalk, with textured materials, public seating, and generous landscaping, will connect the development to adjacent services and amenities. For the above reasons, the proposed circulation systems are safe and efficient.

*(d) That by its design, by minimizing grading and by other means, the proposed development would tend to prevent erosion of the soil and to preserve natural vegetation and other natural features of the site. Any applicable requirements for forest conservation under Chapter 22A and for water resource protection under Chapter 19 also must be satisfied. The district council may require more detailed findings on these matters by the planning board at the time of site plan approval as provided in division 59-D-3;*

The property is already fully developed, so the only natural feature on the site is .20 acres of stream valley buffer area stemming from a stream that is just off-site to the south of the property. However, as the church was constructed before modern environmental regulations were in place, the buffered area is largely comprised of an asphalt parking lot. The applicant will place the proposed building over the existing parking lot within the stream valley buffer area. To mitigate the encroachment, the applicant has proffered a binding element whereby the applicant commits to restoring a lengthy portion of the off-site stream channel. This approach will keep the property built-out, but acts to preserve and enhance the natural vegetation and features of the immediately adjacent properties and will be of great benefit to the existing stream.

Although the applicant's stormwater management concept plan has not been approved at the publication date of this report, staff consulted with the Department of Permitting Services and is satisfied that the applicant's concept plan will likely be approved before the scheduled hearing date.

*(e) That any documents showing the ownership and method of assuring perpetual maintenance of any areas intended to be used for recreational or other common of quasi-public purposes are adequate and sufficient.*

The applicant will be required to provide draft documentation and/or testimony at the Hearing Examiner proceedings that sufficiently ensures ownership and the perpetual maintenance of common areas.

## **B. The Requirements of the TS-R Zone**

Before approving the TS-R Zone on a property, specific requirements must be satisfied under §59-C-8. These findings relate to ensuring the proposal meets the intent and purposes of the TS-R Zone, use and locational requirements, and the established development standards of the Zone. The required findings are set forth below with analysis following.

*Intent of the TS-R Zone.* The TS-R Zone is intended to be used as follows, per Section 59-C-8.21:

- (a) The TS-R and TS-M zones are intended to be used in a Transit Station Development Area as defined in section 59-A-2.1. However, the TS-R zone may also be used in an area adjacent to a Central Business District, within 1,500 feet of a metro transit station, and the TS-M zone may be also be *[sic]* used within a Central Business District if the property immediately adjoins another property outside a Central Business District that is eligible for classification in the TS-M zone or separated only by a public right-of-way from property outside a Central Business District that is eligible for classification in the TS-M zone.

- (b) The TS-R zone is intended for locations where multiple-family residential development already exists or where such development is recommended by an approved and adopted master plan.
- (c) The TS-M zone is intended... [not relevant]
- (d) In order to facilitate and encourage innovative and creative design and the development of the most compatible and desirable pattern of land uses, some of the specific restrictions which regulate, in some other zoning categories, the height, bulk and arrangement of buildings and location of the various land uses are eliminated and the requirement substituted that all development be in accordance with a plan of development meeting the requirements of this division.

Although the subject property is not located within a transit station development area, it is adjacent to the Wheaton CBD and is within 1,500 feet of the Wheaton Metro Station.<sup>3</sup> It is also in an area where multifamily housing already exists, as many multifamily residential buildings are developed along Georgia Avenue in the immediate vicinity of the subject property. Lastly, although the Sector Plan does not specifically recommend the TS-R Zone on the subject property, the area directly across Georgia Avenue from the subject property has been designated as appropriate for the TS-R Zone and multifamily residential development.

*Purpose of the TS-R Zone.* The purpose clause for the TS-R Zone, found in Code §59-C-8.22, is set forth in full below, with relevant analysis and conclusions following:

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<sup>3</sup> Although the subject property is not immediately adjoining the Wheaton CBD boundary, it is within approximately 100 feet of the CBD and satisfies the adjacency requirement. The term *adjacent* has been interpreted as "[l]ying near or close to, but not necessary touching." *White v. Pines Community Improvement Association, Inc.*, 917 A.2d 1129, 1144 (2007). In this opinion, the Court further stated "[t]here are degrees of nearness, and when you want to express the idea that a thing is immediately adjacent you have to say so."

- (a) To promote the effective use of the transit station development areas and access thereto;
- (b) To provide residential uses and certain compatible non-residential uses within walking distance of the transit stations;
- (c) To provide a range of densities that will afford planning choices to match the diverse characteristics of the several transit station development areas within the county; and
- (d) To provide the maximum amount of freedom possible in the design of buildings and their grouping and layout within the areas classified in this zone; to stimulate the coordinated, harmonious and systematic development of the area within the zone, the area surrounding the zone and the regional district as a whole; to prevent detrimental effects to the use or development of adjacent properties or the surrounding neighborhood; to provide housing for persons of all economic levels; and to promote the health, safety, morals and welfare of the present and future inhabitants of the regional district and the county as a whole.

The proposed development will make effective use of the Wheaton Metro Station by increasing the number of housing opportunities within close proximity to the station. The development will also add to the range of residential densities in the area, which is already quite broad.

Paragraph (d) of the purpose clause sets forth a purpose to "stimulate the coordinated, harmonious and systematic development of the area" and "prevent detrimental effects to the use or development of adjacent properties or the surrounding neighborhood." These elements effectively make compatibility of the rezoning with the surrounding area an element of the purpose clause. As previously discussed, the proposed building will be compatible with nearby buildings and uses, and will be a positive addition to the downtown Wheaton neighborhood.

*Special Requirements of the TS-R Zone.* The specific requirements of the TS-R Zone are summarized below, together with analysis of whether the proposed development satisfies each requirement.

*§59-C-8.24, Location.*

This provision repeats Section 59-C-8.21(a), which is already discussed above.

*§59-C-8.25, Public facilities and amenities.* A development must conform to the facilities and amenities recommended by the approved and adopted master or sector plan, including and granting such easements or making such dedications to the public as may be shown thereon or are deemed necessary by the Planning Board to provide for safe and efficient circulation, adequate public open space and recreation, and insure compatibility of the development with the surrounding area, and assure the ability of the area to accommodate the uses proposed by the application.

The proposal provides for right-of-way dedications and the required public open space and active/passive recreation spaces required under the TS-R Zone.

*§59-C-8.3 Land use.* No use is allowed except as indicated in the following use table . . .

Residential use is permitted as of right in the TS-R Zone. If the rezoning is approved and mixed use is proffered at the time of site plan, then ancillary street-level commercial uses are allowed by-right under certain circumstances.

*§59-C-8.4 Development standards.*

As shown in the table below, the proposed development will satisfy all development standards of the TS-R Zone except for the required amount of parking spaces. However, the applicant is requesting a conceptual parking waiver of 16 spaces because of the urban location of the development and its proximity to Metro and numerous services and amenities. Staff supports the waiver request with reasoning more thoroughly discussed in the transportation and parking section of the report.

Development standards must be satisfied again if the project progresses through subdivision and site plan review.



Development Standard	Permitted/Required	Proposed	Applicable Zoning Provision
Minimum Area	18,000 sq ft (0.41 acres)	76,546 sq ft (1.76 acres)	§59-C-8.41
FAR	2.5	2.5 or less	§59-C-8.42(a)
Dwelling Units per Acre	150	126 or less	§59-C-8.42(b)
Minimum Percent Public Use Space	10 percent	10 percent	§59-C-8.43(a)
Minimum Percent Active/Passive Recreational Space	20 percent	30 percent	§59-C-8.43(b)
Building Height	TBD at Site Plan	TBD at Site Plan	§59-C-8.51
Parking	238	222 (applicant requesting waiver of 16 spaces)	§59-E-3.7

*§59-C-8.51, Building height limit.* The maximum height permitted for any building shall be determined in the process of site plan review. In approving height limits the planning board shall take into consideration the size of the lot or parcel, the relationship of the building or buildings to surrounding uses, the need to preserve light and air for the residents of the development and residents of surrounding properties and any other factors relevant to height of the building.

No findings necessary at zoning.

*§59-C-8.52, Off-street parking.* Parking shall be so located as to have a minimal impact on any adjoining residential properties.

The Development Plan provides for underground parking.

*§59-C-8.52, Streets.* Interior streets may be private or public but private streets must have a minimum width of

20 feet for two-way traffic and 10 feet for one-way traffic and must be paved and maintained in good repair.

No interior streets are proposed.

*§59-C-8.54, Ancillary commercial uses.* Ancillary commercial uses, as a permitted use or by special exception as set forth in section 59-C-8.3, may be permitted as follows:

(a) The amount of floor area devoted to commercial uses cannot exceed the amount or substantially alter the configuration specified for the site in the applicable master or sector plan.

(b) If the master or sector plan does not make a specific recommendation as to the amount of floor area allowed, then commercial uses are limited to the street level only.

In addition, a restaurant may be permitted on the top or penthouse floor. All commercial uses must be so located and constructed to protect tenants of the building from noise, traffic, odors and interference with privacy.

No commercial uses are proposed at rezoning. If the rezoning is approved, staff and the applicant will consider the potential for street-level retail at the time of site plan review.

### **C. Compatibility**

As previously discussed, the proposed development is compatible with the surrounding area.

### **D. The Public Interest**

The rezoning must bear sufficient relationship to the public interest to justify its approval. When evaluating the public interest it is customary to consider master or sector plan conformance and other public interest factors

such as adverse impacts on public facilities or the environment and the furtherance of other County policies. As previously stated, the proposal is consistent with the general objectives of the Wheaton CBD Sector Plan. As discussed in the following section, the impact on public schools, water systems, and roadways will be minor. The project will further the County's policies for smart growth and affordable housing by providing more housing choices in close proximity to a well-established public transportation hub and numerous shopping and service destinations. The applicant has committed to stabilizing an 800-foot stretch of stream channel as part of the project, which will help preserve the natural features of nearby properties. Lastly, the improvement of the Georgia Avenue public streetscape will contribute to an urbanizing environment that emphasizes pedestrian activity along with multimodal transportation choices. 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 development plan were reviewed by the Washington Suburban Sanitary Commission (WSSC). WSSC found that the reclassification from the R-60 Zone to the TS-R Zone and the subsequent proposed development will not burden the water systems of the area.<sup>4</sup>

*Transportation and Parking.* The proposed development will have one access point from Georgia Avenue. Access will be provided with a single right-in, right-out driveway approximately 350 feet south of the Georgia Avenue and Veirs Mill Road intersection.

The development proposes a clear sidewalk distinction from the drive isle, with textured materials to help signify the break. Several pedestrian access

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<sup>4</sup> See WSSC Memorandum at attachment 2.

points between the building and the sidewalk are proposed. Staff finds the proposed access to the site will be safe, adequate, and efficient.

The proposed development is estimated to generate approximately 75 trips during the weekday morning peak-hour and 86 trips during the weekday evening peak-hour. A traffic study was submitted to determine the impact of the development on the area's transportation system. Five local intersections were identified to determine whether the applicable congestion standards were met. The table below represents the data.

### Summary of Capacity Calculations

Intersection	Traffic Conditions					
	Existing		<i>Background</i>		Total	
	AM	PM	AM	PM	AM	PM
Georgia Ave and Reddie Dr	945	918	1,007	1,001	1,012	1,003
Georgia Ave and Veirs Mill Rd/Pritchard Rd	929	866	957	887	972	909
Georgia Ave and Windham La	1,109	1,140	1,137	1,168	1,148	1,192
Veirs Mill Rd and WMATA/Wheaton Mall Dr	573	701	573	701	577	710
Georgia Ave and Site Dr	--	--	--	--	989	710

As shown in the above table, the critical lane volume (CLV) for intersections included in the study are below the Wheaton CBD Policy Area congestion standard. Based on the analysis presented in the traffic study, staff finds the application satisfies the LATR requirements of the APF test.

To satisfy the PAMR requirements of the APF test, a development located within the Wheaton CBD Policy Area is required to mitigate 10 percent of its new peak-hour trips. A typical development with 221 multifamily residential units will generate 91 peak-hour trips during the weekday morning peak period and 105 peak-hour trips during the weekday evening peak period. However, because a proposed development is automatically given an 18 percent trip reduction for being in a Metro Station Policy Area (not including the Bethesda, Friendship

Heights, and Silver Spring CBDs), the applicant's proposal satisfies the PAMR trip reduction requirement due to its proximity to the Wheaton Metro. Based on the above finding, staff finds that the application satisfies the PAMR requirements of the APF test.<sup>5</sup>

Normally, a proposed development with 221 units at this location will require 238 parking spaces. However, the applicant is requesting a parking waiver of 16 spaces because of the project's proximity to Metro and its urban location, with many shops, restaurants, and services within walking distance. Across the nation, a current zoning trend is to introduce various forms of exemption from parking requirements for developments anticipated to generate less than the standard level of parking demand. In fact, Washington, D.C. just recommended a revision to its parking standards by allowing a 50 percent reduction in required parking for projects near metro stations. Because Montgomery County's parking standards are not the most contemporary, staff supports the applicant's waiver request at rezoning with the knowledge that parking will be revisited at site plan as the building's number of units are finalized.

*Schools.* Staff received comments from Montgomery County Public Schools (MCPS) regarding the proposal's potential impact on the school system. The site is located within the Oakland Terrace Elementary School, Newport Mill Middle School, and Albert Einstein High School attendance areas. Albert Einstein is part of the Downcounty Consortium where students may choose to attend their base high school or four other high schools in the Consortium.

Enrollment at the elementary school is currently over-capacity and is projected to remain so. To address the over-capacity, a new elementary school is scheduled to open in August 2012. Enrollments at Albert Einstein and Newport Mill are currently within capacity but are projected to slightly exceed capacity in the 2015-2016 school year. The current growth policy school test for fiscal year 2011 finds capacity adequate in the Einstein Cluster.<sup>6</sup>

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<sup>5</sup> See Transportation Planning Interoffice Memorandum at attachment 3.

<sup>6</sup> See Montgomery County Public Schools Memorandum at attachment 4.

## **B. Environmental Considerations**

As previously stated, the site is already fully developed and there are no natural features associated with the property other than .20 acres of stream valley buffer from an immediately off-site stream. The off-site stream, which originates from the Westfield Wheaton Shopping Center, flows south approximately 800 feet behind the subject property and other developments along Georgia Avenue and flows into the Dennis Avenue Regional Stormwater Facility. A high volume of ground and stormwater flows through the channel, which is in poor condition due to illegal discharge incidents and severe erosion.

The subject property's stream valley buffer area is already developed with an asphalt parking lot, so the proposed building is to be constructed upon this area of the site. As a mitigation effort, the applicant has added a binding element to the development plan to stabilize the off-site stream by clearing the channel, providing outfall extensions, and fixing erosion along the entire 800-foot stretch. Staff believes the mitigation proffer is a significant step forward towards restoring the stream and is a sufficient mitigation approach.

Staff conceptually supports the preliminary forest conservation plan (PFCP). All forest conservation requirements will be met off-site by way of a forest conservation bank or through payment of fee-in-lieu. Final approval will be formalized during subsequent reviews before the Planning Board if the rezoning is approved. Environmental planning staff is supportive of the zoning change and recommends a traffic noise analysis at subsequent stages of review.<sup>7</sup>

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<sup>7</sup> See Environmental Planning Interoffice Memorandum at attachment 5.

## Off-site Stream Channel



### C. Community Outreach and Participation

As of the publication date of this report, staff has received only two letters regarding the proposal, both in support of the application. The first letter, from an owner of three adjacent townhomes, states the opinion that the R-60 Zone, which typically promotes single-family detached houses, is an inappropriate zone for an urban site located so close to public transportation. The second letter, from the Wheaton Redevelopment Advisory Committee, also supports the application for

promoting smart growth, enhancing the architectural fabric of the area, improving the streetscape of Georgia Avenue, and for the developer's stated intention of constructing a LEED-certified building.<sup>8</sup>

According to the applicant, extensive community outreach has occurred on the project dating back to 2007. The applicant has stated that meetings on the project have been held with adjoining and confronting property owners and registered community associations, the Wheaton Redevelopment Advisory Committee, the Wheaton Urban District, MCPS, community members, and Westfield Wheaton Shopping Center representatives. The extensive outreach on behalf of the applicant may explain the lack of correspondence received by planning staff from the community.

## **V. CONCLUSION**

Staff recommends that Local Map Amendment G-876 be approved and the conceptual parking waiver allowed with the knowledge that parking requirements be revisited at the time of site plan review when final unit count is determined.

## **VI. ATTACHMENTS**

1. Community-based Planning Interoffice Memorandum
2. WSSC Memorandum
3. Transportation Planning Interoffice Memorandum
4. MCPS Memorandum
5. Environmental Planning Interoffice Memorandum
6. Community Letters

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<sup>8</sup> Letters found at attachment 6.



**MEMORANDUM**

TO: Damon Orobona, Build (Development Review) Division

Via: Khalid Afzal, East Transit Corridor Team Leader, Vision Division

FROM: Sandy Tallant, Planner Coordinator, Vision Division

DATE: June 21, 2010

RE: Zoning Application No. G-876, Washington Property Company, First Baptist Church of Wheaton, 2.36-acre site (P754, P758, and Parcel N760), 10914, Silver Spring, Maryland

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The Applicant proposes rezoning the property located at 10914 Georgia Avenue, from R-60 (Residential-One-Family) to the TS-R (Transit Station, Residential) Zone in order to develop a multi-family residential project on the property with approximately 221 multi-family residential units (including moderately priced dwelling units), underground parking, and associated public use space and active and passive recreational space.

**Recommendation**

The proposed rezoning of the site from R-60 (Residential One-Family) to the TS-R (Transit Station, Residential) Zone is consistent with the Approved and Adopted 1990 Sector Plan for the Wheaton Central Business District and Vicinity.

The Plan supports mixed-use development, including housing near Metro as follows:

- Additional housing takes advantage of improved public transportation accessibility
- The project contributes to providing a wide choice of housing types and prices in Wheaton
- Contributes to satisfying the demand for housing in the County
- Increases population living in Wheaton which supports existing retail establishments

**Master Plan Text**

One of the Sector Plan's goals is to "provide additional housing to take advantage of improved public transportation accessibility brought about by Metro." (p. 2)

It further states on page 26 that among the Plan's goals is to provide "additional new housing and a range of housing opportunities to serve a broad spectrum of the metropolitan population. A variety of housing types would help to satisfy a demand for housing that may not be available in other parts of the County. A combination of apartments, townhomes, and single-family homes can expand the age and family size mix in Wheaton. An increase in the local population base can generate greater support for retail establishments, entertainment and recreation facilities, restaurants, and the like. New residential development should be encouraged to ensure the viability of the business areas."

The **VISION** section of the Plan envisions Wheaton as a good place to live, where *“A wide choice of housing types and prices is available for a diversity of lifestyles and incomes.”* (p.22)

In the **Land Use and Zoning** section under **PLAN HIGHLIGHTS** on page 2, the Plan *“recommends the development of new housing adjacent to the Metro station and at other locations in the Sector Plan area”*.

On page 27, the Plan states: *“Encourage new mixed use development to concentrate around the Metro station and in other areas of greater transit accessibility...Encourage the development of new housing in a range of types, prices, and rents, especially within walking distance of the Metrorail and Metrobus stations ...; and Encourage new housing to help reinforce Wheaton as a lively area, especially during evenings.”*

Under the **RESIDENTIAL LANDUSE** on page 33, the Plan states: *“This sector Plan attempts to build upon the existing retail advantages and the potential of the Metro transit station in Wheaton. In attempting to capitalize on these assets, the Plan recommends the development of a strong supporting population base. A variety of housing types in close proximity to the Central Business District and the Metro station would meet the needs of the residential housing market, would provide built-in purchasing power for the local retail Marketplace, would provide for an increase in the potential ridership on the Glenmont Transit Route, and should not contribute to the demand for commuter parking in the station area since it would be within walking or short bus-ride distance.”*

### **Conclusion**

The proposed project addresses the demand for housing and provides greater housing diversity in Wheaton by offering more housing choices. Due to the project's location proximate to Metro, residents of this project can take advantage of existing transit infrastructure. The project contributes to increasing the population living in Wheaton which supports existing retail establishments. The proposed rezoning of the site from R-60 (Residential-One-Family) to the TS-R (Transit Station, Residential) Zone is consistent with the Approved and Adopted 1990 Master Plan for the Wheaton Central Business District and Vicinity and staff recommend approval of this rezoning to accommodate multi-family development on this site.

WASHINGTON SUBURBAN SANITARY COMMISSION

DEVELOPMENT PROPOSAL REVIEW  
FOR A  
REZONING APPLICATION

APPLICATION NO.: G-876

DATE: June 10, 2010

APPLICANT: Washington Property Company

LOCATION: 10914 Georgia Ave., Silver Spring, MD 20902

COUNTY: Montgomery

200' SHEET NO.: 214NW02

PRESENT ZONING: R-60

PROPOSED ZONING: TS-R

SIZE OF PARCEL: 2.36 acres

DWELLING UNITS:

OTHER: Parcels: P754, P758 & N760

---

**WATER INFORMATION**

1. Water pressure zone: 660A
2. Twelve (12) – and twenty (20) -inch water mains abut 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: Sligo Creek
2. An eight (8) -inch sewer main abuts the property.
3. Average wastewater flow from the present zoning: 3,800 GPD  
Average wastewater flow from the requested zoning: 61,200\* GPD  
Average wastewater flow from the proposed development: N/A

\* As per Montgomery County zoning code, 150 dwellings (high-rise apartments) per acre are assumed to be developed.

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.*

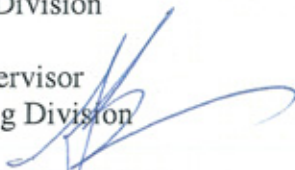
Reviewed by *Shanta Katwal*, (301)206-7202




July 9, 2010

**MEMORANDUM**

**TO:** Damon Orobona, Planner/Coordinator  
Development Review Division

**VIA:** Shahriar Etemadi, Supervisor  
Transportation Planning Division 

**FROM:** Cherian Eapen, Planner/Coordinator  
Transportation Planning Division   
301-495-4525

**SUBJECT:** Local Map Amendment/Rezoning Application No. G-876  
Proposed Wheaton Apartments Development  
10914 Georgia Avenue; Parcels P754, P758, and Parcel N760 (Parcel A)  
Southwest corner of Georgia Avenue and Veirs Mill Road  
Washington Property Company ("Applicant")  
Wheaton CBD Policy Area

---

This memorandum presents Transportation Planning staff's Adequate Public Facilities (APF) review of the subject Local Map Amendment/Rezoning Application to rezone the subject 2.36 acre property from the R-60 zone to the TS-R (Transit Station-Residential) zone. The purpose of the rezoning request by Washington Property Company ("Applicant") is to obtain approval to construct 221 multi-family residential dwelling units on the property.

**RECOMMENDATIONS**

Transportation Planning staff recommends that the following transportation-related comments be part of the Planning Board's recommendations on the subject Local Map Amendment/Rezoning Application. Staff notes that these recommendations may or may not satisfy APF requirements at the time of subdivision.

1. The Applicant must limit future development on the site to 221 multi-family dwelling units.
2. At the time of subdivision application, the Applicant must satisfy Local Area Transportation Review (LATR) and Policy Area Mobility Review (PAMR) requirements of the APF test necessary under Growth Policy procedures in effect at the time of the filing of the application.

## DISCUSSION

### Site Location, Access, and Public Transportation Facilities

The proposed Wheaton Apartments development is located within the southwest corner of Georgia Avenue (MD 97) and Veirs Mill Road (MD 586) intersection in Wheaton, on the site of existing First Baptist Church of Wheaton. The Westfield Shoppingtown/Wheaton Mall is located immediately to the west of the proposed development.

The development is proposed with a single right-turn in/right-turn out access driveway to Georgia Avenue (with a "pork-chop" island to the middle), approximately 350 feet south of its intersection with Veirs Mill Road. Staff recommends that the Applicant remove the "pork-chop" island since the median on Georgia Avenue will prevent vehicles from making left turns from north bound Georgia Avenue onto the site or turn out of the site traveling north on Georgia Avenue. The Applicant must coordinate redesign of the driveway with Maryland State Highway Administration (SHA) staff. Additionally, the driveway must be designed in such a way that its curb-return (to the southeast corner of the property) will not extend to the frontage of the adjacent property.

The development also proposes several pedestrian access points between the apartment building and the sidewalk along Georgia Avenue, which is proposed to be reconstructed along the site frontage. Staff recommends that the Applicant extend the sidewalk offsite to the north to the handicapped ramps provided for Veirs Mill Road crosswalk. Staff also recommends that the Applicant connect the Georgia Avenue/Veirs Mill Road sidewalk to the sidewalk to the back of the Bally Fitness building (to the north of the site) as a connection to Wheaton Mall.

The site is well served by transit, which include Metrorail, Metrobus, and RideOn services. The entrance to the Wheaton Metrorail Station is approximately 1,200 feet to the north of the site. The station is served by the Red Line route, which runs between Glenmont and Shady Grove Metrorail Stations. The Wheaton Metrobus Station/Park and Ride is located just west of the Metrorail Station, between Georgia Avenue and Veirs Mill Road. The Wheaton Metrobus Station and Georgia Avenue along site frontage are served by several Metrobus and RideOn routes.

Staff believes that the proposed internal vehicular and pedestrian circulation systems and points of external access with the modifications noted above will be safe, adequate, and efficient.

### Master Plan Roadways and Pedestrian/Bikeway Facilities

The 1989 Approved and Adopted *Master Plan for the Communities of Kensington-Wheaton* and the 1990 Approved and Adopted *Wheaton CBD and Vicinity Sector Plan* describes the following roadways and bikeways:

1. Georgia Avenue (MD 97), along the eastern property boundary, as a six-lane divided major highway (M-8) with a minimum right-of-way width of 120 feet. A signed/shared

roadway bikeway (SR-19 in the Approved and Adopted 2005 *Countywide Bikeways Functional Master Plan*) is also recommended for Georgia Avenue along site frontage.

2. Veirs Mill Road (MD 586), at the northeast corner of the property boundary, as a six-lane divided major highway (M-13) with a minimum right-of-way width of 120 feet.
3. A signed/shared roadway bikeway (SR-26 in the 2005 *Countywide Bikeways Functional Master Plan*) is recommended for Westfield Shoppingtown/Wheaton Mall loop road (to the rear of the site).

Adequate Public Facilities Review

A traffic study was required for the subject Local Map Amendment/Rezoning Application according to the *Local Area Transportation Review (LATR)/Policy Area Mobility Review (PAMR) Guidelines* since the proposed development on the subject property was estimated to generate 30 or more peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods.

The consultant for the Applicant submitted a traffic study (dated May 2, 2010; Revised June 7, 2010) that determined traffic-related impacts of the proposed development on nearby roadway intersections during weekday morning and evening peak periods.

• **Trip Generation**

The peak-hour trip generation estimate for the proposed Wheaton Apartments development was based on trip generation rates/recommendations included in the *LATR/PAMR Guidelines*. A site trip generation summary is provided in Table 1.

**TABLE 1  
SUMMARY OF SITE TRIP GENERATION  
PROPOSED WHEATON APARTMENTS DEVELOPMENT**

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
221 multi-family dwelling units	15	60	75	57	29	86

Source: Kimley-Horn and Associates, Inc. Traffic Impact Analysis; May 3, 1010; Revised June 7, 2010.

Note: Trip generation estimate in Table 1 reflects the 18 percent trip reduction allowed for Metro Station Policy Areas outside Bethesda, Friendship Heights, and Silver Spring CBDs.

As shown in Table 1, the proposed Wheaton Apartments development was estimated to generate approximately 75 total trips during weekday morning peak-hour and 86 total trips during the weekday evening peak-hour.

- **Local Area Transportation Review**

A summary of the capacity analysis/Critical Lane Volume (CLV) analysis results for the study intersections for the weekday morning and evening peak-hours within the respective peak periods from the traffic study is presented in Table 2.

**TABLE 2  
SUMMARY OF CAPACITY CALCULATIONS  
PROPOSED WHEATON APARTMENTS DEVELOPMENT**

Intersection	Traffic Conditions					
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
Georgia Ave and Reddie Dr	945	918	1,007	1,001	1,012	1,003
Georgia Ave and Veirs Mill Rd/Pritchard Rd	929	866	957	887	972	909
Georgia Ave and Windham La	1,109	1,140	1,137	1,168	1,148	1,192
Veirs Mill Rd and WMATA/Wheaton Mall Dr	573	701	573	701	577	710
Georgia Ave and Site Dr	--	--	--	--	989	710

Source: Kimley-Horn and Associates, Inc. Traffic Impact Analysis; May 3, 1010; Revised June 7, 2010.  
 Note: Wheaton CBD Policy Area Congestion Standard: 1,800 CLV

As shown in Table 2, under Total (i.e., Build) traffic conditions, CLV values for intersections included in the study were below the Wheaton CBD Policy Area congestion standard of 1,800 CLV. Based on the analysis presented in the traffic study, staff finds the subject Local Map Amendment/Rezoning Application to satisfy the LATR requirements of the APF test.

- **Policy Area Mobility Review**

To satisfy the PAMR requirements of the APF test, a development located within the Wheaton CBD Policy Area is required to mitigate 10 percent of its “new” peak-hour trips.

The site trip generation summary presented in Table 1 shows that the proposed Wheaton Apartments development will generate 75 peak-hour trips during the weekday morning peak period and 86 peak-hour trips during the weekday evening peak period. Without the 18 percent trip reduction, a development with 221 multi-family dwelling units located outside a Metro Station Policy Area (MSPA), not including Bethesda, Friendship Heights, and Silver Spring CBDs, will generate 91 peak-hour trips during the weekday morning peak period and 105 peak-hour trips during the weekday evening peak period.

Thus, the proposed development, as a result of being located within the Wheaton CBD, is estimated to generate 18 percent less trips and therefore satisfies the 10 percent PAMR trip reduction requirement.



Based on the above finding, staff finds that the subject Local Map Amendment/Rezoning Application to satisfy the PAMR requirements of the APF test.

SE:CE:tc

cc: Khalid Afzal  
Ed Papazian  
Cathy Conlon  
Robert Kronenberg  
Greg Leck  
Corren Giles

mno to ET re Bowie Mill Rd G-885.doc



**MONTGOMERY COUNTY PUBLIC SCHOOLS**  
MARYLAND  
www.montgomeryschoolsmd.org

July 2, 2010

Mr. Damon Orobona  
Community-Based Planning Division  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

Dear Mr. Orobona:

This letter is sent in response to Zoning Application No. G-876, known as "Parcel P754, Parcel P758, and Parcel P760," located at 10914 Georgia Avenue, Silver Spring, Maryland.

This rezoning would result in up to 219 multi-family dwelling units. Based on average yield factors derived from the Maryland National Capital Park and Planning Commission 2008 Census Update Survey, the impact of this project is estimated to be approximately thirty-six (36) elementary, seventeen (17) middle, and eighteen (18) 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 but are projected to exceed capacity slightly in the sixth year of the forecast period, 2015–2016. Please see enclosed pages from the Montgomery County Public Schools *FY 2011 Educational Facilities Master Plan and the FY 2011–2016 Capital Improvements Program (CIP)*.

The current growth policy school test (FY 2011) finds capacity adequate in the Einstein Cluster.

Sincerely,

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

BHC:lm

Enclosure

Copy to: Mr. Bowers, Mr. Song, Ms. Turpin  
Division of Long-range Planning

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



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

**MEMORANDUM**

TO: Damon Orobona, Development Review

VIA: Mark Pfefferle, Acting Chief, Environmental Planning

FROM: Amy Lindsey, Environmental Planning *AL*

DATE: July 7, 2010

SUBJECT: Local Map Amendment G-876  
10914 Georgia Avenue

**RECOMMENDATION:**

Environmental Planning staff recommends approval of zoning application G-876.

Certain other issues associated with this zoning request and associated Development Plan are conceptually acceptable, and can be resolved during subsequent reviews in the development approval process. These issues include:

- Detailed design of mitigation for environmental buffer encroachment.
- Preliminary forest conservation plan approval.
- Stormwater management concept approval.
- Traffic noise analysis.

**BACKGROUND**

The subject property is located on the west side of Georgia Avenue, south of Westfield Wheaton Shopping Mall in Wheaton. Neighboring properties include Stephen Knolls School, a Montgomery County Public School (MCPS) serving Special Education students, to the west, a townhouse complex to the south, and Westfield Wheaton Shopping Mall to the north. This property is currently developed as Wheaton Baptist Church and zoned R-60. This application proposes to rezone the subject property to the



TS-R zone and develop the property with a multi-family housing

The property subject to this zoning application is adjacent to a perennial stream, on MCPS property. However, 0.20 acres of environmental buffer extend onto the subject property, even though the stream does not. There are no other environmentally sensitive features, nor are there any specimen trees. The property is within the Wheaton Branch subwatershed of the Sligo Creek watershed; a Use I watershed of fair water quality.

## ISSUES

### **Environmental Buffer Encroachment**

The subject property has 0.20 acres of environmental buffer on it, from a perennial stream on the adjacent MCPS property. The applicant is proposing development that will extend to the rear property line, permanently encroaching into all 0.20 acres of stream valley buffer on this property.

**Resolution:** The perennial stream on MCPS property is a degraded urban stream that outfalls from Westfield Wheaton Shopping Mall. The channel then runs for 800 feet into another concrete pipe, which eventually leads to the Dennis Avenue regional stormwater facility. The water quality in this stream is poor, due to numerous illegal discharge incidents and there appears to be no biological life in the channel. The channel and banks are severely eroded, due to the high water volume and velocity associated with storm events. The banks are so eroded that the townhouse community directly downstream has installed gabions, wire boxes filled with stones, as bank protection devices. There is a floodplain associated with this stream because it channels such a large amount of water.

The water in this stream comes from two main sources. The first is groundwater, as confirmed by Montgomery County Department of Environmental Protection laboratory analysis. There is also a significant amount of stormwater flowing in this channel. Because there is a groundwater component to the flow, this channel is classified as a stream and buffered according to the Planning Board's Environmental Guidelines. The width of the buffer is based on the Use Class of the watershed and the steepness of the associated slopes, as well as any wetlands present. A Use Class I stream with no adjacent steep slopes has a 100 foot buffer per the Environmental Guidelines.

Environmental buffers have many uses and benefits in both the natural and man-made environment. One of the purposes of the buffer is to physically separate and protect the stream from disturbance and erosion. The preservation of water quality through pollutant and contaminant removal and control of water temperature are also major goals of the environmental buffer. The environmental buffer also moderates the fluctuations in stream flow, which in turn preserves the integrity of the stream channel.

While the environmental buffers prescribed in the Environmental Guidelines are the best protection for water quality, there are some circumstances that may not allow for the full buffer to be preserved or restored. Sometimes there are multiple planning goals that need to be fulfilled and a balance must be achieved. Often this occurs in redevelopments when initial development happened under different, looser environmental guidance. The first priority should always be to

avoid any encroachment. If this is demonstrably not possible, then the encroachment should be minimized and mitigation proposed.

Staff supports this development plan with the mitigation proposed by the applicant (Attachment A). The conceptual mitigation plan proposed by the applicant includes bank stabilization, channel cleanup, outfall extensions, and channel erosion control. This plan will leave the stream channel and banks in better condition than before and minimize the impacts of the increased water flow related to storm events. The applicant's conceptual plan requires the cooperation and consent of the Board of Education and two different community associations. Numerous County agencies, including the Department of Environmental Protection (DEP) and Department of Permitting Services (DPS) will also be involved in the development and approval of a detailed plan. However, staff believes that the proposed environmental buffer mitigation plan is a significant step towards restoring this stream reach.

### **Stormwater Management Concept Plan**

A stormwater management concept plan has been submitted to the Department of Permitting Services (DPS) but has not been approved as of July 8, 2010. The submitted concept plan includes bioretention planters, a groundwater recharge trench, and gardens located on the terrace level.

**Resolution:** After consultation with DPS, staff believes that stormwater management regulations can be satisfied on this site under the current development proposal.

### **Noise Analysis**

This site is located at the intersection of Georgia Avenue and Veirs Mill Road, which both carry large volumes of both cars and trucks. Traffic idling at the stoplight at this intersection will generate additional noise.

**Resolution:** A noise analysis must be performed at time of preliminary plan of subdivision to determine the current and projected noise levels, so that the amount of architectural treatment needed to reduced interior noise levels fo 45 dBA Ldn can be determined. The Montgomery County Environmental Planning publication "Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development" has established the following classifications for external noise impacts:

Maximum Guideline Value	Appropriate Usage
55 dBA Ldn	Rural and low density residential
60 dBA Ldn	Suburban densities. Noise attenuation is recommended to attain this level
65 dBA Ldn	Urban ring, freeway, and major highway corridors. Noise attenuation is strongly recommended to attain this level

These are the maximum levels generally accepted for outdoor recreation areas. For internal noise levels, the Guidelines recommend a 45 dBA Ldn level. The proposed development has the primary outdoor recreation area shielded from traffic noise by the building itself. Interior noise levels will be attenuated through architectural means, as major design changes are not feasible.

## **REGULATORY FRAMEWORK**

### **Environmental Guidelines**

The applicant submitted a natural resource inventory/forest stand delineation (NRI/FSD) to M-NCPPC for review and approval. Environmental Planning staff approved NRI/FSD 420063230 on March 21, 2008 and recertified it on July 8, 2010.

### **Forest Conservation**

A preliminary forest conservation plan was submitted with this development plan and is conceptually acceptable. All forest conservation requirements will be met off-site via forest conservation bank or through payment of fee-in-lieu. The preliminary forest conservation plan will be brought to the Planning Board for approval at time of preliminary plan of subdivision.

### **Zoning Ordinance**

Development plans must meet specific findings of Section 59-D-1.61 of the Zoning Ordinance. The required finding for environmental issues states,

*“That by its design, by minimizing grading and by other means, the proposed development would tend to prevent erosion of the soil and to preserve natural vegetation and other natural features of the site. Any applicable requirements for forest conservation under Chapter 22A and for water resource protection under Chapter 19 must also be satisfied. The District Council may require more detailed findings on these matters by the Planning Board at the time of site plan approval as provided in division 59-D-3.”*

This site was previously cleared and there is no natural vegetation on-site for the overwhelming majority of the property is occupied by existing buildings, drive aisle, or parkings lots. All applicable requirements for forest conservation under Chapter 22A will be met when the preliminary forest conservation plan and conceptual stream valley buffer mitigation plan are officially reviewed as part of the subdivision plan. A preliminary plan of subdivision will not proceed without satisfying the water resource protection requirements of Chapter 19 of the County code. The development proposal must comply with the new Environmentally Sensitive Design requirements. Once development does occur the property owner will need to comply with the latest County sediment control requirements and the Federal National Pollutant Discharge Elimination System (NPDES) limitations for construction sites.

## **CONCLUSION**

Environmental Planning staff is recommending approval of local map amendment G-876.



**STREAM VALLEY BUFFER ENCROACHMENT MITIGATION CONCEPT**

The proposed apartment building at 10914 Georgia Avenue is to encroach into the stream valley buffer of an unnamed tributary of Sligo Creek that extends from a storm drain outlet of Wheaton Plaza to a public storm drain system in Douglas Avenue. This stream valley buffer is already impacted by the existing church parking lot located on the development site as well as to future development and the parking lot of an existing apartment complex. To mitigate the encroachment, improvements to the stream are proposed. Under current conditions a significant portion of the stream channel has been armored with rip-rap and gabions. Much of the stream channel has eroded down to bedrock. A number of small areas are to be stabilized with either stone or shade tolerant live stakes. One cross vane is proposed to control scour of sediment and live vegetation.

The mitigation proposed by this concept includes removal of accumulated trash from the stream bed and also removal of large woody trees, other brush and log snags. The photos included herein show the approximate locations of the typical debris to be removed and the locations of areas in need of stabilization. The final plan will show access routes and more precise locations and details of the proposed improvements; however, it is anticipated that stream conditions will change by the time work is being done and adjustments to the final design and cleanup requirements will need to be made to the plan and in the field at time of construction.

The proposed work is subject to approval by MDCPS, MDCDP, MDCPAPC, MDC, USFWS, and the property owners over which the stream extends.



REMOVE EXISTING FALLEN TREE STUMP AND BASE OF TREE FROM STREAM



RELOCATE LARGE ROCKS FROM NARROW PORTION OF CHANNEL TO TOE OF ERODED SLOPES AS FIELD DIRECTED.



REMOVE LARGE INVASIVE WOODY VINES AND ACCUMULATED TRASH AND DEBRIS FROM ENTIRE LENGTH OF CHANNEL



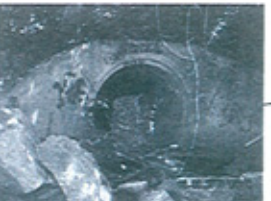
EXTEND 4" HOPE BELOW GRADE TO BOTTOM OF SLOPE AND STABILIZE WITH SHADE TOLERANT VEGETATION



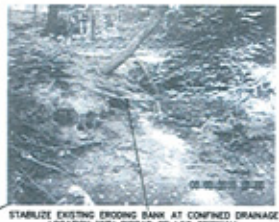
EXTEND 4" HOPE BELOW GRADE TO BOTTOM OF SLOPE AND RE-FILL ROOT SPACE WITH SOIL AND STABILIZE WITH VEGETATION OR CREATE STONE SLOPE PROTECTION FOR PINED SUNGFY



REMOVE EXISTING FALLEN TREE FROM STREAM



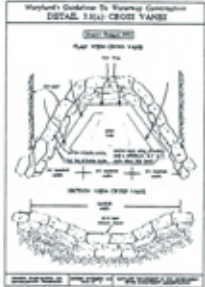
REMOVE EXISTING GROCERY CART AND OTHER ASSORTED TRASH AND DEBRIS FROM AREA AROUND CULVERT ENTRANCE



STABILIZE EXISTING ERODING BANK AT CONFINED DRAINAGE LOCATION WITH RIPRAP OR LOG ORHALL



CONSTRUCT CROSS VANE AT UPSTREAM END OF EXISTING GABIONS BANK PROTECTION REMOVE ACCUMULATED SEDIMENT FROM AREA BETWEEN PROPOSED VANE AND EXISTING GABIONS AND PLACE UPSTREAM OF CROSS VANE



REMOVE EXISTING BRUSH AND LOG CLOG, GROCERY CART AND OTHER ASSORTED TRASH AND DEBRIS FROM STREAM CHANNEL

Conceptual Stream Valley Buffer Encroachment Mitigation Exhibit  
 WHEATON APARTMENTS  
**10914 GEORGIA AVENUE**  
 TAX PARCELS P-754, P-758 & N-760  
 13TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

	Morris, Hendricks & Glascock, P.A. Engineers • Planners Landscape Architects • Surveyors 8555 Higgins Road, Suite 120 Montpelier Village, Maryland 20885-1278	Proj. No. WOP	Design SDR
		Date 8/14/10	Scale 1" = 20' Project No. 08-22-20 1, of 1

DAVID WEISS  
801 WAYNE AVENUE, SUITE 301  
SILVER SPRING, MARYLAND 20910-4450  
301-565-0886

RECEIVED  
0345  
MAY 03 2010  
OFFICE OF THE CHAIRMAN  
THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

April 28, 2010

Dr. Royce Hanson  
Chairman, Montgomery County Planning Board  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

MAY 03 2010  
DEVELOPMENT DIVISION

RE: Local Map Amendment G-876  
10914 Georgia Avenue, Silver Spring, MD  
Requested Zone TS-R

Dear Dr. Hanson,

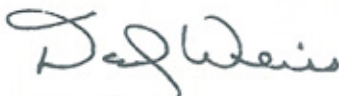
I am the owner of 3 properties that adjoin the subject property along the Southern property line, in the Plaza Gardens Subdivision (Lots 57,62 and 65).

This letter is in support of the requested change in zoning from R-60 to TS-R.

My property is zoned and was developed and town homes were built pursuant to RT 12.5 zoning. To the North of the subject property is Westfield's Wheaton Plaza, which is zoned commercially. The subject property is zoned R-60, and currently used as a Church. In my opinion, in an urban environment within a short walk to the Metro station, development under the existing R-60 zone is not appropriate for this property and is a misuse of the land, a most valuable resource.

I have reviewed the preliminary development concepts and find the proposed development to be compatible with my existing properties.

Very truly yours,



David Weiss





**WHEATON REDEVELOPMENT ADVISORY COMMITTEE**

July 8, 2010

Ms. Franciose Carrier, Chair  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Dear Ms. Carrier and Members of the Planning Board:

Washington Properties has presented its project proposal to the Wheaton Redevelopment Advisory Committee (WRAC), and two of its subcommittees, for a 221-unit residential apartment project at 10914 Georgia Avenue in Wheaton. It is our understanding that they have also presented the proposed project to the surrounding neighbors.

This project is proposed for the current site of the First Baptist Church of Wheaton. WRAC supports this project. It is consistent with the County's goal of Smart Growth communities and it will benefit Wheaton by bringing needed density to support our commercial center. The design of this project will enhance the architectural fabric of Georgia Avenue and create a pleasant streetscape along one of the main arteries into our town center. We are pleased to see the developer's commitment to the environment as demonstrated in their intention to certify this building LEED Silver or Gold.

Wheaton Redevelopment Advisory Committee supports the rezoning of this property from R-60 to TS-R to allow the Washington Properties to construct this project.

Respectfully,

Greg Baker, Chair  
Wheaton Redevelopment Advisory Committee

Cc: Isiah Leggett  
Nancy Floreen  
Damon Orobona  
File

**Department of General Services**  
2424 Reedie Drive • Wheaton, Maryland 20902-4669  
240-777-8123, TTY 2401777-8112, FAX 240-777-8130  
[www.montgomerycountymd.gov/DGS/OPD](http://www.montgomerycountymd.gov/DGS/OPD)