



December 2, 2010

**MEMORANDUM**

**TO:** Montgomery County Planning Board

**VIA:** Glenn Kreger, Acting Chief, Vision Division *HK*  
Khalid Afzal, Team Leader, East Transit Corridor Team *KA*  
Vision Division

**FROM:** Sandy Tallant, Planner Coordinator (301-495-1329) *ST*  
East Transit Corridor Team, Vision Division

**SUBJECT:** Worksession #4 – Wheaton Central Business District (CBD) and Vicinity Sector Plan: Continuation of Land Use and Zoning – Districts and Parcel Specific Issues.

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**STAFF RECOMMENDATION:** Resolve district and parcel specific issues for the Sector Plan as summarized below.

**INTRODUCTION**

This is the Planning Board's fourth worksession on the proposed Wheaton CBD and Vicinity Sector Plan. The Board held a public hearing on the Public Hearing Draft of the Wheaton CBD and Vicinity Sector Plan on Thursday, July 29, 2010 at 7:30 p.m. in the MRO Auditorium. On October 7, 2010 the Planning Board held its first worksession which covered overarching issues. Planning Board worksessions #2 (held on October 28), and #3 (held on November 18) covered district and parcel specific issues. A table summarizing all of the oral and written testimony received during and after the hearing is provided as Attachment 1. The community can find copies of the submitted testimony on the Wheaton Sector Plan website at:

[www.montgomeryplanning.org/community/wheaton/index.shtm](http://www.montgomeryplanning.org/community/wheaton/index.shtm).

This report is a continued discussion on the Plan's districts and on individual parcels from worksession #3. The Board members should bring their copies of the Public Hearing Draft. This report is organized into two parts:

- A discussion of the issues and staff recommendations for the Planning Board's consideration and action; and
- A schedule of future worksessions to address additional issues in the Plan not covered in worksession #4.

## **WORKSESSION #4 ISSUES**

### **District and Parcel Specific Issues**

**Issue 16: Is the CR Zone the appropriate zone on properties in Kensington View and Wheaton Forest that serve as transitional areas between commercial and single-family residential uses?**

#### **Discussion:**

The Draft Plan on page 34 (Figure 2) and page 35 (Block HH) in the Wheaton Forest community east of the Amherst Avenue, south of University Boulevard; and on page 37 (Blocks S, Lots 7 through 13, Lindsay properties on East Avenue), and page 39 (Blocks X and Y, on the north side of University Boulevard west of Veirs Mill Road) in the Kensington View community recommends rezoning these properties from a combination of existing R-60, C-1, C-2 and C-T to CR: 1.5, C 0.5, R 1.5, H 45. The Lindsay Ford property owners have indicated that they intend to use the properties on East Avenue as parking for their cars in relation to the auto sales use on the Veirs Mill Road side of their property. They have a pending special exception (S-2179) for the R-60 lot on East Avenue for this purpose.

The adjoining communities have raised a concern that the CR Zone permits a much wider range of permitted non-residential uses than what is currently permitted in the R-60 Zone (by special exception) and the limited number of non-residential uses permitted by right in the C-T Zone. Specifically, the concern is that some of these non-residential uses would not be appropriate near single-family detached houses.

A pending zoning text amendment (ZTA) has been drafted to address these concerns. The ZTA proposes limiting the following uses when adjacent to single-family residential zones:

1. Ambulance or rescue squads
2. Automobile repair and services
3. Automobile sales, indoor
4. Automobile sales, outdoors (except where a municipality prohibits the use within its jurisdiction by resolution)
5. Entertainment/performance venue
6. Manufacturing, compounding, processing, or packaging of cosmetics, drugs, perfumes, pharmaceuticals, toiletries, synthetic molecules, and projects resulting from biotechnical and biogenetic research and development
7. Manufacturing and assembly of medical, scientific, or technical instruments, devices, and equipment

The proposed ZTA would prohibit locating any buildings, parking facilities and driveway entrances associated with the uses listed on a CR-zoned property within 100 feet of residentially- or agriculturally-zoned properties including those separated by a master-planned primary residential or smaller street right-of-way. It would also prohibit drive through service windows associated with eating and drinking establishments, and retail, businesses, and services of a general commercial nature within 100 feet of residentially- or agriculturally-zoned properties. Note: This ZTA is scheduled for Planning Board consideration on December 2, 2010.

Although staff has worked with the Kensington View community on this issue, the Kensington View Civic Association does not support the proposed CR Zone on the properties on the north side of University Boulevard and on East Avenue. Instead, they request that the existing C-T Zone be retained on these properties. In a letter, dated October 6, 2010 from Judy Higgins, Chair, Land Use Committee (attached circle page 1), the Association explains their concerns and recommendation on the C-T Zone. Ms. Higgins also testified at the October 28 worksession emphasizing that their community believes that the CR Zone, regardless of the limitations of uses and descriptions in the proposed amendments to the CR Zone, is not the appropriate tool for the transitional properties on the edge of their community for two reasons:

- The uses allowed in the CR Zone, even with the limitations in the proposed text amendment, would still allow undesirable uses. The text amendment would simply locate these uses further from the residences along East Avenue.
- Re-zoning the existing C-T zoned properties along University Boulevard to the CR Zone would supersede the conditions of approval the Planning Board placed on the pending special exception for a BB&T Bank by allowing a broader range of use.

The Association requests that a more compatible zone which further limits uses be used on the relevant properties on East Avenue and University Boulevard. Because the properties on University Boulevard were originally zoned residential, they would like to see residential or office townhouses on these properties. No existing zone, however, allows such a mix of uses with such narrow limitations.

As noted by Eleanor Duckett, a resident of the Kensington View community, in a letter submitted on October 27, 2010 to the Planning Board (attached circle page 2), the current C-T-zoned properties do not allow townhouse development with a mix of office and residential. She requested, therefore, that the Planning Board revisit the use of the CR Zone in transitional areas in their deliberation of the Wheaton Plan.

Staff believes that a greater number of uses, especially residential uses currently not permitted in the C-T Zone, would be appropriate and desirable for these properties. A greater variety of uses and a maximum density limit greater than 0.5 FAR (C-T Zone) would allow a more appropriate building form for these edge properties.



The proposed CR Zone text amendment, which limits some non-residential uses, ensures that the CR Zone will create development compatible with adjoining residential communities. These restrictions, when combined with the zone’s flexibility to tailor maximum non-residential and residential FAR and building height to a particular context, make the CR Zone the best alternative to the existing C-T Zone for properties in the Kensington View community and on Amherst Avenue. The following table provides a comparative analysis of C-T and CR zones.

<b>Zoning Analysis</b>		
<b>Development Standards</b>	<b>C-T Zone</b>	<b>CR Zones</b>
<b>Purpose</b>	Provide low intensity commercial buildings for appropriate transition between one-family residential areas and high-intensity commercial development.	To permit a mix of residential and non-residential uses at varying densities and heights that create more socially, economically, and environmentally sustainable neighborhoods
<b>Maximum Density (FAR)</b>	0.5 FAR	Standard method: 0.5 FAR Optional method: 0.5 up to 8.0 FAR
<b>Maximum Building Coverage</b>	30-35%	Does not apply
<b>Maximum Building Height</b>	24-35 Feet	Standard method: 40 feet. Optional method: 40 feet to 300 feet Angular plane setback limits height next to residentially-zoned properties
<b>Maximum Residential</b>	Residential use not allowed unless existing at the time property was reclassified to the C-T Zone.	Determined by the zone: typically from 0.25 FAR to 7.5 FAR
<b>Minimum Public Use Space</b>	Does not apply	Standard method: varies - typically 10% Optional method: from 0% to 10% based on a sliding scale pertaining to the size of the site and the number of existing and planned r-o-w frontages. A building with 20+ dus must provide residential amenity space
<b>Green Area</b>	10 percent	Does not apply
<b>BLT Requirement</b>	Does not apply	Required under optional method (at least 5 percent, but no more than 30 percent of the incentive density floor area)
<b>Special Feature(s)</b>	Does not apply	Establishes incentives for optional method projects to provide public benefits in return for increases in density and height, consistent with the applicable master or sector plan, up to the maximum permitted by the zone.
<b>Non-residential Uses</b>	Limited	Flexible; restrictions placed on some uses when adjacent to single-family residential zones proposed in pending ZTA
<b>Parking</b>	Minimum required under Article 59-E	Decreased minimum requirements; maximum established; enhanced design restrictions on parking locations and landscaping



## Zoning Analysis

Development Standards	C-T Zone	CR Zones
<b>Use</b> (permitted or Special Exception)	Tourist homes, communications (amateur radio facility, cable systems, roof top antennas, telecommunications), parking for permitted uses, public utilities, delicatessen, drug store, eating and drinking establishments, florist, news stand, retail services and personal services, newsstand, transitory, ambulance, barber and beauty shop, banks, charitable and philanthropic institutions, day care (group, child, adult, and family), clinics, corporate training, dry cleaning, duplicating services, educational institutions, emergency health care, fire stations, funeral parlors, nursing homes, office, places of religious worship, public uses, health clubs, parks and playgrounds, indoor courts (tennis, racket ball, squash and handball), and accessory buildings.	Agricultural - Farm and county markets, farms (crops, vegetables, herbs, ornamental plants), retail or wholesale nursery/horticultural, seasonal outdoor sales. Residential - dwellings, group homes, housing and related facilities (seniors, and persons with disabilities), life care, live/work units, personal living quarters. Commercial sales and services - advanced technology and biotechnology, ambulance and rescue squads, animal boarding places, automobile filling stations, automobile rental services, automobile repair and services, indoor and outdoor automobile sales, clinics, conference centers, eating and drinking establishments, health clubs and gyms, home occupations, hotel and motel, laboratories, dry cleaning, office, recreation facilities, research, development and related activities, retail trades, businesses, services of a general commercial nature, self-storage facilities, veterinary hospitals, warehousing, charitable and philanthropic institutions, cultural institutions, day care facilities, educational institutions, hospitals, park and playgrounds, private clubs and service organizations, public uses, religious institutions. Industrial – artisan manufacturing and production, manufacturing/compounding/processing/packaging of (cosmetics, drugs, perfumes, pharmaceuticals, toiletries, synthetic molecules, and projects resulting from biotechnology and biogenetic research and development), manufacturing and assembly of (medical, scientific, or technical instruments, devices, and equipment. Other – accessory buildings, bus terminals, parking garages, public utilities, radio and television broadcast studios, rooftop antennas and related equipment.

The Lindsay Ford property owners intend to use their properties on East Avenue as a parking area to store inventory and they have a pending special exception request (S-2179) for the R-60 lot on East Avenue for this purpose. The pending CR Zone amendment would have the effect of creating a larger buffer between such parking storage areas and nearby residential lots and along neighborhood streets. In this case, the increased buffer would provide a 30-foot setback along East Avenue, which will be landscaped per the CR Zone requirements for landscaping of parking areas (Sec 59-C-15.65(g)).

To implement the long-term vision of the Plan, all properties owned by Lindsay Ford should be similarly zoned to accommodate comprehensive redevelopment. Currently, the Draft Plan recommends the Veirs Mill side of the block for CR 3: C 2.5, R 2.5, H 100, and the East Avenue side of the block as CR 1.5: C 0.5, R 1.5, H 45. Staff believes that putting all of the Lindsay Ford properties in the CR zones would provide more appropriate flexibility in an eventual mixed-use development at this location. In order to create a compatible transition to the single-family houses across East Avenue, the Draft Plan should continue to recommend low-scale residential uses with a maximum building height of 45 feet on parcels along East Avenue with larger commercial uses and mixed-use development being placed along Veirs Mill Road.

## **Staff Recommendation:**

1. Retain the CR Zone for the transitional areas in the Draft Plan.
2. Change the zoning maps and text on page 38, to rezone the Lindsay Ford properties, lots 7 through 13, to an FAR of 3 with a maximum building height of 100 feet along Veirs Mill Road, transitioning down to 45 feet along East Avenue and Kensington Boulevard. Include text in the Draft Plan that low-scale residential uses and low-impact non-residential uses such as professional offices with a maximum building height of 45 feet be located on parcels along East Avenue with larger commercial uses along Veirs Mill Road. Address design parameters for compatibility with existing houses across East Avenue in the Design Guidelines.

### *Planning Area Wide*

#### **Issue 24: Should Wheaton have a Transportation Management District (TMD) to encourage more people to take transit? (Pages 48-49)**

#### **Discussion:**

The Draft Plan recommends establishing a goal of 30 percent Non-Auto Driver Mode Share (NADMS) in the Plan area based on the area's transit service and connectivity opportunities (page 48).

The County Executive and the Department of Transportation (DOT) questioned the Draft Plan's statement that "Strong transportation demand management [TDM] systems are already in place in Wheaton" (page 42). They note that while the area does have good transit accessibility and managed public parking it also has a poor NADMS (13% of surveyed employees working in the area) as shown in the commuter survey data.

In the first worksession on the Draft Plan, the staff noted that information from the 2000 census surveys indicated that the Wheaton CBD is currently experiencing a NADMS of around 30 percent. The 30 percent is also the percentage assumed as the future year goal in our traffic forecasting model. The establishment of the 30 percent goal reflects Wheaton's location relative to regional transit services, long range growth in office employment, residential densities in the nearby commutershed, and the distance to the regional core. Reduced reliance on auto travel is desirable. However, achieving an aggressive commuter mode share goal is not a primary determinant of achieving land use/transportation "balance" in Wheaton (as it was, for instance, in the White Flint and Great Seneca Science Corridor plans).

Wheaton has a diverse employment base with a higher percentage of retail and service employment and a lower percentage of office employment relative to other CBD's like Bethesda or Silver Spring. There are four TMDs in the County – Bethesda CBD, North Bethesda, Silver Spring CBD, and Friendship Heights CBD. Wheaton, while a CBD, does not have a core office employment like the existing TMDs. Instead, it has a more diverse employment base with a higher percentage of small employers (i.e. less than 25

employees). Staff would support the establishment of a TMD if found viable in the future. It would become viable only if or when a critical mass of office development is in place. A master plan recommendation is not a prerequisite for creating a new TMD.

The Draft Plan recommends that priority be given to establishing better pedestrian connections, especially in the vicinity of the Metrorail station and the Westfield Mall site. Ensuring safe and easy pedestrian and bicycle access within the CBD core will result in the fastest and greatest increase in NADMS. One of the recommendations in the 2009 Montgomery County Climate Protection Plan is to provide more non-auto options for the one-to-three mile trips and we believe infrastructure, especially in a mixed-use environment, is more important than traditional TDM services like ride-matching and employee outreach for shifting these shorter trips.

**Staff Recommendation:**

No change to the Draft Plan.

**Issue 26: Road designation should be in conformity with community context. (Page 40-49)**

**Discussion:**

The County Executive and Department of Transportation (DOT) provided testimony recommending that a number of street designations in Wheaton be modified to align with principles of "Context Sensitivity." A "context sensitive street" is a street that relates to its setting while being safe and functional. While the roadway designations in the Draft Plan were made to address street width, parking requirements, lane configuration, pedestrian facilities and planting buffers unique to the setting, DOT has noted that some classifications (not necessarily the road cross-sections or features) do not reflect the adjacent land uses (commercial or residential).

Transportation Planning staff have reviewed the suggested list of changes in the context of the overall goals of the Draft Plan, directive from the Road Code and parameters of the Master Plan of Highways. Many of the proposed changes to roadways are appropriate and in accordance with the County Road Code.

A summary of the DOT proposed changes and staff response is included in the following table.

Road Name & Limits	Draft Plan Designation	DOT Recommendation	Staff Recommendation/Discussion
Amherst Avenue From: Windham Lane to Parcel N46	Business	Residential Primary	<b>Retain existing designation.</b> DOT recommendation would change designation mid block which is not our practice. Land uses adjacent to the site are mix of commercial and residential and Amherst Avenue is an important alternate to Georgia Avenue in the CBD/Planning



Road Name & Limits	Draft Plan Designation	DOT Recommendation	Staff Recommendation/Discussion
			area.
<b>Blueridge Avenue</b> From: Amherst Avenue to Bucknell Drive	Pedestrian Connection Existing	Residential Primary Proposed	<b>Accept DOT recommendation and change to Business.</b> Although staff does not recommend modification of the shared use path at this location, redevelopment of the WTOP site in the future could necessitate this connection. Right-of-way should be preserved in public ownership.
<b>Blueridge Avenue</b> From: Taber Street To: Nairn Road	Pedestrian Connection Existing	Residential Primary Proposed	<b>Accept DOT recommendation and change to Business.</b> Although staff does not recommend modification of the shared use path at this location, redevelopment of the WTOP site in the future could necessitate this connection. Right-of-way should be preserved in public ownership.
<b>Douglas Avenue</b> From: St. Margaret's Way To: Torrance Drive	Residential Primary	Remove Residential Primary Designation	<b>Accept DOT recommendation.</b>
<b>Elkin Street</b> From: Price Avenue To: University Boulevard/MD 193	Not designated in current plan	Local Street	<b>Elkin Street is a part of the CBD road network and should be included in the Master Plan of Highways as a Business Street.</b> Designation in the proposed Wheaton Plan as a retail priority street underscores and should be included in the master planned road network. Numerous businesses front on Elkin Street - access to these streets must be maintained.
<b>Grandview Avenue</b> From: University Boulevard/MD 193	Residential Primary	Business	<b>Accept DOT Recommendation and change to Business.</b>
<b>Prichard Road</b> From: Amherst Avenue To: Bucknell Drive	Business	Residential Primary	<b>Accept DOT Recommendation and change to Residential Primary.</b>
<b>Reedie Drive</b> From: Amherst Avenue To: Dodson Lane	Business	Residential Primary	<b>Accept DOT Recommendation and change to Residential Primary.</b>
<b>Wheaton Plaza Ring Road(All Segments)</b> This road segment is discussed also in item 18g below.	Business - two lane cross section with parking	Business - four lane cross section	<b>Retain Mall Ring Road as a private street.</b> The Ring Road and its associated access drives serve a role in the connectivity of Wheaton. These roadways should be enhanced to improve pedestrian and bicycle access in cooperation with the owner of the mall, and with lane configurations appropriate to serve the mall and its tenants.

Road Name & Limits	Draft Plan Designation	DOT Recommendation	Staff Recommendation/Discussion
<b>Windham Lane</b> From: Georgia Avenue To: Amherst Avenue	Residential Primary	No Change	This segment of Windham Lane is adjacent to the portion of Amherst Avenue that DOT recommended be reclassified. M-NCPPC staff does not support the DOT position on Amherst Avenue. Windham Lane provides an important connection to Amherst Avenue and the surrounding neighborhoods, which reflects an arterial function. Street parking is not necessary for this section of Windham Lane. While DOT did not recommend a change to this segment, <b>staff now recommends this segment be modified to a Minor Arterial designation in the Master Plan of Highways.</b>

**Staff Recommendation:**

Amend the Draft Plan to include roadway designation changes described in the table above.

**Westfield District**

During the following discussion of issues, it should be remembered that the overall goals of the Westfield District are to:

- Provide an integrated mixed of uses without precluding viable short-term and mid-term projects consistent with its ongoing operation as a mall;
- Ensure that short-term and mid-term infill doesn't preclude a long-term vision;
- Integrate the mall into the fabric of the CBD;
- Integrate sustainable environmental design into redevelopment; and
- Ensure compatibility with surrounding neighborhoods.

**Issue 18a: Westfield Mall should be able to retain the existing APFO approval if zoning is changed from C-2 to CR.**

**Discussion:**

Westfield has an existing Adequate Public Facilities Ordinance (APFO) approval under the current C-2 preliminary plan of subdivision for additional retail development of approximately 230,000 square feet that remains valid until July 2013. Westfield seeks recognition and preservation of the existing APFO approval for this square footage should a zoning change occur.

Until July, 2013, they can build up to this square footage under the C-2 standards either:

- 1) By applying for a building permit under the existing C-2 Zone (which Westfield will be doing to construct the proposed Costco project), or
- 2) Use the remaining square footage under the proposed CR zone per the grandfathering provisions of the CR Zone.

If Westfield fails to obtain a building permit for the unbuilt 230,000 square feet before July 2013, the entitlement would expire unless the Planning Board were to grant an APFO extension. If an APFO extension is not granted by July 2013 then adding additional square footage to the site would be subject to the provisions in the CR Zone. Staff has met with the Westfield representatives and assured them that rezoning the property has no effect on the existing APFO approvals until July 2013 regardless of any zoning changes that might occur as a result of the Master Plan update.

**Staff Recommendation:**

Include language in the Implementation section of the Draft Plan to note that the APFO approvals remain vested through their expiration date and are not affected by re-zoning.

**Issue 18b: Site plan review requirement of the proposed CR Zone should be eased for the Westfield property through the creation of a Westfield overlay zone.**

**Discussion:**

The 76-acre Westfield Mall property is currently zoned C-2, which does not require site plan review, except under certain conditions; the maximum density allowed is 1.5 FAR but the Mall is currently built to approximately 0.4 FAR (excluding the office buildings along Veirs Mill Road and University Boulevard). The Draft Plan recommends the entire property be rezoned to CR, which would require site plan review for any new development of more than 10,000 square feet or more than 10 residential units, except for up to 30,000 square feet of expansion/addition of existing facilities or for development under the current APFO approval (see issue 18a) pursuant to the grandfathering provisions of the CR Zone.

Westfield seeks flexibility on the site plan requirement of the CR Zone and suggests that mixed uses on the Westfield property be optional with gradual introduction of new standards to accommodate the existing uses in the mall. They suggest creation of an overlay zone to accomplish these goals. They contend that they will have difficulty meeting the site plan requirements of the CR Zone for the following reasons:

- There is a complex relationship between Westfield and its major anchor tenants, who possess contractual rights over any new uses and development including absolute approval rights to any plans and modifications to the site, parking ratios, and use of the ring road.



- Any review process could inhibit Westfield's ability to attract first class tenants in a highly competitive market. Westfield's ability to represent to prospective retailers that a site is "permit-ready" without the need for further zoning or subdivision requirements is key to the success of this marketing effort.
- Additionally, a plan that is approved by the Planning Board and supported by Westfield may not be implementable because ground tenants and building owners must also agree with the approved plan.

Staff does not support modifying the site plan requirements for the CR Zone or the creation of an Overlay Zone for the Mall property. Development to the scale that requires a site plan has significant impacts on the community and should be subject to a review process in order to implement the vision of the Sector Plan and address important urban design issues. The CR Zone does allow an applicant to submit a sketch plan for the property that addresses interim uses; phasing of open space and public benefits; transfer options for a portion of the open space requirement off site; pedestrian and bike connections; and setting a flexible development framework such as buffer zones and building massing and location. A sketch plan is conceptual and can be modified as details are worked out for individual tenants. There is also opportunity for flexibility and variable options to be incorporated in site plan reviews through conditions of approval that will allow for the applicant to "build-to-suit" after receiving site plan approval with little or no staff review. This is the process that many large retail complexes follow and is no different from the approach taken in White Flint.

Further, because the applicant may develop up to 230,000 square feet under their current approvals, there is ample opportunity to engage with staff and the community on long-range conceptual plans without limiting ongoing development. The zoning rewrite project also provides an excellent opportunity to help craft a response to existing auto-oriented retail centers throughout the County. A solution for phased integration of more environmentally, economically, and socially sustainable development on such sites is a paramount goal of the project and needs to be helped by property owners such as Westfields.

Staff feels the review of conceptual and detailed plans is appropriate and not an undue burden on the property owner. Staff will continue to work with the applicant and property owners in similar situations to craft a commercial retrofit process that will allow development to transition from auto-oriented, single-use to transit- and pedestrian-oriented mixed-use development.

**Staff Recommendation:**

No change to the Draft Plan.

**Issue 18c: The 10 percent minimum public use space requirement applied to the entire Mall property would be excessive and difficult to meet before the full redevelopment of the Mall property.**

**Discussion:**

Under the CR Zone, any new development on the Westfield property that requires a site plan review (i.e., more than 10,000 square feet or 10 dwelling units) will be required to provide a minimum 10 percent public use space calculated on the lot's net area.

Westfield is concerned that, since the Westfield property comprises a single parcel of approximately 76 acres, a 10 percent public use space requirement over the entire area would mean a minimum public use space of approximately 7.6 acres even if a proposed project would be limited to a smaller site on the Mall property.

As noted above, Westfields has until July 2013 to obtain a building permit for the 230,000 square feet previously approved under the C-2 Zone and can build under the C-2 standards. Under these provisions, Westfield would not be required to provide any public use space for the 230,000 square feet pursuant to C-2 Zone controls.

For any additional amount beyond the grandfathering provisions of the CR Zone, the proposed ZTA on the December 2 Planning Board agenda addresses this issue – and the similar issue that small properties that require a site plan under standard method development would have to provide public use space – by limiting the public use space requirement to the limits of disturbance on larger properties and eliminating the requirement on smaller properties. This will allow for interim redevelopment on the Westfield site with a requirement for public use space limited to 10 percent of the limits of disturbance in order to provide sidewalks, landscaped area, and entrance plazas that will enhance the development but remain in balance with the project's size and impact.

**Staff Recommendation:**

No change to the Draft Plan.

**Issue 18d: The CR Zone's grandfathering provision of expansion/addition to existing facilities should be increased from 30,000 square feet to 50,000 square feet.**

**Discussion:**

The CR Zone allows for additions to existing structures and uses which predate rezoning and are conforming. These uses and structures may be continued, renovated, repaired, or reconstructed to the same size and configuration, or enlarged up to a total of 10 percent or 30,000 square feet, whichever is less above the total existing floor areas of all buildings and structures on the site, under the provisions of the zone that existed before the property was rezoned to CR. Enlargements in excess of the limitations require compliance with the CR Zone, which may require site plan review.

Westfield suggests increasing the amount of expansion grandfathered under the CR Zone, and not subject to site plan review, to 50,000 square feet.

In this specific case, existing approvals allow for greater development than the 30,000 square feet allowed under this provision – namely, up to the 230,000 square feet approved under the C-2 Zone. Further and as indicated above, commercial mall retrofits are a specific concern of the Zoning Ordinance rewrite and issues such as interim uses, infill, and expansion will be addressed. Until a proper framework for such retrofits is codified, development with the large impacts engendered by projects greater than 30,000 square feet of development should remain subject to public review.

**Staff Recommendation:**

No change to the Draft Plan.

**Issue 18e: Increase maximum building height on the Veirs Mill Road frontage of the Mall property from 150 feet to 200 feet.**

**Discussion:**

The Draft Plan on page 37 recommends rezoning a portion of the Westfield Mall property along Veirs Mill Road and bounded to the west by the Mall ring road to CR 6: C 5.5, R 5.5, and H 150. This zoning encourages mixed-use residential and office development to integrate the Veirs Mill frontage of the Mall into the Core.

The Executive Branch recommended increasing both height and density on the Westfield property within ¼ mile from the Metro station and stepping down beyond the ¼ mile station boundary towards the existing communities.

In a letter dated September 23, 2010, the Westfield property owners requested increasing height to 200 feet along Veirs Mill Road from 150 feet to reflect long-term conceptual plans Westfield is considering for their site.

Staff is not opposed to additional height along Veirs Mill Road and on the southwest corner of University Boulevard which is located adjacent to the Core District. Staff recommends increasing height from 150 feet to 200 feet in keeping with the height of the properties along Georgia Avenue in the Core District to encourage office development. Staff is in discussion with the Westfield representative to identify an appropriate western boundary of the proposed new CR Zone along Veirs Mill Road. Currently, the Draft Plan uses the existing ring road as the boundary, but staff feels that a more clearly delineated boundary should be used for this purpose. Staff will finalize this boundary and present it to the Planning Board as part of the Planning Board Draft.

If the Planning Board agrees with increased height on Westfield's Veirs Mill frontage, staff recommends increasing the height on the remaining two blocks in the Core, page 33, (blocks A and C) from the recommended 150 feet to 200 feet.



**Staff Recommendation:**

Change the rezoning designation on page 37 for the portion of the Westfield Mall property along Veirs Mill Road and University Boulevard to CR 6: C 5.5, R 5.5, H 200.

Specifically delineate the western boundary of the proposed CR Zone along Veirs Mill Road with a measurable dimension.

Change the recommended zoning on page 33 and 34 of the Draft Plan for blocks A and C in the core across Veirs Mill Road from the Mall property to CR 6: C 5.5, R 5.5, H 200 to create consistent scale in the core.

**Issue 18f: Is the proposed building height and density on the Wheaton Mall property near residential neighborhoods too high?**

**Discussion:**

The Draft Plan recommends rezoning the central core of the mall site to CR 3: C 1.5, R 2.5, H 75 (page 37). It recommends that maximum building heights of 45 feet be allowed along the southern portion of the ring road adjacent to the residential neighborhood for a depth of 200 feet. It also recommends that building heights along much of University Boulevard be at a maximum height of 75 feet to provide compatibility with surrounding residential development (page 37).

Testimony from the Kensington Heights Citizens Association states that new development on the Mall property should not overwhelm adjoining communities. They contend that the elevation of the Mall property is already considerably higher than the surrounding Kensington Heights neighborhood (which has a maximum height of 35 feet for residential lots). Forty-five foot high buildings on a hill 20-30 feet above the adjacent homes will tower over their neighbors and create issues of scale, and privacy. They propose no more than 35 feet maximum building height for a certain distance from the property line adjacent to the Kensington Heights residential properties, going up to 45 feet in the interior and stepping up to the 75-foot maximum building height for the rest of the existing Mall excluding the property along Veirs Mill Road.

Staff believes that a 200-foot buffer with a height limitation of 45 feet along Westfield's southern property line provides adequate transition between future Mall development and the Kensington Heights residential neighborhood, particularly in conjunction with the recommended language regarding a green buffer (Issue 18k). Changes in the elevation and the retention of the wooded buffer further provide visual screening between these two uses. Staff does not support a reduction in building height to 35 feet but does recommend addressing the interface between mixed-use areas and single-family, detached neighborhoods in the Design Guidelines.

**Staff Recommendation:**

No change to Draft Plan.

**Issue 18g: Should the existing ring road and proposed local streets on the Mall property be in public or private ownership?**

**Discussion:**

The Public Hearing Draft Plan recommends the existing ring road be designated a two lane Business Street - implying public ownership. The Draft Plan depicts on page 42 (Maps 16) a conceptual local street grid on the mall property, but the alignment and right-of-way are not specifically addressed. MCDOT has no issue with the designations but has recommended the ring road be four lanes instead of two lanes.

The Mall owner (Westfield) has submitted testimony (circle page 4) opposing the designation of any roads on the Mall property as public roads. They are also opposed to any depiction of an internal road network that would in any way convey the idea that the ultimate vision for the entire property is something other than a regional mall.

Westfield and other stakeholders in the Wheaton CBD and surrounding area have submitted testimony that focuses on the uniqueness of Wheaton – specifically its diversity, scale, and market that sets it apart from other Metro station areas in the County and the potential for a transition to transit oriented development. There is a sentiment among some stakeholders in Wheaton (shared by Westfield) that it is important to preserve existing development forms and functions, and seek to enhance connectivity while acknowledging the unique nature of the area and the market. More specifically, the Draft Plan should acknowledge the regional mall for the asset that it is and that any potential transition to a more transit oriented form, including mixed uses and a fine-grained grid of streets, will take place over a long period of time. Westfield has made it clear in discussions with staff that it is supportive of many of the specific aspects of the vision as framed in the Draft Plan including improved connectivity and more active street frontages. Their main concern is that the Plan provide flexibility to meet those objectives over time in cooperation with its current and potential tenants, the community, and the County. They are concerned that the current Draft Plan does not acknowledge the need for that flexibility, especially with the designation of the ring road as a public road and that the depiction of an internal road network in the Draft Plan could be read by some (incorrectly) to question the viability of the property as a regional mall.

Staff finds that the ownership and function of the mall's existing street system is appropriate for its continued service as a regional mall. The Plan needs to promote the connectivity for pedestrian and bicycle access to and from the Metrorail station and between the CBD core and communities to the south and west. Should the property owner wish to convert the property to a form other than a regional mall, the specifics of the public infrastructure would need to be addressed at that time through the development review process.

**Recommendation:**

1. Add language to the Draft Plan that recognizes the importance of maintaining an economically competitive mall.

2. Add language to the Draft Plan to reinforce the importance of enhanced connectivity on the mall property with improved access to Wheaton's core and the Metrorail station while the site continues as a regional mall. The Plan should note that the existing Mall Ring Road and access drives will play a role in achieving the Plan's connectivity goals.
3. The proposed internal streets serving the mall property can remain private. If the Planning Board is asked to approve a future redevelopment of the Mall property for something other than a regional shopping center as defined in the County Code, public designation of these streets may be considered.
4. Modify Map 16 on Page 42 and associated table on Page 43 to delete the ring road and include text which confirms private ownership of the Mall street network as well as the objective of increased connectivity.

**Issue 18h: The adjoining community raised concerns about existing stormwater management (SWM) issues on the property.**

The Kensington Heights Citizens Association testified that there are continued drainage problems in the vicinity of the Mall. They ask that any additional development on the Mall property be in full compliance with the principles of Environmental Site Design and include planning for 100-year stormwater management requirements.

The new Environmental Site Design requirements in the amended County stormwater code clearly make imperviousness reduction, environmental site design, green roofs, permeable paving and other "green infrastructure" techniques standard approaches that must be examined for all new construction. Stormwater management will be incorporated into the site design process during the development review process to ensure the greatest use of Environmental Site Design techniques.

Staff believes that the Draft Plan emphasizes sustainability and green developments to the extent that the Plan can influence the sustainability of future development beyond the applicable regulatory controls. However, the staff will review the Draft Plan language and propose any necessary modifications in the Planning Board Draft to address these comments.

**Staff Recommendation:**

Add language to the Draft Plan on page 53 to address these comments as appropriate.

**Issue 18i: Signage may not be allowed as envisioned by the Mall.**

**Discussion:**

Westfield has indicated that they intend to create a more exciting and vibrant signage for their property's Veirs Mill frontage. They are concerned that the existing regulations of Chapter 59-F of the Zoning Ordinance do not allow them to install new signs including electronic or computerized graphics of various sizes and configurations. They have requested changes to Article 59-F of the Zoning Ordinance and Master Plan.



Staff supports improving signage for the property. Changes may need to be made to Article 59-F of the Zoning Ordinance for regional malls to be able to install more varied and hi-tech signs including computerized graphic displays. Signage will also be addressed in the Urban Design Guidelines for Wheaton which staff will discuss with the Planning Board in January 2011.

**Staff Recommendation:**

Evaluate changes to Article 59-F to allow Westfield Mall to create improved signage for their property along Veirs Mill Road, either as a zoning text amendment or as part of the zoning re-write.

Include guidance on signage in the Wheaton Urban Design Guidelines, as appropriate.

**Issue 18j: Westfield proposed edits to the Draft Plan text.**

**Discussion:**

Westfield suggested text changes to the Draft Plan including: language in the Plan's "Wheaton's Role in the County" section (page 7) to emphasize that Westfield Mall is the largest landowner outside the CBD and the largest economic driver in Wheaton; it is presently the biggest attractor of visitors in Wheaton with over 150 stores averaging 6,000,000 visitors annually; and the revitalization of Wheaton's CBD can benefit greatly by connecting the development on the Westfield property with the small specialty businesses located in and around the downtown.

In addition, the Plan must recognize the place and function of Westfield Mall Wheaton as a key to the success of Wheaton, the Plan should also recognize the mall's unique characteristics such as the ring road configuration, surface parking requirements, and existing structures and parking commitments.

Westfield has also provided other comments, which staff will take under consideration when preparing the Planning Board Draft. The Planning Board will have an opportunity to review and comment on them at that time.

**Staff Recommendation:**

Make suggested changes to the Draft Plan as appropriate.

**Issue 18k: Retain the existing green buffer along the ring road on the Wheaton Mall property to reduce the impact of future Mall redevelopment on adjacent residential areas.**

**Discussion:**

Testimony from the Kensington Heights Citizens Association and a residential property owner requested retaining a green buffer between the neighborhood and the ring road surrounding the Mall to reduce the impact of new development on the Mall property adjacent to residential areas.

During Plan development, staff discussed designating the wooded area between the Westfield property line and the ring road as a green buffer. It was not included in the Draft Plan because such designation usually falls in the Plan's Urban Design Guidelines. However, given the importance of this green buffer to the adjoining community, staff supports including language in the Draft Plan to recommend retention of the existing green buffer between the ring road and the property line.

**Staff Recommendation:**

Add text in the Draft Plan that recommends retaining the existing green buffer on the Mall property.

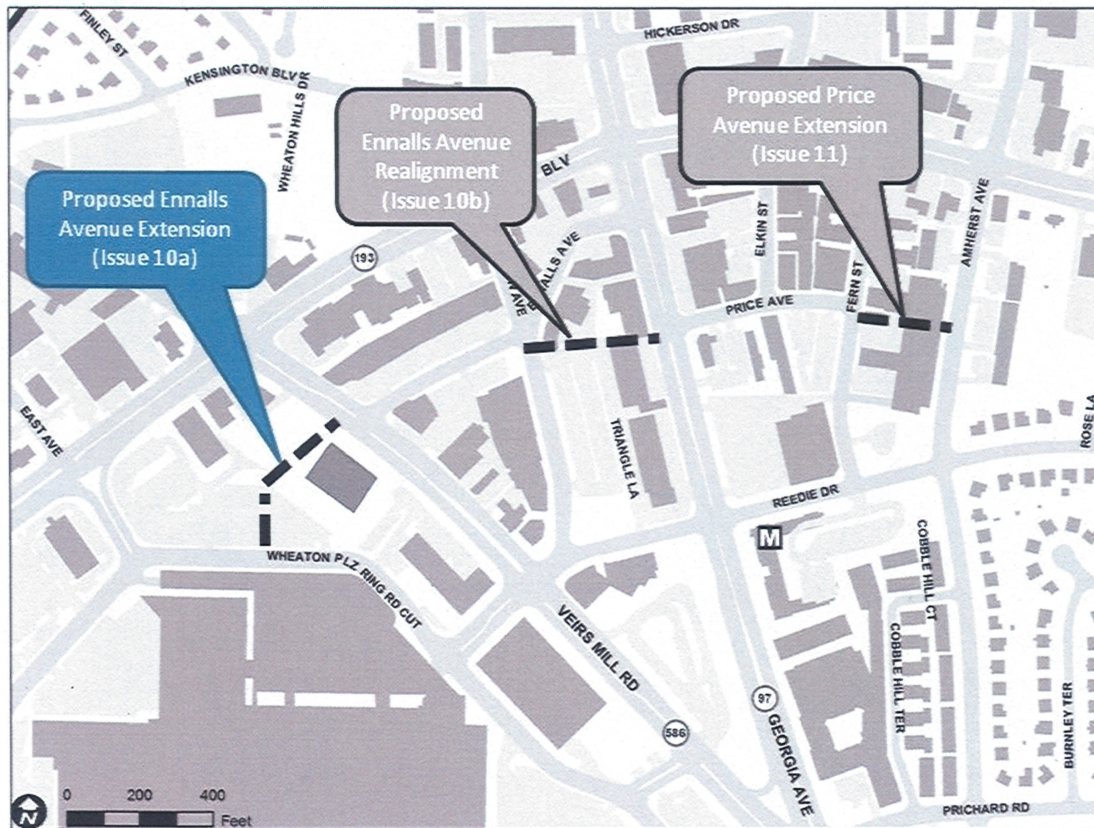
**Issue 10a: Should Ennalls Avenue be extended across Veirs Mill Road onto the Westfield Wheaton Mall property?**

**Discussion:**

The Draft Plan proposes to connect the Wheaton Plaza Ring Road across Veirs Mill Road with Ennalls Avenue via a new business street. An illustrative alignment of this roadway is shown on Map 16 in the Draft Plan, page 42. The new street would cross property owned by the Westfield Corporation, owner of the Westfield Mall. The figure below illustrates the general location of this connection and its relationship to two other related street connections.

As proposed, the new roadway would cross a parking lot currently used by CVS and tie into the Wheaton Plaza Ring Road. Westfield has expressed concern about this connection on several occasions, including conversations with staff, and noted negative impacts to the CVS property on the west side of Veirs Mill Road. Westfield noted that the ring road, surface parking lots and parking commitments are some of the many unique characteristics of the mall.

This new street connection is one of several long-term transportation recommendations in the Draft Plan. Construction of the street would be expected during redevelopment of Westfield's Veirs Mill properties including CVS where this alignment is shown. An extended Ennalls Avenue would support redevelopment of both the mall and the core by making the Metro more accessible in a transit-oriented CBD.



Staff supports the proposed extension of Ennalls Avenue onto the Mall property in order to accomplish five of the Plan objectives:

- It would improve access to the Mall via a new eastern entry point.
- It would improve pedestrian safety via enhanced pedestrian crossings of a state highway, Veirs Mill Road.
- The proposed roadway would complete the three part Ennalls/Price connection which would provide additional circulation options in the CBD. Page 15 of the Draft Plan details several issues in Wheaton, and specifically mentions the lack of connections between Westfield Mall and the rest of Wheaton. Roadways on the Mall site are not designed for pedestrian access despite proximity to the Wheaton Metrorail Station and bus terminal.
- Improvements to the pedestrian environment would be made with a new signal at the new intersection of Ennalls Avenue and Veirs Mill Road. An intersection at this location would help to reduce the very long block on the west side of Veirs Mill Road, which extends 900 feet from University Boulevard to Reedie Drive. Block sizes of 400 to 500 feet are desirable for urban circulation with shorter blocks preferable for pedestrian access and improved walkability.

- The new roadway would greatly improve east-west connectivity through the CBD. Combined with the proposed Ennalls Avenue extension east to Georgia Avenue and the proposed extension of Price Avenue to Amherst Avenue, the Ennalls Avenue extension onto the Mall site would provide a third east-west link in Wheaton (the two existing are University Boulevard and Reddie Drive). The new road would allow vehicles to move to and from the Mall without accessing University Boulevard.

Both the Washington Area Bicyclist Association (WABA) and Montgomery Bicycle Associates (MoBike) support the connection. Their written testimony describes a need for more east-west connections in Wheaton. MoBike notes that the connection, “...needs to connect all the way to the mall ring road.” Testimony from other members of the Wheaton community supports the concept of increased access to Westfield Wheaton but does not address the Ennalls Avenue extension explicitly, see attached circle pages 7 and 11).

The proposed connection is also one of the key recommendations in the 2004 Wheaton Metro Station Area Pedestrian Safety Evaluation conducted by Kittelson & Associates, Inc., prepared for the Maryland State Highway Administration (SHA) and the Maryland Department of Transportation (MDOT). That study was part of an effort by MDOT to address issues of pedestrian safety in auto dominated inner ring suburbs. It notes that there are opportunities in Wheaton to improve pedestrian safety by connecting missing segments of the street grid and reinforcing pedestrian desire lines. The report recommends extending Ennalls Avenue and providing a traffic signal at the intersection of Ennalls Avenue and Veirs Mill Road to enhance pedestrian safety at this crossing of Veirs Mill Road. In addition, the report states that,

*“This improvement helps transform the mall’s circular road from a driveway to a street, especially if redevelopment occurs along Ennalls Avenue in Westfield...”  
(Page 42)*

A new signalized intersection at Veirs Mill Road and Ennalls Avenue would be approximately 325 feet from the intersection of Veirs Mill Road. Although this distance is below the typical spacing guidelines used by SHA to maximize traffic flow between intersections, it is feasible for urban intersection spacing in areas of high pedestrian activity.

As noted above, the current spacing between signalized intersections on Veirs Mill Road is 900 feet. The Kittelson report specifically addresses the potential conflict with SHA intersection spacing guidelines and the location of this intersection,

*“The close spacing of the recommended Ennalls Avenue/Veirs Mill Road traffic signal to University Boulevard begins to bring greater intensity to a suburban roadway context. It [the intersection] balances the need for well-defined, safe pedestrian accommodations and improved turning access in all directions with added delay to some through movements and potential queue interaction with the signal at University Boulevard during peak periods.”*

The application of shorter intersection spacing is common in Metro station area sector plans, including recent plans adopted by the County Council in Shady Grove, Twinbrook and White Flint. In these core areas where target speeds on the state highway system are low and origin-destination patterns are highly dispersed, the increased connectivity and network redundancy can improve network efficiency for all modes.

Members of the 2009 Wheaton Technical Advisory Panel (TAP), sponsored by the Urban Land Institute, also suggested linking the Wheaton Plaza Ring Road to Ennalls Avenue as a way to increase connectivity in Wheaton.

**Staff Recommendation:**

Retain the proposed extension of Ennalls Avenue from Veirs Mill Road to the Wheaton Plaza Ring Road in the Plan. The specific alignment should be determined during the development review process and not in the Wheaton Sector Plan. Both the development review process and the abandonment process accommodate community input and require a public hearing.

**Issue 10b: Should Ennalls Avenue be realigned to connect with Price Avenue?**

**Discussion:**

The Draft Plan, on page 42-43, recommends realignment and extension of the existing Ennalls Avenue from Grandview Avenue to Georgia Avenue where it will create a new intersection with Price Avenue on the east side of Georgia Avenue. Related to this extension of Ennalls Avenue is the proposed abandonment of the existing alignment of Ennalls Avenue as it moves north and east towards Georgia Avenue from its intersection with Grandview Avenue.

During the Planning Board's tour of the Wheaton Sector Plan area, Commissioner Dreyfuss requested that the rationale for the Ennalls Avenue realignment be discussed at the October 28 worksession. After a lengthy discussion on October 28, the Chair asked that the Ennalls Avenue alignment discussion be brought back to the Board at a later worksession for a final decision.

Although there was no direct testimony concerning the realignment of Ennalls Avenue to connect with Price Avenue, staff met with Santa Ottens, a representative for one of the properties that might be affected by a re-alignment. A letter received from the Ottens on October 22 (attached circle page 13) does not support this re-alignment. The realignment was also recommended in two studies of the Plan area -- reports by the Urban Land Institute (2009) and State Highway Administration (2004). More recently, the County, B.F. Saul and local developers have endorsed the proposed extension of Ennalls Avenue.

This new connection and associated roadway abandonments have three primary benefits to the Wheaton Plan Area:



First, a realigned Ennalls Avenue with the simultaneous abandonment of the existing alignment and related alleys would create a large enough parcel to support optional method mixed-use development at a higher FAR than would otherwise be possible on several small individually owned parcels adjacent to the proposed civic square in the vicinity of Parking Lot 13. Additional density made possible by the aggregation of these properties would benefit the revitalization of Wheaton where there are limited opportunities for developing multi-story office and residential projects in the core.

Second, the connection would upgrade the street network within the CBD by improving east-west vehicular circulation as an alternate to University Boulevard.

Third, the realignment would greatly enhance walkability and pedestrian safety in Wheaton. It would break up large blocks in the core and provide the opportunity for a new signalized crossing of Georgia Avenue at Price Avenue.

The County is in strong support of this road realignment as part of the redevelopment of downtown Wheaton, particularly at Parking Lot 13. The County Executive Branch is requesting monies in the upcoming Capital Improvements Plan (CIP) for planning and preliminary engineering of the roadway in FY 2012 and 2013. Attached is a letter dated November 23, 2010 from the Executive Branch restating their support (attached circle page 15).

Developers have supported the roadway extension proposal on two occasions.

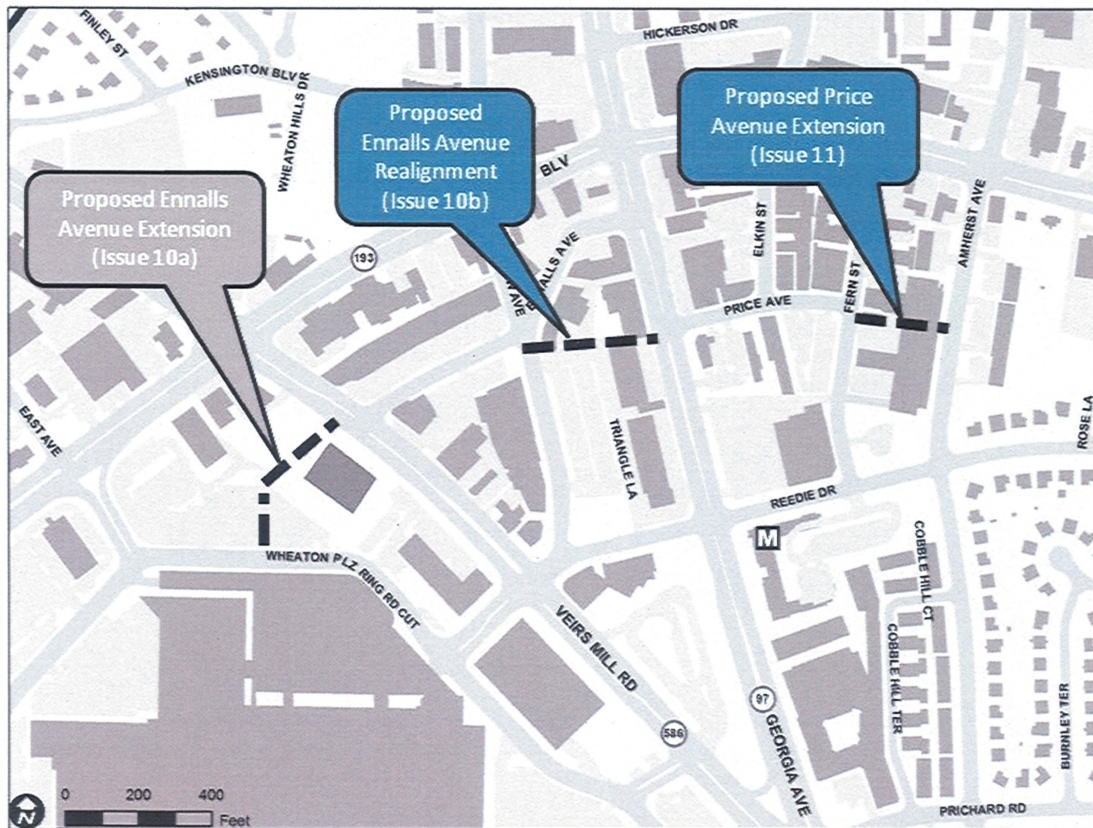
- 1) Following the public testimony on the Staff Draft of the Wheaton Plan, the County and B.F. Saul offered support for the connection by stating that, "...this creates a superior parcel of developable land on the northern boundary of Parking Lot 13, the future 'town square' for Wheaton. To work best, a 'town square' (major civic open space) should have pedestrian-friendly, mixed-use, development abutting it on all edges. The Ennalls realignment would help create this condition on the north."
- 2) In a 2009 meeting with the regional development community, staff received positive feedback concerning the proposed realignment and possible redevelopment that could be facilitated coupled with an abandonment of the existing right-of-way.

The Draft Plan recommends connecting people to places within and beyond the Plan area and adjoining neighborhoods with an expanded street grid, bikeway network, and public use spaces (page 9 of the Draft Plan). Several opportunities to achieve these objectives hinge on the realignment and extension of Ennalls Avenue. The re-alignment of Ennalls and the extension of Price Avenue would connect the residential areas of Wheaton to the Price, Core, and Westfield districts and their proposed open spaces. Ennalls is envisioned as a major pedestrian and auto circulation way to and around the proposed major civic open space in the Core District, and would be part of a potential mixed-use project developed through the County's public private partnership with B.F. Saul Company. It would enhance redevelopment of the Core by improving access to the retail located along Triangle Lane north of Parking Lot 13.



Efficient pedestrian circulation is important for Wheaton’s vitality. The Wheaton Mall, Metro Station, newer mixed-use projects, and established small retail are all dependent in one way or another on safe and efficient pedestrian access. This road re-alignment and associated extension would establish additional safer crossings for long blocks where people are currently crossing under unsafe conditions on State highways within the Central Business District. New walkable, pedestrian-friendly block sizes also result. Short block lengths are important for pedestrian safety because they encourage crossings at intersection crosswalks rather than mid-block. Improving this challenging pedestrian environment is a long term goal for this Plan and has been recommended in recent studies of the area by SHA and ULI. The realignment of Ennalls Avenue provides a significant opportunity to achieve this goal.

**Location Map depicting conceptual location of potential Ennalls Avenue Realignment and the Price Avenue Extension.**



Staff believes that the Draft Sector Plan should retain the a recommendation addressing the realignment of Ennalls Avenue, and at the same time recommend abandoning the current alignment between Grandview Avenue and Georgia Avenue. Any re-alignment of Ennalls Avenue should be discussed in the context of the County’s public/private partnership project that incorporates Parking Lot 13. The specific alignment should be determined during the development review process and not in the Wheaton Sector Plan. Both the development review process and the abandonment process accommodate community input and require a public hearing.

During the October worksession, the Planning Board considered adding a note to the Draft Plan that the proposed realignment may require the Department of Permitting Services to deny a building permit and cause a property owner impacted by the proposed realignment to go through an appeal process with the County Board of Appeals. Staff recommends that a note be added to map #16, page 42 to this effect and we note that this concern is true of all right-of-way impacts (for roadway widening as well as for new roads).

**Staff Recommendation:**

Add text to the Plan specifying that the specific alignment of Ennalls Avenue to connect with Price Avenue and the associated abandonment of the existing right-of-way will be determined at a later date during the development review process which will accommodate community input and require a public hearing.

**Issue 11: Clarify the purpose of extending Price Avenue to Amherst Avenue through private properties and the County garage.**

**Discussion:**

Map 16 on page 42 of the Draft Plan indicates an extension of Price Avenue (B-20) east of Georgia Avenue to Amherst Avenue. The Montgomery County Department of General Services believes that the extension of Price Avenue east to Amherst Avenue is desirable within the greater framework of revitalization but has concerns on the cost and impact of this recommendation to the Parking Lot District. The proposed extension of Price Avenue would go through the County Garage 45, which was not designed to accommodate an extension of Price Avenue. The proposed extension will also impact private property. The County staff has asked that an alternative be described in the Plan.

Wheaton Urban District Advisory Committee (WUDAC) testimony recognized the potential for this east west connection: "WUDAC members are pleased with the Plan's recommendation to extend Price Avenue...[which] could ultimately serve as a connecting link to Westfield Wheaton."

The extension of Price Avenue to Amherst Avenue would require the parking garage to be eliminated/rebuilt and the site redesigned as part of a public/private partnership that could include combined development on the adjacent Parking Lot 17. If Parking Lot District land is redeveloped, the County must be reimbursed for the cost of the land and the current and future parking needs must be met (pages 22-23 of the Plan).

The proposed Price Avenue extension is one of three segments of the proposed new CBD circulation system within Wheaton. Stretching from Amherst Avenue in the east, to the Wheaton Mall site on the west, this road would create an east-west alternate to Reedy Drive and University Boulevard.

The extension of Price Avenue provides an opportunity to increase pedestrian and bicycle connectivity within Wheaton. The new street would create two smaller blocks from one of the longest blocks in the CBD (Block h on Figure 2, page 34) and create two new intersection nodes, one at Price/Fern Street and the other at Price/Amherst Avenue. The shorter block lengths on Amherst Avenue and new street connection would improve access to the CBD, Metrorail/Metrobus and commercial destinations in Wheaton's core.

Staff believes that the specific alignment should be determined during the development review process and not in the Wheaton Sector Plan. Both the development review process and the re-alignment and abandonment process accommodate community input and require a public hearing.

**Staff Recommendation:**

Add text to the Plan's sections on Approach and Network Integrity, and The Street Network, (page 41 of the Draft Plan) to explain the extension of Price Avenue to Amherst Avenue as described above. Additionally, the text should state that this road extension would only be considered as part of a public/private partnership that incorporates a redesign and removal of Garage 45. The extension of Price Avenue would not be required as part of a future renovation of Garage 45.

**SCHEDULE FOR FUTURE WORKSESSIONS**

In the next worksession, the Board and staff will discuss the remaining parcel-specific issues and urban design guidelines.

Worksession #5	January 6, 2011	Complete Neighborhood Specific Issues and Urban Design Guidelines
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Attachment 1: Summary of public hearing testimony (revised 11/30/10)

**Kensington View Civic Association: SDPA 05-2, BB&T Bank**  
**06 October 2010**

Hello Chair Carrier,

This is Judy Higgins representing the Kensington View Civic Association. I am writing in reference to SDPA 05-2, BB&T Bank. As a result of the September 16, 2010 Planning Board decision recommending 'Approval with binding conditions' our community has voted to support the project. Our support was based on that decision, your comments, those of the other Commissioner's in attendance, and positive negotiations with the applicant and property owner.

We felt it important to share our decision with the board as your decision was an instrumental part of those negotiations. Since we have continuously asked for 'protection' for our neighborhood's borders, we are hoping the Board's decision and our negotiations will achieve the protections we desire. We are continually referred to as, "The Gateway to Wheaton" but in fact this is the last 'Gateway to Kensington View' where all 8 roads in our subdivision are dead ends.

I have attached the 'gentlemen's agreement' that was negotiated, composed and submitted to our community by Miller Miller & Canby, Attorneys, on behalf of the applicant and property owner. We understand that the applicants representative will be negotiating with MNCPPC staff regarding the specifics of those 'binding conditions' as requested by Mr Grossman and KVCA. I have also attached the statement KVCA submitted to Mr Grossman detailing our support for the project.

As we are nearing the Wheaton Sector Plan 'work sessions', where we will be in attendance, we would like to further emphasize that our community continues to believe that the CR Zone, regardless of the limitation of uses, is not the appropriate tool for the transitional properties on the edges of our fragile community. These properties are not located in the CBD, Urban District, or even in Wheaton, they are in the vicinity of the Wheaton Sector Plan planning area.

Since we have negotiated these 'binding conditions' at your urging, BB&T has a lease that will far outlive the new Sector Plan, and we do not believe the CR zone, as written, is appropriate for these transition areas, we request that the CT zone be continued on these properties.

We are once again putting our community's future in the hands of Montgomery County officials seeking to further strengthen and protect our small Kensington community's identity by not allowing further commercial encroachment through ill advised zoning decisions, need I mention, Acorn Storage? We continue to work diligently with planners, as we have done for the last two years in hopes of resolution to our problem.

We hope you will review the attachments and forward them to the other Commissioners prior to commencement of the work sessions.

We thank you in advance for any consideration you can give us.

Judy Higgins  
Kensington View Civic Association  
Chair, Land Use and Zoning Committee

2



RECEIVED

OCT 27 2010

MCP-CTRACK

From: eleanorduckett@comcast.net  
Sent: Wednesday, October 27, 2010 10:11 AM  
To: County Council; MCP-Chair; Leggett, Ike  
Subject: Sector Plan for the Wheaton Business District and Vicinity

OFFICE OF THE CHAIRMAN  
THE MARYLAND-NATIONAL CAPITAL  
PLANNING COMMISSION

MNCPPC Planning Board  
Montgomery County Council  
Montgomery County Executive Leggett

Dear Sirs/Madams,

I am a life-long resident of Kensington View, a property owner since 1980, a member of the Land Use and Zoning committee of the Kensington View Civic Association, and a residential volunteer on the Wheaton Redevelopment Advisory Committee. I am speaking as an individual property owner and not representing any other entities.

For the past two years, my community has worked closely with planners to develop a Wheaton Sector Plan that is mutually, both economically and physically, desirable to all stakeholders - in our case, the stakeholders being commercially zoned landowners and single-family homeowners. We agreed early on that increased density in our transition areas would increase land values for all stakeholders and could protect the interest of all parties involved.

While the planners were concerned with "down zoning", they indicated that they recognized that the current C-T zoning on University Blvd., between East Avenue and Valley View Avenue, was very limited in its current uses (namely low-intensity office use) and required site-plans, the Capital One Bank building, currently zoned C-O, allows office use only, and the one R-60 zoned property only allows residential. So limiting uses to office use would not be considered "down zoning" and the increase in density, with the addition of residential uses, could be beneficial to all stakeholders.

East Avenue, between University Blvd. and Kensington Blvd., had the same concerns with "down zoning", but a very different problem. This small area has a multitude of zoning designations (C-2, C-T, R-60), confronts single-family homes, and is on a substandard road. While the vacant C-T lot would have required a site-plan, if developed, the other lots did not. The problem, in the subdivision's view, was that many of the current uses (wrecked car parking, auto repair garage) were inappropriate uses confronting single-family homes and would probably have never been allowed had the zoning change not occurred in the late 1950's/early 1960's.

In discussions with planners, it appeared that the best solution for both of these areas was a zone that would increase density, but limit uses. Townhouse developments with office, residential, or a mix of both would benefit the commercial property owners and the residential homeowners. Currently, residential use is not allowed in C-T zones once they have been used commercially (University Blvd./East Avenue), residential use is not allowed in C-O zones (corner University Blvd. and East Avenue), office use is not allowed in the R-60 zone (University Blvd./East Avenue) and C-2 zoning allows everything, regardless of how desirable (East Avenue). Unfortunately, there is no zone currently that allows this mix of office/residential uses only.

This situation is not unique to Kensington View. The transition areas of all single-family home areas are sensitive areas that require careful planning to ensure the desirability of all properties involved. To

combine all allowable uses (from every zone) into one zone, apply that zone to all properties in an area, and then try to retro-fit that zone (CR) to fit in every situation, to me, defies logic and the purpose of a zoning re-write. If the purpose of a zoning re-write is to "simplify" the zoning code and make it more transparent, why create a zone and need to amend it (before it has actually been used in any situation) because it is being applied to properties that, perhaps, should never have had the zone in the first place?

If the purpose of a zoning code is to implement a "plan" and if the "plan" plays an "important role in the lives of county residents" and "these plans also focus on the need for and challenges of planning for neighborhood stability and identity in older, fully developed communities that have little new development potential" (MNCPPC "A Resident's Guide to the Land Use Master Plan Process in Montgomery County"), then, I believe, the use of only one zone (CR) for residential areas and downtown areas, regardless of how many times you try to 'retro-fit' it, can not possibly achieve the desired effects in all areas.

I respectfully request that the "transition" areas of single-family home areas (Kensington View, Kensington Heights, Wheaton Forest, etc.) be revisited in your deliberations, the zoning applied have an eye to the "stability and identity" of the residential communities, and create a zone that will implement a plan that we can all live with.

Thank you,

Eleanor B. Duckett  
11111 Midvale Road  
Kensington, Maryland 20895  
301-942-2253



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□ ALSO ADMITTED IN DC

November 17, 2010

**VIA HAND DELIVERY**

Sandra Tallant, Planning Coordinator  
Montgomery County Planning Board  
Maryland Park and Planning Commission  
Planning Department  
Vision Division  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

Re: Westfield Wheaton – Ring Road Issues

Dear Ms. Tallant:

This is a follow-up to an email sent to you yesterday, November 16, 2010. This letter is designed to reinforce and to unequivocally state that Westfield has very strong objections to any plans to reduce or remove control over the Ring Road at Westfield Wheaton. At our meeting on Monday with you and Ms. Ruben at the Planning Board we hopefully resolved any lingering issues related to the vested rights of Westfield pursuant to the 2001 LATR between Westfield and Montgomery County. For that cooperation we are grateful.

During the course of that meeting I inquired whether there was any thinking at the Planning Board staff level regarding the future status of the Ring Road at Wheaton. To my surprise, you indicated that the Draft Sector Plan contemplated that the Ring

Road would be converted to a "public street" in the CR Zone. I assured you that Westfield's view on this ill-advised proposal was strong: Westfield unequivocally opposes any change in the status of the Ring Road from private ownership to public control. After our meeting, I immediately contacted our client, Jim Agliata, who expressed surprise and grave concern over this potential problem.

The Ring Road is a facility designed and designated to accommodate the critical issues related to traffic flow within the Mall to accommodate the interest of major tenants and these economic interests rely heavily on Westfield's ability to flexibly accommodate the various and emerging concerns of our tenants. Traffic patterns within the Mall mean everything to the overall economic success of the Mall. Mall tenants will simply not tolerate the conversion of the Ring Road from a private facility controlled by Westfield to a "public" street with attendant shift of control from Westfield to a public entity. This would result in Westfield losing critical decision-making rights.

Further, conversion to "public" status would create complex and contentious legal issues regarding set-backs, landscaping issues, etc. Design standards called for the Road Code would further create more and complicated complex legal and logistical issues. Security issues alone should make it amply clear that the Ring Road needs to remain what all of the parties in interest have, from the start, contemplated: that the Ring Road is a private facility and must remain so. Our tenants have veto power over any significant changes in the design of the Mall. It is highly unlikely that any anchor tenant within the Mall would view a move to remove control over the Ring Road as

Ms. Sandra Tallant  
November 17, 2010  
Page 3

anything but a fundamental threat to their economic viability. Security issues – without considering any other well-founded issues with transfer of control, not the least of which relate to maintenance, snow removal and other day-to-day issues – should make it crystal clear that the Ring Road must remain what all of the parties in interest have, from the beginning, contemplated: that the Ring Road is a private facility designed and contemplated to serve the legitimate interests of Mall tenants – and must remain so.

We hope to move ahead beyond this troubling issue at your earliest convenience. We await your reply.

Sincerely,

  
Devin John Doolan



Elsie L. Reid

DJD/jts

cc: Jim Agliata, Westfield

1 So, although we want to be pedestrian friendly and we want  
2 to have connectivity with the central business district and  
3 the metro, we also are a driving destination and that needs  
4 to be preserved. And, we ask for that consideration. Thank  
5 you very much for your time and we look forward to working  
6 with the staff, the community and the board in the future.

7 MS. CARRIER: Thank you very much. Mr. Anderson.

8 MR ANDERSON: I'm Casey Anderson. I'm here for  
9 the Washington Area Bicycle Association and also for  
10 Montgomery Bicycle Advocates. I want to start by  
11 apologizing to Mr. Dreyfuss because the last time I was here  
12 we had a back and forth about some back issues. I want to  
13 tell you you're right, I was wrong. I looked at the map and  
14 I just wanted to acknowledge that. I was having a hard time  
15 visualizing it when we were sitting here but I think it's  
16 important to forthright when I'm in error. So, sorry about  
17 that.

18 MR. DREYFUSS: I already forgot.

19 MR. ANDERSON: Okay. Well, that's what I get for  
20 trying to be --

21 MS. CARRIER: Which side of the street the path is  
22 going ---

23 MR. DREYFUSS: I was only kidding. I didn't  
24 forget.

25 MR. ANDERSON: We find an awful lot to like about

1 this plan. I want to thank Dan Hardy and Justin Clark, in  
2 particular, for working with us on this over a period of  
3 months. <sup>JACK</sup> Chad Cochran from Mo-Bike and I went out and rode  
4 around all over the place and tried to figure out what  
5 connections would work. I would say that we're a little bit  
6 disappointed is too strong a word, but if this bike network  
7 were built out exactly as it appears in this plan that would  
8 probably work. The problem is that the master plan rarely  
9 gets fully implemented, particularly with respect to  
10 bicycles because something always comes up with one street  
11 or another. We have an abutting property owner, a group  
12 that probably doesn't like it, they don't want a bicycle  
13 connection through their neighborhood or it turns out that  
14 there's issues with right-of-way.

15           You know, conditions change and then if you don't  
16 have an alternative to the master plan route, enough master  
17 plan routes then you're sort of stuck because then you can't  
18 -- when we have to go argue at the Department of  
19 Transportation about improving bicycle access on particular  
20 routes to get access to important destinations, they'll say  
21 sorry, it's not in the master plan. And, we said oh well  
22 the one that was in the master plan is no longer possible.  
23 And, they say well folks you lose.

24           So, I want to point out a couple of things in  
25 particular. One is that it would really help if we had a

1 couple more east-west connections. There's one that goes  
2 through Reddie but then you have to go all the way down to,  
3 I think, Plyers Mill Road to get to the next one on the map,  
4 if I read this correctly. We think there ought to be at  
5 least one or two other east-west connections. We'd suggest  
6 maybe looking at Blue Ridge and Galt just north of there..  
7 It's a little bit of a problem to get across Georgia Avenue  
8 there because the intersection is not signalized and it's  
9 just north of that major University Boulevard-Georgia Avenue  
10 intersection. But, we should at least look at some  
11 alternatives to get east-west on the northern area.

12           On Reddie, we would have -- and we talked about  
13 this with the staff. I'm not sure why this didn't get  
14 included. But, extending the planned Reddie bikeway all the  
15 way to University Boulevard. That can be done pretty easily  
16 except for there's a little slice of synagogue's property  
17 that abuts University on one side and Reddie on the other.  
18 I'm told that they've been resistant to the idea providing  
19 bicycle or pedestrian access to the public through there.  
20 Although, having been there and ridden over it myself, I can  
21 tell you that it doesn't really -- it's on the side of their  
22 sort of synagogue facility sort of out of the way of the  
23 traffic pattern that they've got people coming in and out of  
24 the synagogue.

25           So, I think if we could figure out a way to

1 negotiate with them we, at least, ought to put that as a  
2 desire line to try to get connection through there. Because  
3 it would allow you to get from the central part of Wheaton  
4 and the mall area into that trail, the access points into  
5 Wheaton Regional Park and the points, residential  
6 neighborhoods to the northeast.

7           So, I have a laundry list of streets and will send  
8 them to you by e-mail. But, just by way of example, those  
9 are some of the additions that we think would be one to make  
10 this all work. But, I would say the big picture, we really  
11 support this not just because there are a lot of things that  
12 are directly bike friendly in terms of the bikeway network  
13 and the idea that it is an explicit commitment to make  
14 ideally all the streets bikeable. But also, the land use  
15 component really fits in with making this a place where  
16 you'd actually want to ride your bicycle and walk. Things  
17 like in additional mixed use, more density but to do that in  
18 a way that activates the street and makes it more appealing  
19 to be out on the street, which in turn will give drivers the  
20 idea that this is a place for people and not just for cars.  
21 So, we like it. Thanks.

22           MS. CARRIER: Thank you very much. Jim Humphrey.

23           MR. HUMPHREY: Good evening. It's like deja vu  
24 all over again having seen you all this morning.

25           MS. CARRIER: You're not the only one who's here



# Montgomery Bicycle Advocates Montgomery County, Maryland

August 2, 2010

Chairman Carrier and Members of the Planning Board,

Montgomery Bicycle Advocates (MoBike) is an organization dedicated to improving access for bicyclists and encouraging bicycling as a mode of transportation in Montgomery County.

First, we would like to compliment Planning Department staff for reaching out to the bicycle community as it developed the Wheaton CBD Sector Plan. Taking the initiative to work with bicycle groups early in the planning process is an essential first step towards ensuring that planned areas meet the needs of bicyclists. The overall vision and many parts of the draft plan reflect our input. It is a quality first cut.

Nevertheless, there some bike elements of the draft Wheaton CBD plan that should be augmented or corrected. Our concerns and recommendations are as follows.

1. A number of additional Business District Streets need to be identified as shared roadway bikeways (and width that that entails) or having bike lanes. Many of these provide important connections within the sector, especially in the east-west direction. The busier routes require bike lanes or ample outside lane width to permit comfortable riding. It might be acceptable for the *slowest* business district streets to be quite narrow, provided the blocks are short and the character of the corridor and traffic calming encourage slow driving.
  - a. **Blueridge Ave. (B-15)** - From Galt Ave. to Amherst Ave. (plan already identifies it as a bikeway east of Amherst Ave.). This is the highest priority addition, because it provides an essential east-west connection, what would be the only bike connection across Georgia Ave. north of University Blvd. (reducing needless crossings of University). Moreover, Blueridge is an extension of SP-77 that leads to Sligo Creek Park. The road's purpose and nature of adjacent development appears to call for bike lanes or wide lanes east of Grandview Ave. if the road is reconstructed, not narrow shared lanes.
  - b. **Realigned Ennals Ave. and Price Ave. (B-19 and B-20)** - Another east-west route within the heart of the sector. Such routes should not be uncomfortable for bicyclists. It's also marked as a pedestrian route, so bikes are a natural fit. It needs to connect all the way to the mall ring road (see item #3 here).
  - c. **Entire mall ring road (B-25)** around Westfield Wheaton Mall, not just the north and east portions. This might not require any dedicated bike space, but by designating it a bikeway planners will have to think of bikes during intersection design, mall changes, etc.





Figure 1 Map of MoBike recommended bikeway network (our additions shown in magenta)

Sincerely,

Jack Cochrane  
Chair, Montgomery Bicycle Advocates (MoBike)  
7121 Thomas Branch Drive  
Bethesda, Md. 20817

Franklin Ottens  
8357 Reservoir Road  
Fulton, MD 20759

Re: Wheaton Roads in the New Master Plan

Sandra Tallant  
Planner Coordinator  
8787 Georgia Avenue  
Silver Spring, MD 20910

Dear Ms. Tallant:

Since 1952 our family, has owned 11255, 11251 and 11253 Grandview Avenue. In addition, we own 2460 and 2462 Ennalls Avenue. All of these properties are within the Wheaton Triangle. Since then we have been visiting, managing, and checking on our stores, and taking the roads to the Wheaton Triangle and throughout Wheaton. In addition, the family has lived in Wheaton since 1968.

I noticed that in the new master plan there is a new road planned that will greatly impact our stores. The alignment will go right through our property. I do not believe there is a need for a new road at that location:

1. Since 1952 the existing roads have served us well, so we do not see a need for a road that will go east through our stores.
2. The pedestrian traffic still has Reddie Dr. which abuts the new Safeway and 500 apartments, and is most logically placed for pedestrians to cross the street. The new road would be farther and less convenient.
3. Not only will you displace our 5 tenants, some have been there for more than 20 years, but you will also displace the tenants behind us, which will displace another 15-20 stores, or more, just within the Wheaton Triangle. Most of these stores are small independent Mom and Pa stores run by families. These families would not be able to move into another location at the same rent and would therefore lose their businesses. For example: Wheaton Door has been there for about 50 years.
4. The new proposed road would add an additional light on Georgia Ave. Ennalls Ave from Georgia Ave now works well. This road does not require any light or cause any backups on Georgia Ave.
5. I have spent time visiting the area, and studying the situation, and I feel the alley adjacent to the formation proposed road would be a good alternative to the proposed

road. It would serve as a pedestrian cross to the mall without taking anyone's property. A pedestrian light on Georgia would work better.

6. We have traveled the roads for many years. Thus, we know the roads and their problems. We fear an additional light on Georgia Ave is a problem that would result in more traffic congestion.
7. Note there are lights at: Reddie, University Blvd, Blueridge, Arcola, Shorefield and Randolph, all within a short distance. Now you are going to add additional lights on Georgia Avenue. Please drive north though Wheaton and you will see how many times you will have to stop for a light, and how irritating and time consuming it is waiting for the light, to change. As a person who has traveled the roads frequently around Wheaton, we all try to avoid Georgia Ave because of the numerous traffic lights.

The Wheaton Triangle Master Plan should keep the same infra-structure of roads as it has now. I feel very strongly about this..

Best,



Franklin W. Ottens



DEPARTMENT OF GENERAL SERVICES

Isiah Leggett  
*County Executive*

David E. Dise  
*Director*

November 23, 2010

Ms. Françoise Carrier  
Maryland National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

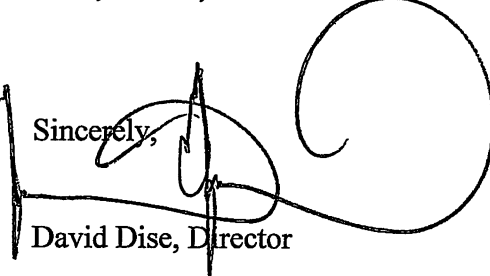
Dear Commissioner Carrier:

The Executive Branch requests that the Planning Board retain in the Wheaton Sector Plan the Price/Ennalls connection between Grandview Avenue and Georgia Avenue as shown on page 42 of the Public Hearing Draft. The Price/Ennalls connection component of the Plan dates as far back as 2000 when it appears in the joint Executive Branch/M-NCPPC National Main Street Center community planning study. The very reasons for its inclusion still applies – provide pedestrian and local vehicle connection as well as improving this section for redevelopment. This connection was also recommended in 2004 Maryland Department of Transportation Wheaton Metro Station Area Pedestrian Safety Evaluation Study, 2005 the Wheaton Redevelopment Advisory Committee's Visioning Study, and the 2009 Urban Land Institute Technical Assistance Panel report.

The County and WMATA have partnered with B.F. Saul to execute the redevelopment of the Wheaton core. The County is requesting Capital Improvement Program funding to undertake the planning and preliminary engineering for this connection. In order to compensate property owners and execute this important connection, it must be included in the Master Plan.

I appreciate your consideration of this request and, as ever, I am available and welcome discussions of such issues.

Sincerely,

  
David Dise, Director

Office of the Director

101 Monroe Street, 9th Floor • Rockville, Maryland 20850

[www.montgomerycountymd.gov/dgs](http://www.montgomerycountymd.gov/dgs)

15

**Wheaton CBD and Vicinity Sector Plan July 29, 2010 Public Hearing Testimony Digest and Correspondence Received After  
the August 13, 2010 Closing of the Public Hearing, September 2010  
Worksession #4 Revised 11/30/10**

<b>ISSUE (SPEAKER)</b>	<b>STAFF RESPONSE</b>	<b>BOARD DECISION</b>
<p><b>WORKSESSION #1, OCTOBER 7, 2010</b></p> <p><b>Issue 1: The Plan should promote more office growth in Wheaton. The proposed jobs/housing balance should be significantly revised to emphasize Wheaton as a major employment center instead of a bedroom community. (Pages 7-9, 23)</b></p>	<p>No change in the Draft Plan.</p> <p>The estimated jobs/housing ratio in the Draft Plan is adequate. See staff report for detailed discussion.</p> <p>The small businesses will be supported by a combination of the proposed CR Zone's incentives for on-site space for small stores, a possible retail action plan, expanding the streetscape program, and creating a community development corporation to help implement revitalization strategies along with the small business help programs by the County's Department of Economic Development and Wheaton Redevelopment Office.</p>	<p>Insert revised table and explain it better (e.g., how the estimate relates to the low and high scenario, and the zoning envelope). Emphasize that the market will determine the J/H ratio and the proposed zoning provides sufficient flexibility – it does not constrain the potential for office development if there is a market for it. More office is desirable and the CR zone permits it.</p> <p>Include text in the Plan that encourages landowners and developers to come to Wheaton, NOT discourage them.</p>
<p><b>Montgomery County Sierra Club, Pamela Lindstrom</b> – The plan does not inspire growth; it describes the un-dynamic place the growth forecast sees. Should envision the Georgia Avenue corridor becoming a “complete community” and not just a bedroom community for the I-270 Corridor. Wheaton’s residents should not be expected to commute to the I-270 Corridor if they want to better their lot. The need for balanced land use among the corridors was a major conclusion of the 2001 Transportation Policy Report (TPR).</p> <p>The goal should be growth in professional jobs in downtown Wheaton near transit access for the workforce. Such jobs would be the foundation for better incomes in the area, more demand for new urban housing and more prosperous retail.</p> <p><b>Upper Sligo Civic Association, Kathleen Michels</b> – Wheaton could be a 24/7 destination with more jobs and entertainment opportunities in the evening than a bedroom community. Would like Wheaton to be a unique model of urban greening. Could be more innovative at the mall, including re-purposing. Current model with anchor stores is very 20<sup>th</sup> century.</p> <p><b>Housing Opportunities Commission, Maryann Dillon</b> – Emphasize the need for additional commercial development in Wheaton’s core.</p>	<p><b>Wheaton Redevelopment Advisory Committee, Jonathan Fink</b> – The Plan must promote Wheaton’s potential as an office and employment hub. It is essential to Wheaton’s future that the office real estate market be expanded to ensure Wheaton can attract a large employer(s) to enhance Wheaton’s daytime economy.</p> <p><b>Audubon Naturalist Society, Diane Cameron</b> – Wheaton should become a green business and job center, not a bedroom community. The jobs/housing balance in the draft should be flipped so that Wheaton will grow many more jobs and fewer new residential units. Grow enough jobs in Wheaton that more people are commuting “in the opposite flow path” (north in the morning and south in the evening) on the Red Line.</p> <p><b>Sligo Headwaters Civic Association, Leah Haygood</b> – Concerned that not enough is done to encourage and develop jobs in Wheaton. Value diversity of small businesses in Wheaton and it’s not clear how the Plan helps preserve them and encourage new ones to locate in Wheaton.</p>	



ISSUE (SPEAKER)	STAFF RESPONSE	BOARD DECISION
<p><b>Issue 2: The goal of 30 percent non-auto driver mode share seems low compared to Silver Spring and Bethesda (other Metro-served CBDs in the County). (Pages 40-49)</b></p> <p><b>County Executive</b> – The 30 percent non-auto driver mode share goal seems low compared to other Metro-served CBDs (Silver Spring, Bethesda).</p>	<p>No change in the Draft Plan. The proposed 30 percent mode share is an appropriate goal for Wheaton. See the staff report for a detailed discussion.</p>	<p>Explain how we got the NADMS percentage in the text of the Plan.</p>
<p><b>Issue 3: The Plan's jobs/housing ratio will result in Wheaton residents boarding an already over-crowded Metro Red Line at peak hours in Wheaton instead of coming to jobs in Wheaton. (Pages 40-49)</b></p>	<p>No change in the Draft Plan.</p>	<p>No change to Plan text.</p>
<p><b>Sligo Headwaters Civic Association, Leah Haygood</b> – Plan's current J/H ratio will result in Wheaton residents boarding an already over-crowded Red Line at peak hours instead of working in Wheaton.</p>	<p>The proposed jobs/housing ratio is an appropriate goal for Wheaton as discussed in the staff report.</p>	
<p><b>Issue 4: Existing school facilities in the area may not be adequate for the projected student population generated by new development in Wheaton. (Page 58)</b></p> <p><b>Kensington Heights Citizens Association, William Houston</b> – Can the projected additional elementary students generated by new development in Wheaton be absorbed down the road into middle school and high schools when the time comes?</p> <p><b>Kensington Heights, Jane Folsom</b> – An increased number of residents associated with infill development has affected the schools which has caused overcrowding at Oakland Terrace Elementary School.</p>	<p>The estimated number of students in the Plan is in error. Change the incorrect number of projected elementary school students as revised by the MCPS staff.</p> <p>The middle and high schools in the area have capacity to absorb the amount of development proposed for Wheaton. See discussion in the staff report.</p>	<p>Change the text on page 58 of the Draft Plan to reflect that the proposed residential development could yield up to 386 elementary school students, 310 middle school students, and 300 high school students. There are no capacity issues for middle and high school students; but an additional elementary school site may be needed if actual development is higher than the development estimated in this Plan.</p>
<p><b>Issue 5: The proposed CR Zone may be a disincentive to redevelop properties in Wheaton. (Pages 33-39)</b></p>		
<p><b>Issue 21: Retain the CBD-2 zoning on the Wheaton Crossing Shopping Center properties (Draft Plan, page 36, Blocks N and O). (Pages 35-36)</b></p> <p><b>Aaranson Family, Jody Kline, Miller, Miller &amp; Canby, commercial property owners</b> – The CR Zone will be a disincentive for redevelopment because the zone is complicated and costly for standard method of development, the likely development for most properties. This Plan may actually stifle interest in redevelopment, by reducing the standard method of development threshold from 2.0 to .5 FAR, in effect, a down zoning that requires buying back that density and going through the sketch plan review process. Oppose the proposed CR zoning for their property. The first wave of development could be encouraged by the standard method of development in the existing CBD-2 zone and would probably be discouraged by the CR zone's maximum 0.5 FAR for standard method development.</p>	<p>No change to the Draft Plan.</p>	<p>Approve staff recommendation. Conduct outreach (community seminars/forums) for small business owners/property owners to explain how the proposed CR zone works in layman's terms and compare it to how existing zoning works.</p>

ISSUE (SPEAKER)	STAFF RESPONSE	BOARD DECISION
<p>The Use Table in the CR Zone is confusing; some uses specifically designated in the CBD zones are not permitted in the CR zone. Owners of commercial retail properties may not be “grandfathered” for existing uses and may have less flexibility to re-lease their property to fill vacancies. The lack of consistency may cause questions about nonconformity of uses.</p> <p><i>Virginia Sheard, residential property owner</i> – The CR Zone may not be the most appropriate for small properties due to a burden to provide public space and the like.</p> <p><i>Thomas Martin, residential property owner</i> – supports the CR zones recommended in the Plan.</p>		
<p><i>Wheaton Urban District Advisory Committee, Jeannette Feldner</i> – Supports the use of the new CR zones and the removal of the Overlay Zone. Should place more emphasis on including small retail in new construction along the arterials to create street level activity and long-time identity as a “small retail” downtown at the same time attracting some office development with the creation of a signature building.</p> <p><i>Chris Lindsay, commercial property owner</i> – Transfer of density within the Sector Plan area should be permitted for all properties in order to foment a more cohesive implementation to the Sector Plan’s proposals.</p> <p>Existing permitted and special exception uses should continue to remain permitted under the zone and the Plan without the stranglehold that can be brought about by nonconforming or similar designations.</p>	<p>No change in the Draft Plan.</p> <p>Street level activity is encouraged in the core and even required on some streets.</p> <p>No change in the Draft Plan.</p> <p>Transfer of density can only occur on abutting and adjacent properties within the CR zone.</p> <p>Existing uses are grandfathered in the CR zone.</p>	
<p><b>Issue 6: Rezone existing single-family detached homes within one mile of the Metro station to higher densities (pages 16-23).</b></p> <p><i>Leonard Greenberg, CBD property owner/developer</i> – Incentivizing the redevelopment of existing single-family homes adjacent to the Core by recommending townhouses and multi-family zoning within one mile of the Metro entrance.</p> <p><i>Elizabeth Chaisson, Wheaton resident</i> – Increase density within walking distance of the Wheaton Metro Station. Retrofit small single-family detached homes in the neighborhoods surrounding the downtown thus enhancing their desirability for future generations. Allow by-right conversion of homes to include accessory dwelling unit or home office.</p>	<p>No change in the Draft Plan.</p> <p>See discussion in the staff report.</p>	<p>The Plan should include text that supports accessory apartments even if the comprehensive zoning re-write doesn’t make them a permitted use in the residential zones.</p>
<p><b>Issue 7: The Plan’s vision should include the concept of sustainability. It should include economic development tools to promote “green businesses” in Wheaton. (Pages 7-9, 16, 23, 49-51)</b></p> <p><i>Audubon Naturalist Society, Diane Cameron</i> – Green infrastructure should be an integral part of revitalization because it will increase property values and business profitability.</p> <p><i>Elizabeth Chaisson, Wheaton resident</i> – Wheaton should be the first green district in the County that markets and attracts green businesses and implements going green.</p>	<p>Add language to the Draft Plan to better highlight the sustainable aspects of the Plan.</p>	<p>Include modified language in the Planning Board Draft to add emphasis on sustainable development, green infrastructure and environmental</p>

**ISSUE (SPEAKER)**

**STAFF RESPONSE**

**BOARD DECISION**

**Sligo Headwaters Civic Association, Leah Haygood** –The Plan needs a stronger vision-one based on Wheaton being unique and evolving into a green economy center of Montgomery County. Create a “sustainable district,” like the arts and entertainment district. Provide incentives for green businesses, non-profit organizations, educational institutions, residences and public amenities.  
**Kensington Heights Citizens Association, William Houston** – Supports the plan’s recommendations on environment.

**Issue 8: The Plan should provide more east-west bike connections in Wheaton. (Pages 40-49)**

**Wheaton Redevelopment Advisory Committee, Jonathan Fink** – supports the proposed Bikeway Network, however, the design of any future pedestrian and bicycle path network should not impede the redevelopment of large lots, or interfere with the assemblage of smaller lots.

**Washington Area Bicycle Association, Casey Anderson** – Support the plan’s bikeway network and explicit commitment to make all the streets bikeable. Would like a couple more east-west connections.

**Montgomery Bicycle Advocates, Jack Cochrane** – A number of business district streets need to be identified as shared roadway bikeways or having bike lanes: Blueridge Avenue (B-15), Realigned Ennalls Avenue and Price Avenue (B-19 and B-20), entire Mall ring road (B-25), bike route parallel to University Blvd. on north side (B-8, etc.), Reedy Drive (B-22), Galt Avenue, Pritchard, Horde Street (P-34), Alberti Drive, and at least one (two would be better) bike-friendly mall entry at Ennalls (B-19) and the existing mall entry (B-22) would be useful for bikes.

**State Highway Administration** – Prefer Wheaton be designated as a Bicycle Pedestrian Priority Area rather than a requirement for development.

Revise the Draft Plan to include more bike connections.

best management practices.

Modify the proposed Draft Plan (text and graphics, pages 44-45) to include the following streets as shared roadway bikeways:

- a. Blueridge Avenue (B-15) - From Galt Avenue to Amherst Avenue.
- b. Entire mall ring road (B-25) around Wheaton Mall, not just the north and east portions.
- c. Bike route parallel to University Boulevard on north side (B-8, etc.) – Along Geiger Avenue to West Avenue to Oak Drive to Hillsdale Drive. Then take the most expedient route to the best crossing of Veirs Mill Road, ideally at Kensington Boulevard.
- d. Pritchard Road (B-27, P-33) – from Amherst Avenue to Horde Street – this will provide a better connection between the park facilities on the eastern edge of the Sector Plan area and the CBD.
- e. Galt Avenue – Extend the bikeway designation southward to University Boulevard to connect to other

**ISSUE (SPEAKER)**

**STAFF RESPONSE**

**BOARD DECISION**

**Other:** Additional Planning Board Directives to Staff - Planning Board Worksession #1

Page 13 describes Wheaton and lists the public sector revitalization programs/projects. Describe the projects further and locate the maps on page 16, 17 and 18 closer to the text.

Page 15 identifies the usefulness of the overlay zone as an issue. Cross-reference the RETAIL overlay zone to the other pages referencing the overlay zone in the Plan.

Strategically reorganize the following pages: page 24 Existing Land Use (map), page 28 Proposed Land Use (Map) and page 25: Existing Zoning (Map)

Include text in the Plan that open spaces that are proposed are suggestions and not site specific places (open spaces and parks) and that there may be others not shown on maps. Staff will revisit this issue with the Planning Board when open spaces are discussed in each district in upcoming Worksessions 2 and 3 for additional direction.

**WORKSESSION #2, OCTOBER 28, 2010**

**Optional Method CR v Standard Method CBD-2: Continuation of Issue #5 from Worksession #1**

Powerpoint illustration of Standard Method CBD v Optional Method CR for a 2.0 FAR development on Aaronson properties

Agree with staff's recommendation – no change in the Draft Plan

**Issue 9: Should Parking Lot 13 be specifically designated as the location for a major public space? Should the proposed public space on Parking Lot 13 be owned by the Department of Parks? (Pages 16-23)**

**Executive Branch** – Support the recommendation of a civic urban park, but are concerned about the recommendation that the current Parking Lot 13 be the designated location for this public use space. The County needs to assess whether this would be in the best interest of an overall strategy for redevelopment. Rather than focusing specifically on Parking Lot 13, the Plan should recognize the need for an urban park to be included as a part of the redevelopment plan, without reference to how it is done.

**Department of Economic Development** – Suggest eliminating/modifying recommendation that the Department of Parks should own and operate the major civic space recommended for the Core District as part of a public private partnership to better maintain flexibility and consider alternate management options as appropriate.

**Audubon Naturalist Society, Diane Cameron** – Applauds creation of parkland out of some of the existing surface parking lots; would like to see a proposed park in the core (triangle park) to include a beautiful public plaza and amphitheater.

**Wheaton Redevelopment Advisory Committee, Jonathan Fink** – Believe that creating active use public open spaces will be vital in promoting Wheaton's potential as a lively and safe urban center. The use of County owned land must be used to spur development of "activity generating people places." Endorse the Plan's emphasis on redeveloping land currently used for surface parking. Agree that Parking Lots 13, 14, and 17 could be transformed to include active use public spaces. In particular, Parking Lot 17 holds potential as an inexpensive interim open space for dramatic and musical performances.

**Elizabeth Chaisson, Wheaton resident** – Supports five or six public or private 1-acre sites scattered within a mile of the Metro, each with its own iconic green 12-plus-story elevator building fronting a small half-acre public park or space. This would allow the rent in the older one and two-story commercial buildings in Wheaton to remain affordable to the smaller businesses while providing room for middle to upscale businesses, housing and retail in the newer high rent towers.

Confirmed staff's recommendation to include text in the Plan that expands upon the recommendation that the major civic open space for Wheaton in the Core District should be centrally located in the vicinity of Parking Lot 13. The exact location of the major open space should be determined during the development review process for a public/private project that incorporates Parking Lot 13.

Modify the Draft Plan indicating that the ownership by the Parks Department may be one of the options, and that the final status of ownership, management, and operation will be determined as part of the development review process.

ISSUE (SPEAKER)	STAFF RESPONSE	BOARD DECISION
<p><b>Issue 10a: Should Ennalls Avenue be extended across Veirs Mill Road onto the Westfield Wheaton Mall property?</b>  <b>Westfield Corporation, Inc., Jim Agliata and Furey, Doolan, &amp; Abell</b> –Recognize its unique characteristics such as the ring road configuration, surface parking requirements, and existing structures and parking commitments.</p>	<p>The Draft Plan proposes to connect the Wheaton Plaza Ring Road across Veirs Mill Road with Ennalls Avenue via a new business street. The proposed roadway would complete the three part Ennalls/Price connection which would provide additional circulation options in the CBD.</p>	<p>To be discussed at a later worksession</p>
<p><b>Issue 10b: Should Ennalls Avenue be realigned to connect with Price Avenue?</b>  One of the property owners impacted by the proposed extension of Ennalls Avenue sent in a letter opposing the proposed extension.</p>	<p>Ennalls Avenue extension is needed to improve mobility and connectivity in the Core. Retain the Draft Recommendation.</p>	<p>Retain the proposed Ennalls Avenue realignment in the Plan at this time. Additional information requested by Commissioner Dreyfuss. Will be discussed further at a later worksession.</p>
<p><b>Issue 11: Clarify the purpose of extending Price Avenue to Amherst Avenue through private properties and the County garage. (Pages 41-44)</b>  <b>Wheaton Urban District Advisory Committee, Jeannette Feldner</b> – Supports the proposed extension of Price Avenue across Georgia Avenue creating a more logical grid for the downtown.   <b>County Executive</b> – The proposed extension of Price Avenue towards east will go through the Garage 45 structure, which was not designed nor constructed to accommodate the extension of Price Avenue. The Plan should include additional text to explain a rationale and justification for this proposal, recognizing that such plans are not always feasible. An alternative should be described in the Plan.</p>	<p>The proposed extension is needed to improve mobility and connectivity in the core. Retain the Draft Plan recommendation.</p>	<p>Retain the proposed extension in the Draft Plan at this time. Will be discussed at a later worksession.</p>
<p><b>WORKSESSION #3, NOVEMBER 18, 2010</b></p>		
<p><b>Issue 12: Should Veirs Mill Road and University Boulevard (west of Veirs Mill Road) be designated as Priority Retail Streets? (Pages 16-23)</b>  <b>Executive Branch</b> – Extend Priority Retail Streets to include Veirs Mill Road from Georgia Avenue to just northwest of University Boulevard and along University Boulevard to just west of Veirs Mill Road. The Plan should foster flex office and rental residential space at street level that can be converted to retail space when the market allows.</p>	<p>No change to Draft Plan</p>	<p>Approve staff recommendation</p>
<p><b>Issue 13: Retain Veterans Park at its current location. (Page 58)</b></p>		
<p><b>Wheaton Urban District Advisory Committee, Jeannette Feldner</b> - Support the enhancement and better use of Veterans Park.   <b>Wheaton Forest Civic Association, Diane Lynne</b> – Oppose any plans to develop the Wheaton Veterans Park.</p>	<p>No change to Draft Plan</p>	<p>Approve staff recommendation</p>

22

**ISSUE (SPEAKER)**

**STAFF RESPONSE**

**BOARD DECISION**

**Issue 14: Increase the proposed height on the Standard Properties parcel to emphasize Wheaton’s southern gateway and encourage a signature building (page 34, Block A). (Pages 33-35).**

**Standard Properties, Inc., Stuart Barr, Learch Early & Brewer, Chtd.** – Provide the opportunity for a signature development to complement the “landmark building” envisioned across the street at the WMATA triangle site. Increase maximum density from CR4 to CR5 and an increase in the maximum height from 100 feet to 150 feet. Envision the tallest buildings on the property located along Georgia Avenue with the height tapering down towards Amherst Avenue.

Increase the density of the site from 4.0 FAR to 5.0 FAR and the maximum building height to 150 feet along Georgia Avenue, transitioning down to a maximum height of 45 feet adjacent to the low-rise residential development along Amherst Avenue. This zoning approach would be similar to the block directly north of the site (Block J). The new proposed zoning is CR 5: C 4.5, R 4.5, H 150 feet.

Approve staff recommendation

In order to maintain consistent zoning and maximum building height along the east side of Georgia Avenue increase the density and height of the portion of Block J (the Archstone at Wheaton Station building) from a maximum 4.0 FAR and 100-foot building height proposed in the Plan to an FAR of 5.0 with a maximum height of 150 feet should this site ever redevelop. The new proposed zoning is CR 5: C 4.5, R 4.5, and H 150 feet.

**Issue 15: Rezone the WTOP site on University Boulevard from the existing R-90 to higher mixed use densities. (Page 60)**

**Executive Branch** – Consider increasing zoning for the non-historic portion of the WTOP property.

No change to Draft Plan

The Plan should indicate that a floating zone would be appropriate should the property ever redevelop. Consider re-zoning the WTOP property to either PD-18 or RT-15. Analyze and bring back to the Planning Board.

**Issue 17: Consider preserving the four-acre Montgomery College Art and Design School (MCAD) property on Georgia Avenue south of the Sector Plan area as green space to offset CBD redevelopment. (Pages 55-58)**

**Beverly Sobel, resident, Payers Mill Crossing in Wheaton** – Request consideration of preserving the 4-acre MCAD property as green space to offset CBD redevelopment. The Parks Department should explore opportunities for large parks outside, but near the Plan area, to meet the standards established in the Land Preservation, Parks, and Recreation Plan.

No change to Draft Plan

Approve staff recommendation



**ISSUE (SPEAKER)**

**STAFF RESPONSE**

**BOARD DECISION**

**Issue 20: Provide a pedestrian and bikeway only connection with no vehicular access for the unbuilt portion of Kensington Boulevard between East Avenue and Veirs Mill Road.**

<p><b>Stephanie Savolaine, residential property owner, Kensington View</b> – Pedestrians and bicyclists should have a safe network of routes that allow access to key amenities within our increasingly urban neighborhood.</p> <p>The currently un-built ROW of Kensington Boulevard should be developed as a pedestrian and bicycle through-way, made safer and better able to serve all members of the community consistent with the specific staff recommendations. This would retain the ROW in public ownership in the possible future event that the County needs to relieve vehicular traffic at the south-bound intersection of Veirs Mill Road and University Boulevard. Strongly believes that the ROW should not be opened to vehicular traffic simply to enhance the development potential of lots 9-13 on the east side of East Avenue.</p> <p><b>Chris Lindsay, commercial property owner</b> – Owner does not support a Kensington Boulevard connection from Veirs Mill Road to the existing Kensington Boulevard. Suggest a properly stepped pedestrian/bike connection in the paper Kensington Boulevard right-of-way at this location if contours allow.</p> <p>Does not support pedestrian connections on Lindsay property located south of Veirs Mill Road and north of University Boulevard due to its encroachment on Lindsay's property making it notably smaller and reducing redevelopment potential. Suggest extending it along East Avenue from Upton Drive westward toward Kensington Boulevard.</p>	<p>Retain the paper ROW for the Kensington Boulevard connection to Veirs Mill Road until otherwise determined through the development review process for a future project on the Lindsay Ford properties.</p> <p>Staff further recommends including language in the Draft Plan that recommends that the Kensington Boulevard ROW connecting East Avenue to Veirs Mill Road be retained as a pedestrian/bike connection. If the roadway is constructed, its design should limit the impact upon the adjacent residential properties. The needed ROW should come from the larger block on the east side of East Avenue.</p>	<p>Retain the paper ROW for the Kensington Boulevard connection to Veirs Mill Road until otherwise determined that the ROW should be abandoned in response to development and decided during the development review process for a future project on the Lindsay Ford properties.</p> <p>Include language in the Draft Plan that recommends that the Kensington Boulevard ROW connecting East Avenue to Veirs Mill Road be retained as a pedestrian/bike connection even if it's not needed. If a vehicular connection is determined to be needed, its design should limit the impact upon the adjacent residential properties. The needed ROW should come from the larger block on the east side of East Avenue.</p>
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24

**Issue 22: Increase the residential and commercial densities on the Weinberg property from 3.5 to 4.0 FAR (pages 35-36)**

<p><b>Weinberg Family property, Michele Rosenfeld, Rosenfeld &amp; Rosenfeld</b> – Supports the CR Zone on the Weinberg property (Block 7, parcel 8) but requests that the recommended commercial and residential density be increased from 3.5 to 4 because it would give additional flexibility to a larger redevelopment project with respect to market-driven demand for residential over commercial space, and vice versa.</p>	<p>No change to Draft Plan</p>	<p>Approve staff recommendation</p>
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**Issue 23: Allow Hickerson Drive to be closed permanently to vehicular traffic to achieve a vibrant retail corridor and pedestrian circulation within the Blueridge District. (Pages 41-44)**

<p><b>Jody Kline for the Aaronson Family, commercial property owners</b> – Deemphasize Hickerson Drive as a vehicular right-of-way and emphasize its importance for pedestrian connectivity so that it could become the "spine" or retail corridor of an integrated mixed use development within sight and walking distance of the Wheaton Metro Station.</p>	<p>Modify the Draft Plan's text to reflect that the abandonment of Hickerson Drive may be considered if a private street designation would provide flexibility in creating a vibrant retail corridor with enhanced pedestrian and vehicular circulation within the Blueridge</p>	<p>Approve staff recommendation</p>
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ISSUE (SPEAKER)	STAFF RESPONSE	BOARD DECISION
	<p>District. The abandonment of Hickerson Drive as a public street should be considered only if a combined development of the two blocks is proposed. A through block pedestrian connection should be maintained with retail as shown on Map 7, Priority Retail Streets, on page 18 of the Draft Plan.</p>	
<p><b>Issue 25: The proposed Veirs Mill Road right-of-way would negatively impact the redevelopment potential of the Lindsay Ford properties. (Pages 41-46)</b></p> <p><b>Chris Lindsay, property owner</b> – Oppose pedestrian connections on Lindsay property located south of Veirs Mill Road and north of University Boulevard. Instead, extending it along East Avenue from Upton Drive westward toward Kensington Boulevard. Does not support a Kensington Boulevard connection from Veirs Mill Road to the existing Kensington Boulevard, but suggests a properly stepped pedestrian/bike connection in the unbuilt Kensington Boulevard right-of-way at this location if feasible.</p> <p>Does not support the Master Plan ROW of 120' for Veirs Mill Road or the proposed local street bisecting the subject block, which will reduce the amount of developable land.</p> <p><b>Stephanie Savolaine, residential property owner - Kensington View</b> – The currently unbuilt ROW of Kensington Boulevard should be developed as a pedestrian and bicycle through-way, retaining the ROW in public ownership in case the County needs to relieve vehicular traffic at the south-bound intersection of Veirs Mill Road and University Blvd.</p>	<p>Retain the 120-foot right-of-way recommendations for Veirs Mill Road as set forth in Table 2 of the Public Hearing Draft Plan.</p>	<p>Approve staff recommendation</p>
<p><b>Issue 25a: The two conceptual pedestrian connections shown bisecting the southern Lindsay Ford property on pages 41 and 42 of the Draft Plan would restrict the ability to redevelop the property: The one parallel to Veirs Mill Road is unnecessary, and both would reduce the redevelopment potential of the property.</b></p> <p><b>Chris Lindsay, Lindsay Ford</b>, The two conceptual pedestrian connections shown bisecting the southern Lindsay Ford property on pages 41 and 42 of the Draft Plan would restrict the ability to redevelop the property: The one parallel to Veirs Mill Road is unnecessary, and both would reduce the redevelopment potential of the property.</p>	<p>On Map 16, page 42 of the Draft Plan, remove the lines denoting pedestrian connections on the Lindsay property south of Veirs Mill Road and add text to the Plan acknowledging that any development on the southern Lindsay property must provide for adequate pedestrian circulation, bike connections, neighborhood compatibility, and consideration of public access to remaining parcels. The exact alignment and design of pedestrian connections would be determined during the development review process.</p>	<p>Approve staff recommendation</p>

**Issue 25b: The proposed local street depicted on the northern Lindsay Ford properties on page 42 and described on page 41 of the Draft Plan would overtake the northern Lindsay Ford property at this location and effectively preclude its development.**

**Chris Lindsay, Lindsay Ford,** The proposed local street depicted on the northern Lindsay Ford properties on page 42 and described on page 41 of the Draft Plan would overtake the northern Lindsay Ford property at this location and effectively preclude its development.

On Map 16, page 42 of the Draft Plan, remove the lines denoting local streets on the Lindsay property north of Veirs Mill Road and add text to the Plan acknowledging that any development on the northern Lindsay property must provide for adequate pedestrian and vehicular circulation, neighborhood compatibility, and consideration of public access to remaining parcels. The exact location of pedestrian and vehicular connections would be determined during the development review process.

Approve staff recommendation

**WORKSESSION #4, DECEMBER 9, 2010**

**Issue 16: Is the CR Zone the appropriate zone on properties in Kensington View and Wheaton Forest that serve as transitional areas between commercial and single-family residential uses? (Pages 34-36, 38-39)**

**Wheaton Redevelopment Advisory Committee, Jonathan Fink** – Agrees that certain lots at the edges of residential neighborhoods have the potential to sustain small-scale, non-residential uses but need to ensure that adjacent residential neighborhoods are not adversely impacted.

**Judy Higgins, Eleanor Duckett, Stephanie Savolaine – Kensington View**  
Strengthen language to protect the neighborhood from retail development on transition sites along East Avenue, and on University Boulevard (Block S –East Avenue between Kensington Blvd. and University Blvd.). A far more compatible and limiting zone should be assigned to these properties instead of the proposed CR Zone on the properties currently zoned R-60, C-0, and C-2.

**Virginia Sheard, residential property owner** – Proposed zoning for edge communities like Kensington View is not adequately addressed. The CR zoning recommendations, particularly on East Avenue and parts of University Blvd. and between Valley View and East Avenue, do not protect the adjacent residents from adverse impacts. Specific language must be written to ensure that only low impact activities can occur within the 45 foot height limits, and only a minimum commercial component should be allowed.

**Wheaton Forest Civic Association, Diane Lynne** – The CR Zone adjacent to our residences may be inconsistent with the surrounding residential neighborhood. Oppose the proposed CR designation on these properties.

Retain the CR Zone for the transitional areas in the Draft Plan. A proposed text amendment to the CR zone will be presented to the Planning Board which addresses some of the transitional issues between commercial and residential uses raised by the community.

26

**ISSUE (SPEAKER)**

**STAFF RESPONSE**

**BOARD DECISION**

<p><b>Issue 24:</b> Should Wheaton have a Transportation Management District (TMD) to encourage more people to take transit? (Pages 48-49)</p> <p>The County Department of Transportation – Given the current lack of office employment, and the fact that this Plan states Wheaton “is not envisioned to be a major office hub”, the success of a TMD effort in achieving the employee mode share goals is questionable.</p>	<p>No change to Draft Plan.</p>	
<p><b>Issue 26:</b> Road designation should be in conformity with community context. (Pages 40-49)</p>	<p>Amend the Draft Plan to include roadway designation changes as appropriate.</p>	
<p><b>Issue 18a:</b> Westfield Wheaton Mall should be able to retain the existing APFO approval if zoning is changed from C-2 to CR.</p> <p>Westfield Corporation, Inc., Jim Agliata and Furey, Doolan, &amp; Abell – They seek assurances that a new Sector Plan for Westfield will have no effect on contractual rights per a July 2001 LATR agreement.</p>	<p>Include language in the Implementation section of the Plan to note that the APFO approvals remain vested through their expiration date and are not affected by re-zoning.</p>	
<p><b>Issue 18b:</b> Site plan review requirement of the proposed CR Zone should be eased for the Westfield property through the creation of a Westfield overlay zone.</p>	<p>No change to Draft Plan.</p>	
<p>Westfield Corporation, Inc., Jim Agliata and Furey, Doolan, &amp; Abell – Requests consideration of an overlay zone for the Mall property which could reduce or eliminate the site plan review process.</p>	<p>No change to Draft Plan.</p>	
<p><b>Issue 18c:</b> The 10 percent minimum public use space requirement applied to the entire Mall property would be excessive and difficult to meet before the full redevelopment of the Mall property.</p>	<p>No change to Draft Plan.</p>	
<p>Westfield Corporation, Inc., Jim Agliata and Furey, Doolan, &amp; Abell – Westfield suggests that open space and amenities may be found in appropriate interior spaces as well as outdoor. Current lease arrangements severely limit the control Westfield has on their property which could hinder the ability to provide open space.</p>	<p>No change to Draft Plan.</p>	
<p><b>Issue 18d:</b> The CR Zone’s grandfathering provision of expansion/addition to existing facilities should be increased from 30,000 square feet to 50,000 square feet.</p>	<p>No change to Draft Plan.</p>	
<p>Westfield Corporation, Inc., Jim Agliata and Furey, Doolan, &amp; Abell – Westfield requests increasing the grandfathering provision of expansion/addition to existing facilities from 30,000 square feet to 50,000 square feet to further limit the need for Site Plan Review for exterior renovations of the Mall to accommodate new tenants.</p>	<p>No change to Draft Plan.</p>	

27

**Issue 18e: Increase maximum building height on the Veirs Mill frontage of the Mall property from 150 feet to 200 feet.**

**Westfield Corporation, Inc., Jim Agliata and Furey, Doolan, & Abell** – To accommodate future plans for the Mall property being considered by Westfield.

**Executive Branch** – Encourage the transformation of the mall to an urban town center with strong synergies to the rest of Wheaton. Consider increasing both height and density on the Westfield property while stepping down beyond the ¼ mile station boundary towards the existing communities. The proposed height of 75 feet and FAR could be too restrictive.

Change the rezoning designation on page 37 for the portion of the Westfield Mall property along Veirs Mill Road and University Boulevard to CR 6: C 5.5, R 5.5, H 200.

Change the recommended zoning on page 33 and 34 of the Draft Plan for blocks A and C in the core across Veirs Mill Road from the Mall property to CR 6: C 5.5, R 5.5, H 200 to create consistent scale in the core. Specifically delineate the western boundary of the proposed CR Zone along Veirs Mill Road.

**Issue 18f: Is the proposed building height and density on the Wheaton Mall property near residential neighborhoods too high?**

**Kensington Heights Citizens Association** – Retain a green buffer between the neighborhood and the ring road surrounding the Mall to reduce the impact of new development on Mall property adjacent residential areas. Reduce the allowable height of buildings along the edge of the Mall property to 35 feet stepping up to 45 feet, then to 75 feet to reduce the issues of scale, privacy, and access to natural light and air on residential properties.

No change to Draft Plan.

**Danila Sheveiko, residential property owner** – Include a green buffer zone between the Westfield Mall ring road and their property line abutting residential uses.

**Issue 18g: Should the existing ring road and proposed local streets on the Mall property be in public or private ownership?**

**Westfield Corporation, Inc., Jim Agliata and Furey, Doolan, & Abell** – Westfield is strongly opposed to any change in control over the Ring road. The Ring road is a facility designed to accommodate the critical issues related to traffic flow within the Mall to accommodate major tenants and their economic interests. Traffic patterns mean everything to the success of the Mall. Mall tenants would not stand for the conversion of the Ring Road from a private facility to a “public” street with attendant controls over which Westfield would lose critical decision-making rights. As a public road, the road would, for example, require ROW permits subject to public road standards. Westfield would be faced with legal challenges to any change in legal control over the critical Ring. Conversion to public status would create impossible legal issues regarding setbacks, landscaping issues, etc. Design standards called for in the Road Code further create more legal ad security issues - the Ring Road is a private facility and must remain so.

Staff recommends that the proposed local streets and the existing Mall Ring Road remain private until the Planning Board approves redevelopment of the mall at which time the internal streets may be designated as public (as at White Flint Mall) or private (as at Ellsworth Drive in the downtown Silver Spring redevelopment project. A new development that no longer serves the functions of a regional Mall should trigger this decision which should be made to further the long term goals of an urban mixed use transit-oriented community are realized.

**ISSUE (SPEAKER)**

**STAFF RESPONSE**

**BOARD DECISION**

<p><b>Issue 18h: The adjoining community raised concerns about existing stormwater management (SWM) issues on the property.</b>  <b>Kensington Heights Citizens Association</b> – There are continued drainage problems suffered by houses in the vicinity of the Mall at the current level of development. Any future development on the Mall property should be required to be in full compliance with the principles of environmental site design and should include planning for 100-year stormwater management requirements.</p>	<p>Staff believes that the Draft Plan emphasizes sustainability and green developments to the extent that the Plan can influence the sustainability of future development beyond the applicable regulatory controls. However, the staff will review the Draft Plan language and propose any necessary modifications in the Planning Board Draft to address these comments.</p>	
<p><b>Issue 18i: Signage may not be allowed as envisioned by the Mall.</b>  <b>Westfield Corporation, Inc.</b> – Existing regulations in the Zoning Code do not allow them to install new signs including electronic or computerized signs of various sizes and regulations.</p>	<p>Evaluate changes to Article 59-F to allow Westfield Mall to create improved signage for their property along Veirs Mill Road either as a zoning text amendment or as part of the zoning re-write.                   Include guidance on signage in the Wheaton Urban Design Guidelines, as appropriate.</p>	
<p><b>Issue 18j: Westfield proposed edits to the Draft Plan Text</b></p>		
<p><b>Westfield Corporation, Inc., Jim Agliata and Furey, Doolan, &amp; Abell</b> –The Plan must recognize the place and function of regional malls and of Westfield Wheaton in particular as a key to the success of Wheaton.</p>	<p>Make suggested changes to the Draft Plan as appropriate.</p>	
<p><b>Issue 18k: Retain the existing green buffer along the ring road on the Wheaton Mall property to reduce the impact of future Mall redevelopment on adjacent residential areas.</b></p>		
<p><b>Kensington Heights Citizens Association</b> – Retain a green buffer between the neighborhood and the ring road surrounding the Mall to reduce the impact of new development on Mall property adjacent residential areas. Reduce the allowable height of buildings along the edge of the Mall property to 35 feet stepping up to 45 feet, then to 75 feet to reduce the issues of scale, privacy, and access to natural light and air on residential properties.</p>	<p>Revise the Draft Plan text to include recommendations for retaining the existing green buffer.</p>	
<p><b>Danila Sheveiko, residential property owner</b> – Include a green buffer zone between the Westfield Mall ring road and their property line abutting residential uses.</p>		

29

<p><b>Issue 10a: Should Ennalls Avenue be extended across Veirs Mill Road onto the Westfield Wheaton Mall Property?</b></p> <p><b>Westfield Corporation, Inc., Jim Agliata and Furey, Doolan, &amp; Abell –Westfield is strongly opposed to any change in control over the Ring road. The Ring road is a facility designed to accommodate the critical issues related to traffic flow within the Mall to accommodate major tenants and their economic interests. Traffic patterns mean everything to the success of the Mall.</b></p>	<p>Retain the proposed extension of Ennalls Avenue from Veirs Mill Road to the Wheaton Plaza Ring Road in the Plan. The specific alignment should be determined during the development review process not in the Wheaton Sector Plan. Both the development review process and the abandonment process accommodate community input and require a public hearing. Add a note to the Draft Plan that the proposed realignment may require the Department of Permitting Services to deny a building permit and cause a property owner impacted by the proposed realignment to go through an appeal process with the County Board of Appeals.</p>	
<p><b>Issue 10b: Should Ennalls Avenue be realigned to connect with Price Avenue?</b></p> <p>One of the property owners impacted by the proposed extension of Ennalls Avenue sent in a letter opposing the proposed extension.</p>	<p>Add text to the Plan specifying that the specific alignment of the Ennalls Avenue to connect with Price Avenue and the associated abandonment of the existing right of way will be determined at a later date during the development review process which will accommodate community input and require a public hearing.</p>	
<p><b>Issue 11: Clarify the purpose of extending Price Avenue to Amherst Avenue through private properties and the County garage. (Pages 41-44)</b></p> <p><b>Wheaton Urban District Advisory Committee, Jeannette Feldner – Supports the proposed extension of Price Avenue across Georgia Avenue creating a more logical grid for the downtown.</b></p> <p><b>County Executive – The proposed extension of Price Avenue towards east will go through the Garage 45 structure, which was not designed nor constructed to accommodate the extension of Price Avenue. The Plan should include additional text to explain a rationale and justification for this proposal, recognizing that such plans are not always feasible. An alternative should be described in the Plan.</b></p>	<p>Add text to the Plan's sections on Approach and Network Integrity, and The Street Network, (page 41 of the Draft Plan) to explain the extension of Price Avenue to Amherst Avenue as described above. Additionally, the text should state that this road extension would only be considered as part of a public/private partnership that incorporates a redesign and removal of Garage 45. The extension of Price Avenue would not be required as part of a future renovation of Garage 45.</p>	



ISSUE (SPEAKER)	STAFF RESPONSE	BOARD DECISION
<b>Other Testimony -</b>		
<b>Issue 27: Re-evaluate the minimum Sector Plan rights-of-way widths including all major highway segments given their bikeway and Bus Rapid Transit (BRT) potentials. (Pages 40-49)</b>	Add a note to the Draft Plan that the proposed realignment may require the Department of Permitting Services to deny a building permit and cause a property owner impacted by the proposed realignment to go through an appeal process with the County Board of Appeals.	
<b>County Department of Transportation</b> – Reevaluate the minimum master planned right-of-way widths for all Major Highways segments, given their BRT and bikeway potentials.	Staff will address comments in the Planning Board Draft Plan as appropriate.	
<b>Issue 28: Should the Urban Design Guidelines be in the Sector Plan as they used to be in the past?</b>		
<b>Montgomery County Civic Federation</b> – Do not support the idea of master plans and design guideline as separate documents. Design guidelines should be in master plans as they have been in the past.	Staff will address comments in the Planning Board Draft Plan as appropriate.	
<b>Executive Branch</b> – The Plan captures the Executive’s stated vision that Wheaton’s future is a major mixed-use market center in the mid-county region. Strongly support the vision of high density, mixed-use town center development with its protection of surrounding neighborhoods and the accompanying grid work.  Recommends that references to the bus transit includes all the Bus Rapid Transit (BRT) routes under study. Further, we recommended the recently completed WMATA Station Access Study be cited and that the Plan recognize the critical role of the existing and extensive bus network.	Staff will address comments in the Planning Board Draft Plan as appropriate.	
<b>State Highway Administration</b> , Pages 40-49 – Further study is needed regarding the placement of signals, and the lowering of speed limits.  Supports short-term on-street parking, provided that parking does not generate increased operational and safety concerns along state roadways.  Supports the Plan’s efforts to revitalize the area. Encourage Montgomery County to coordinate developer-improvements in order to properly mitigate traffic and support transportation vision as outlined in the Plan. The recommendation of BRT on the outside curb lane is too specific.	Staff will address comments in the Planning Board Draft Plan as appropriate.	
<b>The County Department of Transportation</b> , Pages 40-49 – There is a discrepancy between the total numbers of parking spaces as shown in table 5.	Will be corrected in the Planning Board Draft	

31

ISSUE (SPEAKER)	STAFF RESPONSE	BOARD DECISION
<p><b>County Department of Environmental Protection</b> – The Plan does not mention solid waste and recycling requirements for future development and for retrofits. The Plan should include language to lay the groundwork for adequate solid waste management infrastructure in the CBD.</p> <p>As part of raising awareness of water flow through increased visibility, we recommend including a commitment to daylight streams when possible during the redevelopment process.</p> <p>Clarify how encouraging small properties to redevelop together to facilitate shared use minimizes and mitigates impervious surfaces.</p> <p><b>County Fire and Rescue Services</b>, Pages 40-49 – Roundabouts slow responding fire-rescue vehicles more than smaller vehicles. If any are to be included in the CBD, they must be designed to accommodate easy traversing by fire-rescue vehicles to minimize delays for essential life and property saving efforts.</p> <p>Reduced traffic speeds, and street closure for events will slow response time of emergency vehicles due to traffic congestion.</p> <p><b>Page 49</b>-The newer proposal of planting trees on roof-tops would present a long-term maintenance concern and may require changes to the Life Safety Code in order to be able to provide firefighting water supply directly to rooftops.</p> <p><b>Wheaton Redevelopment Advisory Committee, Jonathan Fink</b> – Support the draft Plan’s vision: the urban density all along Wheaton’s three main thoroughfares, the proposed CR Zone, the recommended mix of office, retail, and residential uses, and the overall economic and environmental sustainability of Wheaton.</p> <p>Supports reducing the targeted speeds of Wheaton’s main thoroughfares through the use of attractive traffic calming modifications.</p> <p>Supports improving pedestrian access to Westfield Wheaton Mall at every egress.</p> <p>Agrees that redevelopment is friendly to the environment, that incentives are needed to ensure future buildings are built with energy efficient design, building a pedestrian and bicycle network, reduction in impervious services and an increase in tree canopy, and encouraging small properties to redevelop together to facilitate shared use helps achieve goals for a greener Wheaton.</p> <p>Page 58 – If the County’s property housing the Crossways Community becomes an elementary school, make every effort to relocate the program within Wheaton.</p>	<p>Staff will address comments in the Planning Board Draft Plan as appropriate.</p> <p>Staff will address comments in the Planning Board Draft Plan as appropriate.</p> <p>Staff will address comments in the Planning Board Draft Plan as appropriate.</p>	

32

ISSUE (SPEAKER)	STAFF RESPONSE	BOARD DECISION
<p>Supports the Plan's proposal for an additional elementary school and agrees that the County-owned former elementary school building used by the Crossways Community is a good option.</p> <p>Supports design modifications to Wheaton's existing streetscape to increase pedestrian traffic and street level activity.</p> <p>Page 26 – Agrees that the Wheaton Retail Preservation Overlay Zone should be removed.</p>		
<p><b>Wheaton Urban District Advisory Committee, Jeannette Feldner</b> - Page 59 – Bring some amenities or recreational facilities such as an indoor pool to the downtown.</p>	<p>Staff will address comments in the Planning Board Draft Plan as appropriate.</p>	
<p><b>Sligo Headwaters Civic Association, Leah Haygood</b> – Pages 49-53 – Wheaton should model how a degraded urban environment can transform into one that improves the environment through green building, environmental site design, etc.</p>	<p>Staff will address comments in the Planning Board Draft Plan as appropriate.</p>	
<p><b>Audubon Naturalist Society, Diane Cameron, Pages 49-53</b> – The County's ability to meet the restoration challenge, contained in the 2010 National Pollutant Discharge Elimination System (NPDES) stormwater permit to restore 20% of uncontrolled imperviousness by 2014, depends in part on the direction taken by the Wheaton Plan.</p> <p>Would like to see environmental site design applied through retrofits to parking lots, roofs and yards, and integrated into the County's considerable economic development resources. Suggest inclusion of the new Environmental Site Design requirements for all projects.</p> <p>Hope that a green direction will be woven throughout the entire Plan including economic development and transportation components.</p>	<p>Staff will address comments in the Planning Board Draft Plan as appropriate.</p>	
<p><b>Anacostia Watershed Citizens Advisory Committee, Michael Smith</b> – Applauds the draft plan's call to raise awareness of water flow through increased visibility. Asks that the Plan go beyond these aspirations by using the Anacostia Restoration Plan as a kick start to make Wheaton a nationally recognized showcase of Environmental Site Design. The Plan should make explicit mention of both Sligo Creek and the Anacostia Watershed.</p>	<p>Staff will address comments in the Planning Board Draft Plan as appropriate.</p>	
<p>Supports creating green linkages with plantings and signage along Windham Lane to Sligo Creek Park and along Blueridge Avenue to Wheaton Regional Park.</p> <p><b>Washington Area Bicycle Association, Casey Anderson</b> – The land use component makes this a place where you'd actually want to ride your bicycle and walk. Additional mixed use, and more density is done in a way that activates the street and makes it more appealing to be out on the street, which in turn will give drivers the idea that this is a place for people and not just for cars.</p>	<p>Staff will address comments in the Planning Board Draft Plan as appropriate.</p>	

ISSUE (SPEAKER)	STAFF RESPONSE	BOARD DECISION
<p><b>Kensington Heights Citizens Association, William Houston, pages 40-49</b> – Consider redirecting a portion of Veirs Mill Road beneath the current ground level, and creating a vibrant pedestrian-only plaza between the Mall and the CBD.</p> <p>Should consider what responsibility we have for ensuring that the services provided by Crossways Community Center continue if a new elementary school is located to this site.</p> <p><i>Jane Folsom resident</i> – Infill development has caused increased traffic on residential streets many of which do not have sidewalks.</p> <p>Where would the services provided at Crossways Community go?</p>	<p>Staff will address comments in the Planning Board Draft Plan as appropriate.</p>	
<p><b>Housing Opportunities Commission</b> – The Plan should have a dedicated section on housing. Housing is a fundamental element in any community and deserves a discreet discussion.</p> <p><b>Virginia Sheard, Kensington View, pages 40-49</b> – While a 30% mode share goal is desirable, plans must accommodate parking and accessibility, the high number of drivers who converge on Wheaton for bus and transit services, which is likely to increase if the BRT becomes a reality; the number of outside Wheaton patrons and shoppers who will be necessary to sustain the expected new restaurants, services, and events.</p> <p>The proposed town center on part of Parking Lot #13 will have limited visibility from the bounding highways. Development on corners such as Reddie and Veirs Mill and Georgia and Veirs Mill should be set back sufficiently and limited in height to provide a visual connection to the outside world. 150' and 200' buildings to the lot lines will block all invitation to enter the activity area.</p> <p>Guidelines should be available for review concurrently with the Sector Plan.</p> <p>Strongly request that that until a document is approved for final distribution, drafts and associated reports be formatted only as black and white, portrait oriented, documents. Graphics should be made readable with best use of black and gray tints, and variation in line weights.</p> <p>Questions the importance of the information in the Appendices and why they exist, and hopes they go away before transmitted to the Council. Need to use clear simple English to make documents more understandable.</p>	<p>Staff will address comments in the Planning Board Draft Plan as appropriate.</p> <p>Staff will address comments in the Planning Board Draft Plan as appropriate.</p>	



ISSUE (SPEAKER)	STAFF RESPONSE	BOARD DECISION
<p><b>Chris Lindsay, commercial property owner, pages 40-49</b> – Has State Highways Administration vetted the proposed roadways in the context of Veirs Mill Road and University Boulevard as State Roads?</p>	<p>Staff will address comments in the Planning Board Draft Plan as appropriate.</p>	
<p>How and by whom proposed local streets will be maintained since they are not on the Master Plan of Highways?</p>	<p>Staff will address comments in the Planning Board Draft Plan as appropriate.</p>	
<p><b>Danila Sheveiko, residential property owner, pages 41-42</b> – Plan a path to the Metro across the south and southeast parking lots that has some shade by converting some of the Mall's surface parking to pedestrian and non-motorized vehicle use with curbing to protect people from cars and trucks.</p>	<p>Staff will address comments in the Planning Board Draft Plan as appropriate.</p>	
<p>The Plan should fully embrace Environmental Site Design (ESD) requiring that ESD be applied to the maximum extent practical on all development projects in accordance with state and local regulations.</p>	<p>Staff will address comments in the Planning Board Draft Plan as appropriate.</p>	
<p><b>Elizabeth Chaisson, Wheaton resident</b> – Plan should show how to retrofit what we have so that it will be sustainable in the years to come such as: Painting roofs white to cool it, improving stormwater runoff with rain barrel and a garden, building living edible walls with fruit trees, composting, converting basements to legal one bedroom accessory dwelling units.</p>	<p>Staff will address comments in the Planning Board Draft Plan as appropriate.</p>	
<p><b>Safeway, Steve Robins, Lerch Early &amp; Brewer, pages 34-35</b> – Staff's recommendations for the property are entirely consistent with what already has been approved by the Planning Board. Proposed zoning is from CBD-3 to CR6: C 5.5, R 5.5, H 200. The project is consistent with the CR 6 zone.</p>	<p>Staff will address comments in the Planning Board Draft Plan as appropriate.</p>	
<p><b>Washington Properties Company, Heather Dlhopsky, Linowes and Blocher LLP, page 37</b> – Need to ensure that the proposed project at the corner of Georgia Avenue and Veirs Mill Road (245 multi-family dwelling units on 1.76 acres) adheres to the proposed vision and recommendations in the Draft Sector Plan.</p>	<p>Staff will address comments in the Planning Board Draft Plan as appropriate.</p>	
<p><b>Thomas Martin, residential property owner</b> – Agree with the Draft Sector Plan's purpose of transforming Wheaton into a beautiful, walkable urban center, with an active streetscape.</p>	<p>Staff will address comments in the Planning Board Draft Plan as appropriate.</p>	
<p><b>Marian Fryer, residential property owner</b>– support the Draft Plan.</p>	<p>Staff will address comments in the Planning Board Draft Plan as appropriate.</p>	

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