



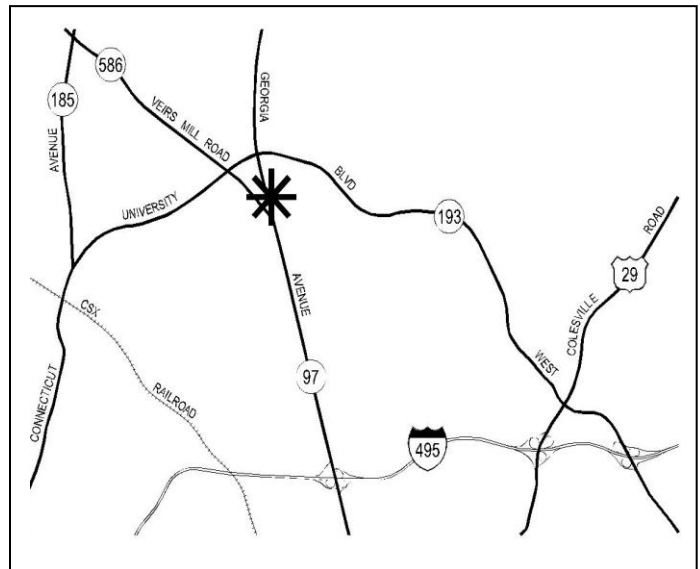
11141 Georgia Avenue, Sketch Plan, 320120030

- Stephanie Dickel, Senior Planner, Area 2 Division, Stephanie.Dickel@montgomeryplanning.org, 301-495-4527
- Khalid Afzal, Planner Supervisor, Area 2 Division, Khalid.Afzal@montgomeryplanning.org, 301-495-4650
- Glenn Kreger, Chief, Area 2 Division, Glenn.Kreger@montgomeryplanning.org, 301-495-4653

Completed: 4/26/12

description

- Convert an existing 5-story office building into a 14-story mixed-use building: 160,560 square feet of total density with up to 147,180 square feet (up to 200 residential units) and up to 13,380 square feet of non-residential uses;
- Located at 11141 Georgia Avenue, Silver Spring, approximately 200 feet south of Reddie Drive on 0.614 acres (26,760 square feet), zoned CR6 C5.5 R5.5 H200 within the 2011 *Wheaton CBD and Vicinity Sector Plan* and Wheaton Parking District;
- Applicant: ML Wheaton, LLC c/o Lowe Enterprises Real Estate Group East, Inc.;
- Filing date: 1/24/2012



summary

- Staff recommends approval with conditions.
- No major issues. As required by the optional method of development, the project is seeking incentive density for proximity to transit, minimum parking, structured parking, exceptional design, BLTs, cool roof, recycling facility plan, and retaining 75% of the existing building structure. Access would remain from Georgia Avenue; all proposed parking would be on site or within existing structures. The project conforms to the Sector Plan recommendations and the requirements of the zone.

PURPOSE OF SKETCH PLAN

The purpose of a Sketch Plan is to identify general land uses, development intensity, and public benefits for the optional method of development in the CR and CRT Zones. The Plan is intended to be conceptual in nature with an emphasis on building massing and open space, varying densities and heights, the general circulation patterns for all modes of transportation, and the locations of open and public use spaces. Details of the proposed development are determined during Preliminary and Site Plan review.

A Sketch Plan must be filed for an optional method development to ensure the objectives of the CR Zones can be met by subsequent approvals. Section 59-C-15.2, Description and objectives of the CR zones, states that the *“objectives of the CRN, CRT and CR zones are to:*

- (a) Implement the policy recommendations of applicable master and sector plans; Target opportunities for redevelopment of single-use areas and surface parking lots with a mix of uses;*
- (b) Reduce dependence on the automobile by encouraging development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities;*
- (c) Allow a mix of uses, densities, and building heights appropriate to various contexts to ensure compatible relationships with adjoining neighborhoods;*
- (d) Allow an appropriate balance of employment and housing opportunities; and*
- (e) Standardize optional method developments by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.”*

Section 59-C-15.43(b)(4) states that the *“The Planning Board must act within 30 days after the close of the record of the public hearing, by majority vote of those present and voting based upon the hearing record to:*

- (A) approve;*
- (B) approve subject to modifications, conditions, or binding elements; or*
- (C) disapprove.”*

RECOMMENDATION AND CONDITIONS

Staff recommends approval of Sketch Plan 320120030, 11141 Georgia Avenue, for mixed-use development with a maximum total density of 160,560 square feet and maximum height of 165 feet on 0.61 gross acres of land zoned CR6.0 C5.5 R5.5 H200. The following site development elements shown on the sketch plan stamped "Received" by the M-NCPPC on March 21, 2012 are binding under Section 59-C-15.43(b)(4); all other elements are illustrative:

1. Maximum density and height;
2. Approximate location of lot and public dedication;
3. General location of vehicular access points; and
4. Public benefit schedule.

This approval is subject to the following conditions:

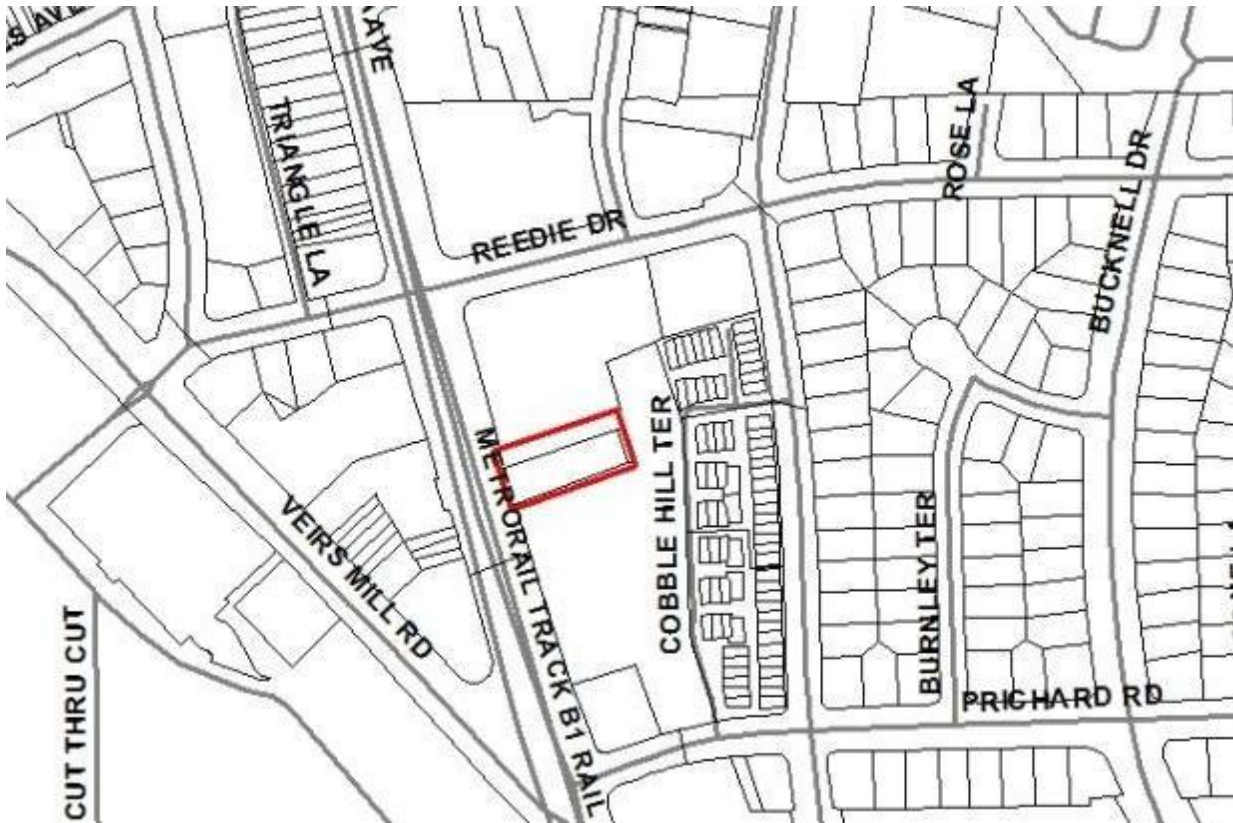
1. Density
The proposed development is limited to a maximum total density of 160,560 square feet of development with up to 147,180 square feet of residential uses and up to 13,380 square feet for non-residential uses. The final number of dwelling units will be determined at Site Plan.
2. Height
The proposed development is limited to a maximum height of 165 feet.
3. Incentive Density
The proposed development must be constructed with the public benefits listed below, unless modifications are made under Section 59-C-15.43(d). Total points must equal at least 100 and be chosen from at least 4 categories as required by Section 59-C-15.82(a); the requirements of Division 59-C-15 and the Implementation Guidelines must be fulfilled for each public benefit proposed.
 - a. Transit proximity
The Applicant proposes 50 points for proximity to Level 1 transit, Metrorail station.
 - b. Connectivity and Mobility
The Applicant proposes 10 points for minimum parking provided. Final points will be established at site plan approval.
 - c. Quality Building and Site Design
The Applicant proposes 28 points from the Quality Building and Site Design category, which is achieved through provision of structured parking (18 points) and exceptional design (10 points). Final points will be established at site plan approval.
 - d. Protection and Enhancement of the Natural Environment
The Applicant proposes 16 points from the Protection and Enhancement of the Natural Environment category, which is achieved through the purchase of Building Lot Terminations (BLTs) (5 points), a cool roof (6 points) and a recycling facility plan (5 points). Final points will be established at site plan approval.
 - e. Retained Building
The Applicant proposes 59 points from the Retained Building category, which is achieved through maintaining 75% of the structural system of the existing building.

4. Building Lot Terminations (BLTs)
Prior to release of a building permit, the Applicant must provide proof of purchase and/or payment for the required BLTs.
5. Moderately Priced Dwelling Units (MPDUs)
The proposed development must provide MPDUs in accordance with Chapter 25A.
6. Retained Building
To receive incentive density for the Retained Building public benefit, the Applicant must satisfy the following:
 - a. Prior to any demolition, the Applicant must use an architectural deconstruction company or organization to remove recyclable materials; and
 - b. Prior to issuance of a building permit, the Applicant must submit documentation to Staff showing compliance with the Retained Building criteria under Section 59-C-15.857.
7. Future Coordination for Preliminary and Site Plan
In addition to any other requirements for preliminary plans under Chapter 50 and site plans under Chapter 59, the following must be addressed when filing a preliminary or site plan:
 - a. Utility relocation.
 - b. Fire and Rescue access and facility details.
 - c. Streetscape details.
 - d. Demonstration of how each public benefit satisfies the Zoning Ordinance and Incentive Density Implementation Guideline requirements.
 - e. Implementation of transportation improvements.
 - f. Consideration of building-to-street interface to maximize activation and safety.
 - g. Focus on energy efficiency in building design features.
 - h. Dedication along Georgia Avenue (MD 97).
 - i. Traffic Mitigation Agreement.

SITE DESCRIPTION

Vicinity and Site Description

The Property is composed of existing lots and parcels located on Block B2 in the Price District of the Wheaton Central Business District. The Property is immediately surrounded by multifamily residential buildings and associated parking facilities. The 2011 *Wheaton CBD and Vicinity Sector Plan* ("Sector Plan") rezoned all directly adjacent properties to CR zones with densities and heights identical to the Property's CR zoning. The remaining lots and parcels located on the eastern portion of Block B, along Amherst Avenue, are improved with apartment and townhouse uses and have been rezoned to the CRN zone.



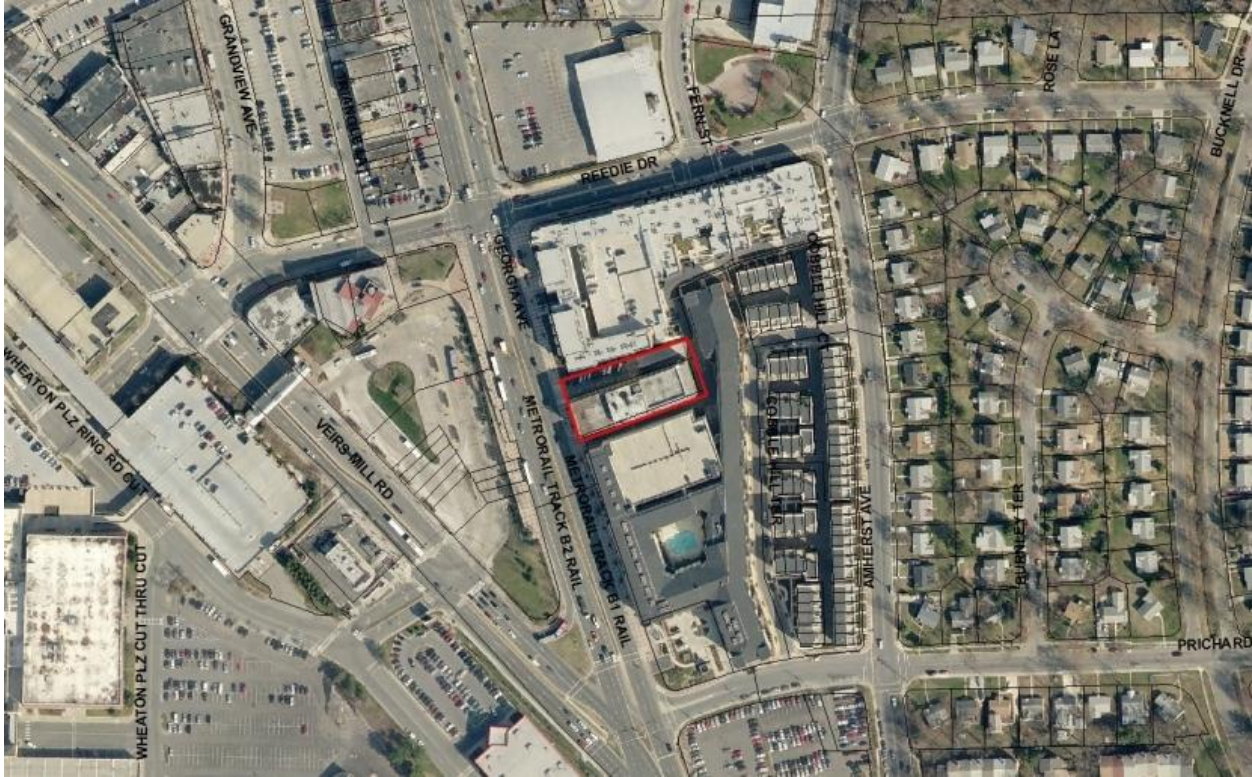
Vicinity Map



Price District Proposed Zoning - 2011 Wheaton CBD and Vicinity Sector Plan

Other notable uses in the immediate vicinity of the Property include the proposed Wheaton Safeway project across Reedie Drive to the north, the Wheaton Metrorail Station entrance adjacent to the site, and various retail uses north of Reedie Drive.

The Property comprises 0.614 gross acres (26,760 square feet) currently improved with a 5-story office building and some surface parking. The existing building on the Property is clad with glazed brick with punched flush windows and provides a storefront facing Georgia Avenue.



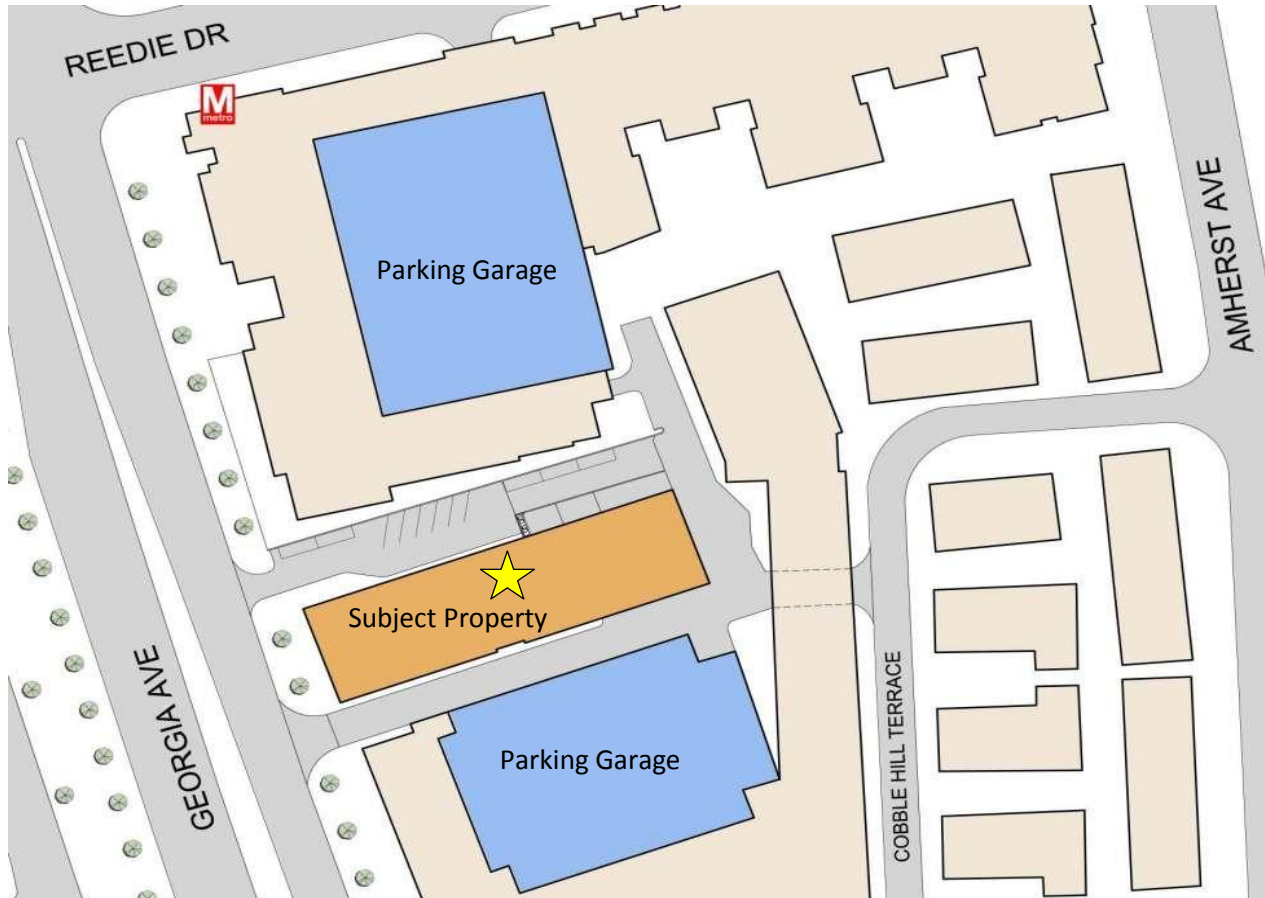
Aerial Photo

PROJECT DESCRIPTION

Proposal

The proposed development will add nine stories to the existing 5-story office building, which will be converted into residential with some non-residential uses on the ground floor, resulting in a 14-story, multi-family mixed-use development with a maximum density of 160,560 square feet and a maximum height of 165 feet. Of the 160,560 total square feet, 147,180 square feet (up to 200 units) is proposed for residential uses and up to 13,380 square feet for non-residential uses. The building will house up to 200 units, including 12.5% Moderately Priced Dwelling Units (MPDUs).

Because the property is located in the Wheaton Parking Lot District (PLD), no parking spaces are required on site. In a Parking Lot District, property owners may pay an ad valorem tax in lieu of providing at least the minimum required number of spaces. For the purposes of determining public benefits and ad valorem tax rate, however, the minimum number of spaces must be calculated. In this case, the minimum required would be 117 spaces. The project will provide up to 60 parking spaces on site and has the right to utilize approximately 53 parking spaces off-site in the adjacent Archstone Building parking garage through a shared parking agreement. No new vehicular access points or new roads are necessary to support the development.



Illustrative Site Context Plan



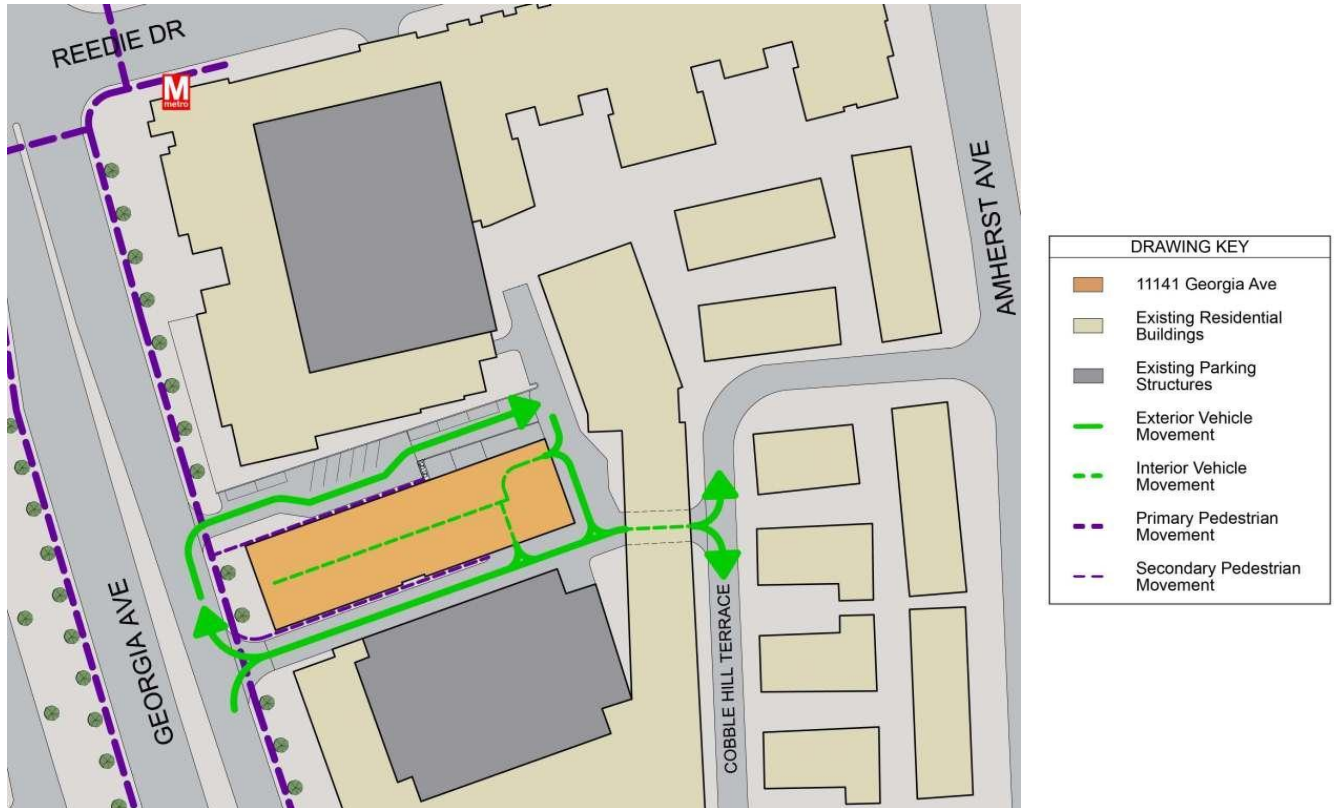
North Elevation

Illustrative Elevations



Georgia Avenue Elevation

Vehicular access to the site is from Georgia Avenue and the parking lot with loading and service areas is off existing internal streets. Pedestrian and bicycle access is provided from the sidewalk along Georgia Avenue to the main lobby entrances. Bicycle parking for residents and visitors will be provided within the existing below grade parking structure and will be finalized by the detailed drawings during the Site Plan review. Most vehicular parking will be within the existing parking structures with some surface visitor parking provided in the existing surface lot.



Pedestrian and Vehicular Circulation Plan

To achieve the incentive density for this project, the Applicant is proposing the public benefits from four of the seven categories in the CR zones to achieve the minimum 100 points as shown in the findings.

COMMUNITY OUTREACH

The Applicant has met all proper signage, noticing, and submission meeting requirements. Staff has not received any correspondence on this Application.

ENVIRONMENT

Forest Conservation

This development is subject to the Chapter 22A, Montgomery County Forest Conservation Law, but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(1) because the proposed activity occurs on a tract of land less than 1.5 acres with no existing forest, or existing specimen or champion tree, and the afforestation requirements are not in excess of 10,000 square feet.

Staff approved a Simplified Natural Resource Inventory/Forest Stand Delineation (NRI/FSD #42012088E) on January 11, 2012. The site contains no forest, streams, wetlands, or environmental buffers. The Property is within the Wheaton Branch of the Sligo Creek watershed – a Use I watershed. The proposed project does not have any proposed activities within any streams, wetlands, or environmental buffers and is in compliance with the Environmental Guidelines. There are no known rare, threatened, or endangered species on site; there are no 100-year floodplains, stream buffers, or wetlands on site. There are no known historic properties or features on site.

Stormwater Management

This development is exempt from the requirement to file a sediment and erosion control plan or stormwater management concept plan because of the limited site disturbance.

PROJECT ANALYSIS & FINDINGS

Section 59-C-15.43(c), states that *“In approving a Sketch Plan, the Planning Board must find that the following elements are appropriate in concept and appropriate for further detailed review at Site Plan. The Sketch Plan must:*

1. *meet the objectives, general requirements, and standards of this Division;*
2. *further the recommendations and objectives of the applicable master or sector plans;*
3. *achieve compatible internal and external relationships between existing and proposed nearby buildings, open space, and uses;*
4. *provide satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading;*
5. *propose an outline of public benefits that supports the requested incentive density;*
6. *establish a feasible and appropriate provisional phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.”*

The proposed project meets the requirements of Section 59-C-15.43(c) as follows:

1. *meet the objectives, general requirements, and standards of this Division [59-C-15];*

The Sketch Plan meets the objectives of Section 59-C-15.2. Description and Objectives of the CR zones, as follows:

- *“(a) Implement the policy recommendations of applicable master and sector plans.”* The proposed project will provide the residential uses near transit facilities, and public benefits encouraged by the Sector Plan;

- “(b) *Target opportunities for redevelopment of single-use areas and surface parking lots with a mix of uses.*” The proposed project will reuse an existing building and parking facilities for residential and non-residential uses;
- “(c) *Reduce dependence on the automobile by encouraging development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities.*” The proposed project will provide additional affordable housing, a mix of multifamily unit types, density within 200 feet of the Wheaton Metrorail Station entrance and ground floor retail commercial services, which are appropriate on this site;
- “(d) *Allow a mix of uses, densities, and building heights appropriate to various contexts to ensure compatible relationships with adjoining neighbors.*” The proposed project will be within the maximum building height envelope of 200 feet established by the CR zone for the Property at a scale of development similar to existing and allowed buildings adjacent to the site. For Block B2 of the Price District, the Sector Plan states that “higher densities are more appropriate closer to the Metro station along Reddie Drive and along Georgia Avenue, and heights should transition from 200 feet along Georgia Avenue to 45 feet at the residential edge along Amherst Avenue”, which is implemented through the zoning applied to the property. The proposed development complies with the Sector Plan recommendation ;
- “(e) *Allow an appropriate balance of employment and housing opportunities.*” The proposed project will provide the mixed-use development encouraged by the Sector Plan implementing the recommended housing-to-jobs balance; and
- “(f) *Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.*” The proposed Sketch Plan meets the standards and requirements of optional method development through the public benefits listed within these Findings that meet the requirements of the Ordinance and standards of the Implementation Guidelines.

The proposed development meets the general requirements of Section 59-C-15.6 as follows:

Section 15-C-15.61. Master Plan and Design Guidelines Conformance

The project will be substantially consistent with the 2011 *Wheaton CBD and Vicinity Sector Plan*, as detailed in Finding #2 below, and substantially conform to the Draft *Wheaton CBD and Vicinity Sector Plan Design Guidelines*, which encourages new development fronting along the boulevards to:

- **Create boulevards around the Core** through continuous streetwalls along the highways surrounding the Wheaton Core. The proposed project retains, and reinforces the existing street wall along the eastern side of Georgia Avenue, between Prichard Road and Reddie Drive;
- **Enhance existing structures** - The project incorporates and rehabilitates an existing office building into a mixed-use building;
- **Improve the public realm** – The project provides uses to activate the street through proposed commercial space on the ground floor.

Section 59-C-15.62. Bicycle Parking Spaces and Commuter Shower/Change Facility
 The project will provide at least the minimum required number of bicycle parking spaces for residents and visitors, as determined by the final unit count and commercial space approved with the site plan.

Section 59-C-15.63. Parking
 The project will provide parking spaces between the minimum required and maximum allowed, as determined by the final unit count and commercial space approved with the site plan.

The proposed development meets the general requirements of Section 59-C-15.7 as follows:

Section 59-C-15.7. Development Standards
 The sketch plan meets the development standards of Section 59-C-15.7, as shown in the Data Table below.

<i>Development Table for the CR6.0 C5.5 R5.5 H200 Zone</i>		
Development Standard	Required/Allowed	Proposed
Max. Density (FAR)		
Total	6.0	6.0
Residential	5.5	Up to 5.5
Commercial	5.5	Up to 0.5
Max. Height (feet)	200	165
Minimum Setbacks	n/a	n/a
Minimum Parking Spaces	0	Up to 60
Minimum Public Use Space	0	0

2. *further the recommendations and objectives of the applicable master or sector plan;*

The proposed project furthers various important Sector Plan goals, such as providing housing near a Metrorail station, revitalizing existing structures, and encouraging mixed-use development in high-density areas. The project is in general conformance with the *Wheaton CBD and Vicinity Sector Plan*.

3. *achieve compatible internal and external relationships between existing and proposed nearby buildings, open space, and uses;*

- The proposed project achieves compatibility through:
- Similar massing envelopes, although with more articulation and diversity of materials;
 - An appropriate scale and building height, comparable to other built and allowed development which may build up to 200 feet in the applicable CR Zone on adjacent properties along Georgia Avenue. For Block B2 of the Price District, the Sector Plan states that “higher densities are more appropriate closer to the Metro station along Reedie Drive and along Georgia Avenue, and heights should transition from 200 feet along Georgia Avenue to 45 feet at the residential edge along Amherst Avenue”, which

is implemented through the zoning applied to the property. The proposed development complies with the Sector Plan recommendation; and

- Use of existing parking structures retaining a strong relationship between buildings, sidewalks, and streets.

4. *provide satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading;*

Circulation, parking, and loading for cars, trucks, pedestrians, and bicyclists are all satisfactory within the proposed development. Specifically, this Sketch Plan provides:

- A building located on an existing street grid for cars, pedestrians, and bicyclists;
- Conveniently located residential uses near various public transportation resources including the Wheaton Metrorail Station, various bus lines, public parking garages, and numerous public and private facilities and commercial establishments within walking and biking distance;
- Off-street loading areas for the residents on the internal streets that limit conflicts on Georgia Avenue;
- Increased parking for bicycles;
- Improved sidewalks for pedestrians and bicyclists; and
- Sufficient parking within existing structures for residents.

5. *propose an outline of public benefits that supports the requested incentive density;*

The proposed application includes public benefits that address the general incentive and density considerations required by Section 59-C-15.83. The public benefits:

- Take into consideration “the recommendations, objectives, and priorities of the applicable master or sector plan” by providing the diversity of housing, general sustainability measures, and connectivity improvements;
- Meet “the CR Zone Incentive Density Implementation Guidelines and any design guidelines adopted for the applicable master plan area” by providing the proper calculations and criteria for each public benefit and concentrating on transit proximity, connectivity between uses, and retaining the existing building and incorporating it into the new design achieving design excellence;
- Are appropriate for “the size and configuration of the tract” by taking advantage of the existing site to create a desirable infill development with a residential emphasis;
- Adequately address “the relationship of the site to adjacent properties” by designing the building at an appropriate scale for the surroundings with heights that establish a proper relationship with other structures in the vicinity of Georgia Avenue and providing a visually pleasing, modern building;
- Consider “the presence or lack of similar public benefits nearby” through provision of diverse housing, retaining an existing building, using existing structured parking, and providing environmental benefits that are lacking in this area; and
- Provide “enhancements beyond the elements listed in the individual public benefit descriptions or criteria that increase public access to or enjoyment of the benefit” which will be developed and assessed during preliminary and site plan reviews.

<i>Detailed Public Benefit Table</i>	
Public Benefit	Maximum Points Requested
Transit Proximity Category	
Within ¼ mile of Wheaton Metrorail Station	50
Connectivity & Mobility Category	
Minimum Parking	10
Project provides less parking than the required spaces applicable under section 59-C-15.631. Final points established during site plan review.	
Quality Design Category	
Structured Parking	18
Project provides parking within the existing structure, final points established during site plan review.	
Exceptional Design	10
Provision of site and building design that meets the criteria of the Ordinance as further defined by the Guidelines, to be finalized during site plan review.	
Environmental Category	
BLTs	5
Under the Ordinance, the square feet equal to 5% of the incentive density must be calculated to determine the BLT purchase requirement: $((147,180\text{sf incentive density} * 0.05) / 20,000) = 0.3680 \text{ BLTs}$	
Cool Roof	6
Project will provide 60-85% of roof not covered with vegetation as cool roof with solar reflectance index of 75 (for low slope roofs). Final points established during site plan review.	
Recycling Facility	5
Project will provide a recycling facility plan that complies with Montgomery County Executive Regulation 15-04AM or Montgomery County Executive Regulation 18-04.	
Retained Building Category	
Maintains 75% of structural system of existing building	59
Project must use an architectural deconstruction company or organization company to remove recyclable materials prior to demolition. Project must submit documentation showing compliance with criteria before building permit issued.	
Total	163

6. *establish a feasible and appropriate provisional phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

The proposed development will be developed in a single phase.

Attachments:

1. Letter from State Highway Administration (SHA) dated March 26, 2012
2. Letter from Montgomery County Department of Transportation (DOT) dated April 18, 2012

SD:ha: n:\area 2 division\dickel\11141 Georgia Avenue Staff Report final 4-26-12 to match resolution



Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*

Beverley K. Swain-Staley, *Secretary*
Melinda B. Peters, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

March 26, 2012

Re: **Montgomery County**
MD 97
11141 Georgia Avenue
SHA Tracking No. 12APMO003
MD 97 (Mile Point 3.2)

Mr. Ed Axler
Transportation Planner/Coordinator
M-NCPPC
8787 Georgia Avenue
Silver Spring, Maryland 20910

Dear Mr. Axler:

Thank you for the opportunity to review the Transportation Report dated February 24, 2012 by Integrated Transportation Solutions, Inc. (received by the AMD on March 9, 2012) that was prepared for the proposed 11141 Georgia Avenue residential development in Montgomery County, Maryland. The major report findings and the Maryland State Highway Administration (SHA) comments and conclusions are as follows:

- Access to the 200 High Rise Apartment Units (which will replace an existing 86,000 square foot Office Building) is proposed from existing driveways on MD 97.
- The report determined that the proposed residential project will generate fewer AM and PM peak hour trips than the existing office development. Therefore, the report concluded that a normal LATR Traffic Impact Study and PAMR mitigation will not be required of this development as per M-NCPPC regulations.

In conclusion, SHA concurs with the report findings. Unless specifically indicated in SHA's response on this report, the comments contained herewith do not supersede previous comments made on this development application.

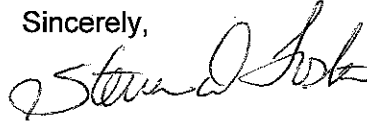
My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

Mr. Ed Axler
Page 2 of 2

If you have any questions or comments regarding the enclosed traffic report comments, please contact Larry Green at (410) 995-0090 x20.

Sincerely,



Steven D. Foster, Chief
Access Management Division

SDF/lg

cc: Mr. Ray Burns, SHA AMD
Ms. Mary Deitz, SHA RIPD
Mr. Bob French, SHA Office of Traffic & Safety
Mr. Roy Gothie, SHA RIPD
Mr. Larry Green, Daniel Consultants, Inc.
Mr. Craig Hedberg, Integrated Transportation Solutions, Inc.
Mr. Glenn Kreger, M-NCPPC Montgomery County
Mr. Greg Leck, MCDOT
Ms. L'Kiesha Markley, SHA RIPD
Ms. Reena Mathews, SHA RIPD
Mr. Johnson Owusu-Amoako, SHA Office of Traffic & Safety
Mr. Errol Stoute, SHA Traffic Development & Support Division
Mr. Morteza Tadayon, SHA Travel Forecasting Section
Mr. Cedric Ward, SHA District 3 Office



ATTACHMENT 2

DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

April 18, 2012

Arthur Holmes, Jr.
Director

Ms. Stephanie Dickel; Lead Reviewer
Area 2 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Sketch Plan No. 320120030
11141 Georgia Avenue

Dear Ms. Dickel:

We have completed our review of the above-referenced sketch plan. The following comments are tentatively set forth for the subsequent submission of a preliminary plan:

1. Show all existing topographic details (paving, storm drainage, driveways adjacent and opposite the site, sidewalks and/or bikeways, utilities, rights of way and easements, etc.) on the preliminary plan.
2. Necessary dedication for along Georgia Avenue (MD 97) in accordance with the master plan.
3. Storm drainage and/or flood plain studies, with computations. Analyze the capacity of the existing public storm drain system and the impact of the additional runoff. If the proposed subdivision is adjacent to a closed section street, include spread computations in the impact analysis.
4. Necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
5. Access and improvements along Georgia Avenue (MD 97) as required by the Maryland State Highway Administration.
6. Provide details on the site access. If this site is sharing site access with the property to the south, provide details of the shared access easement. If such an easement exists, provide a copy of the executed (hopefully recorded) shared access easement and any joint maintenance agreement.
7. Evaluate the feasibility of providing a pedestrian connection between Cobble Hill Terrace and Georgia Avenue (MD 97) through the site.
8. Provide truck loading spaces in accordance with the Executive Branch's "Off-Street Truck Loading Space" policy.

Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080
trafficops@montgomerycountymd.gov

Ms. Stephanie Dickel
Sketch Plan No. 320120030
April 18, 2012
Page 2

9. Submit a Traffic Impact Study (or Statement) as applicable.
10. Address the need for bicycle facilities in the vicinity of the site. We believe this site is eligible for an amenity credit if the applicant provides a bikesharing facility.
11. Recorded covenant for the operation and maintenance of private streets, storm drainage systems, and/or open space areas.
12. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
13. Submit an electronic copy of the DRAFT Traffic Mitigation Agreement for review by MCDOT.

Thank you for the opportunity to review this sketch plan. If you have any questions or comments regarding this letter, please contact Mr. Andrew Bossi, our new Development Review Area Engineer for this part of the County, at andrew.bossi@montgomerycountymd.gov or at (240) 777-2197.

Sincerely,



Gregory M. Leck, Manager
Development Review Team

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cc: Mark Muller; ML Wheaton, LLC
Andy Bradshaw; Johnson Bernat Associates
Stacy Silber; Lerch, Early & Brewer
Ed Axler; M-NCPPC Area 2
Cathy Conlon; M-NCPPC DARC
Scott Newill, MSHA AMD

cc-e: Rob Klein; MCDGS
Atiq Panjshiri; MCDPS RWPR
Sam Farhadi; MCDPS RWPR
Sande Brecher; MCDOT DTS
Beth Dennard; MCDOT DTS
Rob Elder; MCDOT DTE
Andrew Bossi; MCDOT DTEO



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 12-52
Sketch Plan No. 320120030
11141 Georgia Avenue
Date of Hearing: May 10, 2012

RESOLUTION

WHEREAS, pursuant to Section 59-C-15.42 of the Montgomery County Code¹ the Montgomery County Planning Board (“Planning Board” or “Board”) is authorized to review sketch plan applications; and

WHEREAS, on January 24, 2012, ML Wheaton, LLC c/o Lowe Enterprises Real Estate Group East, Inc. (“Applicant”), filed an application for approval of a sketch plan for construction of up to 160,560 square feet in one building including up to 200 residential units and up to 13,380 square feet of non-residential uses, on 0.614 gross acres (26,760 square feet) of CR6 C5.5 R5.5 H200-zoned land, located at 11141 Georgia Avenue approximately 200 feet south of the intersection of Georgia Avenue with Reedy Drive (“Property”) in the Wheaton CBD and Vicinity Sector Plan (“Sector Plan”) area; and

WHEREAS, Applicant’s sketch plan application was designated Sketch Plan No. 320120030, 11141 Georgia Avenue (the “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and the staff of other governmental agencies, Staff issued a memorandum to the Planning Board, dated April 13, 2012, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions (“Staff Report”); and

WHEREAS, on May 10, 2012, the Planning Board held a public hearing on the Application (the “Hearing”), and at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the Hearing, the Planning Board approved the Application subject to certain conditions, in accordance with the vote as certified below.

¹ All Section references are to the Montgomery County Code.

Approved as to
Legal Sufficiency:


M-NCPPC Legal Department

8787 Georgia Avenue, Silver Spring, Maryland 20910 Chairman’s Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board approved Sketch Plan No. 320120030 for construction of up to 160,560 square feet in one building including up to 200 residential units and up to 13,380 square feet of non-residential uses on the Property, subject to the following binding elements and conditions:

A. Binding Elements. The following site development elements are binding under Section 59-C-15.43(b)(4):

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location of vehicular access points; and
4. Public benefit schedule.

All other elements are illustrative.

B. Conditions. This approval is subject to the following conditions:

- Density
The proposed development is limited to a maximum total density of 160,560 square feet of development with up to 147,180 square feet for residential uses and up to 13,380 square feet for non-residential uses. The final number of dwelling units will be determined at site plan.
- Height
The development is limited to a maximum height of 165 feet.
- Incentive Density
The development must be constructed with the public benefits listed below, unless modifications are made under Section 59-C-15.43(d). Total points must equal at least 100 and be chosen from at least 4 categories as required by Section 59-C-15.82(a); the requirements of Division 59-C-15 and the Implementation Guidelines must be fulfilled for each public benefit proposed.
 - a. Transit proximity
The Planning Board approves up to 50 points for proximity to Level 1 transit, Metrorail station.
 - b. Connectivity and Mobility
The Planning Board approves up to 10 points for minimum parking provided. Final points will be established at site plan approval.
 - c. Quality Building and Site Design

The Planning Board approves up to 28 points from the Quality Building and Site Design category, which is achieved through provision of structured parking (18 points) and exceptional design (10 points). Final points will be established at site plan approval.

d. Protection and Enhancement of the Natural Environment

The Planning Board approves up to 16 points from the Protection and Enhancement of the Natural Environment category, which is achieved through the purchase of Building Lot Terminations (BLTs) (5 points), a cool roof (6 points) and a recycling facility plan (5 points). Final points will be established at site plan approval.

e. Retained Building

The Planning Board approves up to 59 points from the Retained Building category, which is achieved through maintaining 75% of the structural system of the existing building.

▪ Building Lot Terminations (BLTs)

Prior to release of a building permit, the Applicant must provide proof of purchase and/or payment for the required BLTs.

▪ Moderately Priced Dwelling Units (MPDUs)

The development must provide MPDUs in accordance with Chapter 25A.

▪ Retained Building

To receive incentive density for the Retained Building public benefit,

- a. Prior to any demolition, the Applicant must use an architectural deconstruction company or organization to remove recyclable materials; and
- b. Prior to issuance of a building permit, the Applicant must submit documentation to Staff showing compliance with the Retained Building criteria under Section 59-C-15.857.

▪ Future Coordination for Preliminary and Site Plan

In addition to any other requirements for preliminary plans under Chapter 50 and site plans under Chapter 59, the following must be addressed when filing a preliminary or site plan:

- a. Utility relocation.
- b. Fire and Rescue access and facility details.
- c. Streetscape details.
- d. Demonstration of how each public benefit satisfies the Zoning Ordinance and Incentive Density Implementation Guideline requirements.
- e. Implementation of transportation improvements.

- f. Consideration of building-to-street interface to maximize activation and safety.
- g. Focus on energy efficiency in building design features.
- h. Dedication along Georgia Avenue (MD 97).
- i. Traffic Mitigation Agreement.

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of § 59-C-15.42, the Montgomery County Planning Board finds that as conditioned herein the elements of the sketch plan specified in Section 59-C-15.42(c) of the zoning ordinance are appropriate in concept and appropriate for further review at site plan. Specifically, the Planning Board FINDS the Sketch Plan:

1. *meets the objectives, general requirements, and standards of Division 59-C-15;*

- The Sketch Plan meets the objectives of Section 59-C-15.2 quoted below; specifically, the development as approved will:
 - *“Implement the policy recommendations of applicable master and sector plans.”* The project will provide the residential uses near transit facilities, and public benefits encouraged by the Sector Plan;
 - *“Target opportunities for redevelopment of single-use areas and surface parking lots with a mix of uses.”* The project will reuse an existing building and parking facilities for residential and non-residential uses;
 - *“Reduce dependence on the automobile by encouraging development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities.”* The project will provide additional affordable housing, a mix of multifamily unit types, density within 200 feet of the Wheaton Metrorail Station entrance, and ground floor retail commercial services;
 - *“Allow a mix of uses, densities, and building heights appropriate to various contexts to ensure compatible relationships with adjoining neighbors.”* The project will be within the maximum building height envelope of 200 feet established by the CR zone for the Property at a scale of development similar to existing and allowed buildings adjacent to the site. For Block B2 of the Price District, the Sector Plan states that “higher densities are more appropriate closer to the Metro station along Reddie Drive and along Georgia Avenue, and heights should transition from 200 feet along Georgia Avenue to 45 feet at the residential edge along Amherst Avenue”, which is implemented through the zoning applied to the Property, which complies with the Sector Plan recommendation;

- *“Allow an appropriate balance of employment and housing opportunities.”* The project will provide the mixed-use development encouraged by the Sector Plan implementing the recommended housing-to-jobs balance; and
- *“Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.”* The approved Sketch Plan meets the standards and requirements of optional method development through the approved public benefits.
- The Sketch Plan meets the general requirements of Section 59-C-15.6 as follows:
 - Section 15-C-15.61 - Master Plan and Design Guidelines Conformance
The project will be substantially consistent with the 2011 *Wheaton CBD and Vicinity Sector Plan*, as detailed in Finding #2 below, and substantially conform to the Draft *Wheaton CBD and Vicinity Sector Plan Design Guidelines*, which encourages new development fronting along the boulevards to:
 - **Create boulevards around the Core** through continuous street walls along the highways surrounding the Wheaton Core. The project retains, and reinforces the existing street wall along the eastern side of Georgia Avenue, between Prichard Road and Reddie Drive;
 - **Enhance existing structures** - The project incorporates and rehabilitates an existing office building into a mixed-use building;
 - **Improve the public realm** – The project provides uses to activate the street through proposed commercial space on the ground floor.
 - Section 59-C-15.62 - Bicycle Parking Spaces and Commuter Shower/Change Facility
The project will provide at least the minimum required number of bicycle parking spaces for residents and visitors, as determined by the final unit count and commercial space approved with the site plan.
 - Section 59-C-15.63 - Parking
The project will provide parking spaces between the minimum required and maximum allowed, as determined by the final unit count and commercial space approved with the site plan.
 - Section 59-C-15.7 - Development Standards
The sketch plan meets the development standards of Section 59-C-15.7, as shown in the Data Table below:

<i>Development Table for the CR6.0 C5.5 R5.5 H200 Zone</i>		
Development Standard	Required/Allowed	Approved
Max. Density (FAR)		
Total	6.0	6.0
Residential	5.5	Up to 5.5
Commercial	5.5	Up to 0.5
Max. Height (feet)		
	200	165
Setbacks		
	n/a	n/a
Parking Spaces		
	0	Up to 60
Public Use Space		
	0	0

- 2. furthers the recommendations and objectives of the Wheaton CBD and Vicinity Sector Plan;*

The project furthers various important Sector Plan goals, such as providing housing near a Metrorail station, revitalizing existing structures, and encouraging mixed-use development in high-density areas. The project is in general conformance with the Sector Plan.

- 3. achieves compatible internal and external relationships between existing and proposed nearby buildings, open space, and uses;*

This compatibility is achieved through:

- Similar massing envelopes, although with more articulation and diversity of materials;
- An appropriate scale and building height, comparable to other built and allowed development which may build up to 200 feet in the CR Zone on adjacent properties along Georgia Avenue. For Block B2 of the Price District, the Sector Plan states that “higher densities are more appropriate closer to the Metro station along Reedy Drive and along Georgia Avenue, and heights should transition from 200 feet along Georgia Avenue to 45 feet at the residential edge along Amherst Avenue”, which is implemented through the zoning applied to the property. The proposed development complies with the Sector Plan recommendation; and
- Use of existing parking structures retaining a strong relationship between buildings, sidewalks, and streets.

- 4. provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading;*

Circulation, parking, and loading for cars, trucks, pedestrians, and bicyclists are all satisfactory within the proposed development. Specifically, the Sketch Plan provides:

- A building located on an existing street grid for cars, pedestrians, and bicyclists;
- Conveniently located residential uses near various public transportation resources including the Wheaton Metrorail Station, various bus lines, public parking garages, and numerous public and private facilities and commercial establishments within walking and biking distance;
- Off-street loading areas for the residents on the internal streets that limit conflicts on Georgia Avenue;
- Increased parking for bicycles;
- Improved sidewalks for pedestrians and bicyclists; and
- Sufficient parking within existing structures for residents.

5. includes public benefits that support the approved incentive density;

The Application includes public benefits that address the general incentive and density considerations required by Section 59-C-15.83. The public benefits:

- Take into consideration “the recommendations, objectives, and priorities of the applicable master or sector plan” by providing the diversity of housing, general sustainability measures, and connectivity improvements;
- Meet “the CR Zone Incentive Density Implementation Guidelines and any design guidelines adopted for the applicable master plan area” by providing the proper calculations and criteria for each public benefit and concentrating on transit proximity, connectivity between uses, and retaining the existing building and incorporating it into the new design achieving design excellence;
- Are appropriate for “the size and configuration of the tract” by taking advantage of the existing site to create a desirable infill development with a residential emphasis;
- Adequately address “the relationship of the site to adjacent properties” by designing the building at an appropriate scale for the surroundings with heights that establish a proper relationship with other structures in the vicinity of Georgia Avenue and providing a visually pleasing, modern building;
- Consider “the presence or lack of similar public benefits nearby” through provision of diverse housing, retaining an existing building, using existing structured parking, and providing environmental benefits that are lacking in this area; and
- Provide “enhancements beyond the elements listed in the individual public benefit descriptions or criteria that increase public access to or enjoyment

of the benefit” which will be developed and assessed during preliminary and site plan reviews.

<i>Detailed Public Benefit Table</i>	
Public Benefit	Maximum Points Approved
Transit Proximity Category	
Within ¼ mile of Wheaton Metrorail Station	50
Connectivity & Mobility Category	
Minimum Parking	10
Project provides less parking than the required spaces applicable under section 59-C-15.631. Final points established during site plan review.	
Quality Design Category	
Structured Parking	18
Project provides parking within the existing structure, final points established during site plan review.	
Exceptional Design	10
Provision of site and building design that meets the criteria of the Ordinance as further defined by the Guidelines, to be finalized during site plan review.	
Environmental Category	
BLTs	5
Under the ordinance, the square feet equal to 5% of the incentive density must be calculated to determine the BLT purchase requirement: $((147,180\text{sf incentive density} \cdot 0.05) / 20,000) = 0.3680 \text{ BLTs}$	
Cool Roof	6
Project will provide 60-85% of roof not covered with vegetation as cool roof with solar reflectance index of 75 (for low slope roofs). Final points established during site plan review.	
Recycling Facility	5
Project will provide a recycling facility plan that complies with Montgomery County Executive Regulation 15-04AM or Montgomery County Executive Regulation 18-04.	
Retained Building Category	
Maintains 75% of structural system of existing building	59
Project must use an architectural deconstruction company or organization company to remove recyclable materials prior to demolition. Project must submit documentation showing compliance with criteria before building permit issued.	
Total	163

- establishes a feasible and appropriate provisional phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

The development will be developed in a single phase.

BE IT FURTHER RESOLVED that at the time of site plan, the Planning Board may approve changes to this sketch plan under certain circumstances. If the Applicant proposes to change a condition of approval or binding element, or agrees to a change proposed by another party, the proposed change must satisfy the requirements for approval of a sketch plan and site plan, including Section 59-C-15, Section 59-D-3.4,

and the Sector Plan. If Planning Staff proposes to change a condition of approval or binding element, however, the Board may approve the change if necessary to ensure conformance with Section 59-C-15, Section 59-D-3.4, or the Sector Plan. In other words, for the Board to approve an Applicant-proposed change of a binding element it must find consistency with applicable standards; for the Board to approve a modification to a Staff-proposed binding element that the Applicant has not agreed to, the Board must find that the proposed change is necessary to meet the site plan approval standards, including conformance with zoning and Sector Plan requirements.

Alternatively, based on detailed review of a site plan, the Board may find that any element of the approved Sketch Plan, including a binding element, does not meet the requirements of the zone, Sector Plan, or other findings necessary to approve a site plan, and deny the site plan application.

The Board's review of sketch plans is governed by Section 59-C-15.43, which provides that "in approving a sketch plan" the Board must find that certain elements of the plan are "appropriate in concept and appropriate for further detailed review at site plan." Because the Board's approval of a sketch plan is in concept only and subject to further detailed review at site plan, it necessarily follows that the Board may find, based on detailed review of a site plan, that any element of a sketch plan does not meet the requirements of the zone, master plan, or other requirements for site plan approval. The Board does not have the authority at the time of sketch plan to predetermine that any element of the sketch plan will satisfy all applicable requirements for site plan approval. As a practical matter it would be unwise for it to do so, due to the limited detail contained in a sketch plan and the sketch plan's unlimited validity period. If the Board were unable to require changes to binding elements at the time of site plan to ensure compliance with all code and sector plan requirements, the Board might have decided to approve fewer elements of this plan as binding.

Although the Board does not have the authority to provide complete certainty about the conditions of approval or binding elements of a sketch plan, this does not mean that the Board should or will require changes to an approved sketch plan without good reason. To do so would be inefficient and unfair to Applicants and community members whose expectations about the future shape of development will be formed by what the Board approves in a sketch plan; and

BE IT FURTHER RESOLVED that all elements of the plans for Sketch Plan No. 320120030, 11141 Georgia Avenue, stamped received by M-NCPPC on March 21, 2012 are required except as modified herein; and

BE IT FURTHER RESOLVED that the date of this Resolution is _____
(which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner _____, seconded by Commissioner _____, with Commissioners _____, _____, _____, _____, and _____ voting in favor at its regular meeting held on Thursday, _____, 20__, in Silver Spring, Maryland.

Françoise M. Carrier, Chair
Montgomery County Planning Board