

MCPB
Item #1
07/08/04**MEMORANDUM**

DATE: July 2, 2004
TO: Montgomery County Planning Board
VIA: John A. Carter, Chief, Community Based Planning Division
FROM: Kathleen A. Reilly, AICP, Community Based Planning
 Khalid Afzal, Team Leader Georgia Avenue Corridor
SUBJECT: **Development Plan Amendment No. 03-3:** Deletion of Approved conditions from SDP G-540 and approve a new Schematic Development Plan, 11107 Valley View Drive and 2907 University Blvd. West, Wheaton.

FILING DATE: October 8, 2003
PUBLIC HEARING: August 30, 2004

STAFF RECOMMENDATION: APPROVAL of Development Plan Amendment DPA-No. 03-3 and accompanying Schematic Development Plan dated 7/1/04 with a maximum of 7,500 square feet of gross floor area for Lot 23, a total of 34 parking spaces and binding elements shown on the plan.

Staff recommends that the Hearing Examiner hold a public hearing for this Development Plan Amendment prior to consideration of the amendment by the District Council.

SUMMARY

The applicant, Lilianne Tran Nguyen, requests an amendment to an approved Schematic Development Plan. The subject amendment is a twofold request: 1) to remove the binding element of the previously approved Schematic Development Plan which limits the development of Lots 7 and 23 to the two existing buildings allowing the applicant to demolish these buildings and redevelop the property; and 2) to approve the subject Development Plan Amendment and associated Schematic Development Plan which will limit new construction to a maximum of 7,500 square feet of gross floor area on Lot 23. This Schematic Development Plan Amendment will be developed under the Optional Method of the C-T zone.

Background:

The subject properties were mapped and zoned R-60 through the Countywide Comprehensive Zoning of 1958 and Sectional Map Amendment (G-137) reconfirmed the R-60 zone in 1978. In 1971, a local map amendment (F-567) to change the zone from the R-60 to the C-2 zone was denied.

On August 3, 1987, the District Council approved local map amendment (G-540), from the R-60 to C-T Zone under the optional method of development for the subject properties. The approved Schematic Development Plan included the following binding element:

“The applicants intend to limit the use of the land under the CT Zone to the existing structures, with improvements. The development of the subject property in the CT Zone is limited to the re-use, remodeling, or reconstruction of the two buildings existing on the site at the time the C-T Zoning is granted as provided is 59-C-4.302 (B) (C) and (D) of the Montgomery County zoning Ordinance. “

Covenants were recorded with the requested zoning reclassification which restricted the redevelopment of Lots 7 and 23 to the existing houses. Additionally, the current applicant was the property owner in 1987 when the rezoning was approved.

Subject Property:

The subject site is located in the northeastern quadrant of the intersection of University Boulevard (MD 193) and Valley View Avenue. The site contains approximately 24,107 square feet of land in the C-T Zone and consists of two subdivided lots, Lot 7 and Lot 23. The combined property has approximately 100 feet of frontage on University Boulevard and 129 feet of frontage on Valley View Avenue. The site is rectangular in shape and slopes down from University Boulevard to the rear lot lines that abut residentially zoned and developed land.

Presently, each lot is developed with a two-story single-family detached dwelling unit. Access to Lot 23 is provided from a single driveway along westbound University Boulevard. The three westbound lanes of MD 193 are located in front of the development. Access to Lot 7 is provided from a driveway along Valley View Avenue. Lots 7 and 23 share a combined parking area in the rear of each lot. The intersection of Valley View Avenue and MD 193 is improved with a new traffic signal and pedestrian crosswalks. A sidewalk is located along MD 193 in front of both lots.

The applicant also owns Lot 22, which abuts Lot 23 to the east. Lot 22 was zoned C-T in 1980 and is not subject to the optional method of development. Lot 22 is not part of this DPA and is not subject to the binding elements of the DPA

that apply to Lots 7 and 23. At a future time, the applicant would like to coordinate construction and development of Lot 22 with the proposed development on Lots 7 and 23.

Surrounding Area:

In the subject amendment application, the surrounding area is defined as Kensington View subdivision to the north, Westfield Shopping Town Wheaton on the south, Viers Mill Road on the east, and Hillsdale and Drum Drive on the west.

The surrounding area contains a mix of uses. South of the site and across MD 193 is the Westfield Shopping Town Wheaton, developed as a regional mall and zoned C-2. The properties west of the mall are zoned R-60 and developed with single-family detached units.

East of the site, the properties are zoned C-T and C-O and developed with a beauty salon, law offices, title company, tailor's shop and bank. West of the site, the properties are zoned R-60 and developed with a veterinary office and single-family dwelling units. North of the site the properties are zoned R-60 and developed with single-family detached dwelling units in the Kensington View subdivision. The site is located outside of the Wheaton Central Business District. It is approximately 2,800 feet from the Wheaton Metrorail station located at the corner of Reddie Drive and Georgia Avenue.

Development Plan Amendment

The subject development plan amendment encompasses two subdivided lots for a total of 24,107 square feet. Lot 7 consists of 9,107 square feet and Lot 23 consists of 15,000 square feet. Under the previously approved rezoning, (G-540) the applicant is required to adhere to the following binding element:

"The applicants intend to limit the use of the land under the C-T Zone to the existing structures, with improvements. The development of the subject property in the C-T Zone is limited to the re-use, remodeling, or reconstruction of the two buildings existing on the site at the time the C-T Zoning is granted as provided is 59-C-4.302 (b) (c) and (d) of the Montgomery County Zoning Ordinance."

Under the subject amendment, the applicant seeks to remove the binding element, and to obtain approval for a new Schematic Development Plan (SDP). The new SDP shows one building, 35 feet in height, consisting of 7,500 square feet, 34 parking spaces and landscaping. The entire building will be developed on Lot 23. Lots 23 and 7 will contain 33 parking spaces and associated drive aisles. One parking space is proposed on adjacent Lot 22. Because both lots are owned by the applicant, the proposed development will "read" as one lot to vehicular and pedestrian traffic.

An access point is proposed on Valley View Drive. The proposed access point to this development, will be sited on Lot 22, this access point will be for right turn ingress and egress only. Lot 22 is not part of this amendment but is owned by the applicant. The applicant proposes to record cross easements for ingress, egress, parking, maintenance, and utilities for the subject development and Lot 22. A new sidewalk will be constructed along Valley View Avenue.

The binding elements for the submitted SDP are as follows:

DEVELOPMENT STANDARDS

C-T Zone ¹	Required	Proposed Total Property	Lot 23	Lot 7
Minimum frontage on a public street	100 ft	229 ft	100 ft	129 ft
Maximum building coverage	35%	5,100 sq. ft 21.4%	5,100 sq. ft. 34%	0
Maximum FAR	0.5	0.31	0.5	0
Building Height	35 ft	35 ft	35 ft	0
Green Area	10%	5,846 sq. ft (24.5 %)	2,716 sq. ft. (18.1%).	3,130 sq. ft. (35.3%)
Setbacks from street	10 ft	72 ft	72 ft	-
From residential property	15 ft	27 ft	27 ft	-
From commercial property ²	0	0	--	0
Parking Retail	26 spaces	26	--	--
Office	7 spaces	8	--	--
Total Parking	33 spaces	34 spaces	22 spaces	12 spaces
Total Impervious Area	21,480 sq. ft 90.0%	18,021 sq. ft 74.8%	12,284 sq. ft 81.9%	5,737 sq. ft 63%

¹Office/Retail uses allowed in the C-T zone. If special exception use is proposed for this development compliance with the specific special exception standards will be addressed during review of the special exception application.

² If building has no windows or apertures, no setback is required.

The following notes are shown as binding elements on the submitted SDP:

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- Cross easements will be recorded on Lots 22 and 23 and part of Lot 7 to provide ingress, egress common parking, maintenance, and utilities in common for Lots 22, 23 and parts of Lot 7.”
- The applicant will provide subject to governmental approval, traffic mitigation/improvements as required by the applicable government authorities to reduce C.L.V. to levels below background traffic conditions as of the date of approval of this application (DPA-03-3) All traffic mitigation/improvements shall be installed prior to the issuance of occupancy permits for the subject property.

A landscaped area approximately 15 feet in width runs along the entire length of the northern lot lines. This landscaped area will be planted with grass and trees. A 6-foot high fence will be located along the northern lot lines of this development. Additional landscaping and screening will be installed on both lots. A one-way service drive for deliveries will be located at the rear of the building.

The applicant is proposing to record covenants for the subject development. These covenants would amend the existing recorded covenants and would then add covenants for the future development of on Lot 22. In addition, the applicant has also requested that the Planning Board recommend approval of this submittal and forward its recommendation directly to the Hearing Examiner without need for a public hearing.

ANALYSIS

Issues

Applicant

The applicant requests that the Planning Board transmit its recommendation directly to the District Council and that the Hearing Examiner not hold a public hearing.

Community

Adjoining Residents

The Kensington View Citizens Association (KVCA) does not support the subject amendment and requests that: 1) the Hearing Examiner hold a public hearing for this amendment; 2) the existing on site structures should be remodeled and renovated for occupancy as required by the existing condition of the approved SDP; 3) special exception uses should not be permitted on site, if the amendment is approved; 4) the property should not be subdivided; 5) the building should be setback 15 feet from commercially zoned property.

Business

Business community believes the lots should be subdivided and that the proposed parking is inadequate for the development; the proposed building does not have the required 15-foot setback from adjacent C-T zoned property; if the applicant demonstrates to the Planning Board that community issues have been resolved the subject application should be forwarded directly to the County Council without need for a lengthy and rigorous review by the Hearing Examiner.

Master Plan Compliance

The property is located in the 1990 Sector Plan for Wheaton Central Business District and Vicinity. The proposed amendment is consistent with the goals and objectives of the Sector Plan.

The Sector Plan has general and specific recommendations that apply to this area. The land use and zoning section of the Sector Plan indicates that the two blocks between Valley View Avenue and East Avenue are intended for office use. One of the goals of the Sector Plan is to "protect the existing fabric of low-density single-family homes adjoining the Wheaton business area."

More specifically, the Sector Plan recommends "C-T zoning (low-intensity office development) for the northern frontage of University Boulevard between East Avenue and Valley view Avenue..." The Plan also states, "that a number of properties would be better developed as new low-intensity office development." Furthermore, the Plan states, "new development should be limited to existing lots and should be discouraged on assemblages of more than one lot. Conversion, where appropriate, and low-intensity new development are encouraged to buffer existing single-family residences from adverse effects associated with major traffic arteries."

The proposed amendment is consistent with the Sector Plan recommendations since it does not propose assemblage of the subject lots. The proposed setbacks and landscaping along the rear of the development would provide appropriate protection and screening for the residential properties in that location.

Compatibility with the Surrounding Area

The 1990 Wheaton Sector Plan is the guiding document for land use development in this area. According to the plan, assemblage of lots in this location is discouraged. In 1987, the District Council approved the C-T zone for the subject properties to provide a transition between the C-2 zoned properties south of this development and the R-60 zoned properties to the north.

The proposed schematic development plan continues to provide a transition between the subject properties and surrounding land uses. As submitted, the proposed building's scale and placement (low intensity, sited on one lot) will

continue to provide the transition recommended in the plan for these properties. The building's proposed rear yard setback (almost twice the requirement) and additional landscaping and screening will serve as a buffer between the adjacent single-family uses to the north and the intense C-2 zoned uses south of the subject site. Staff believes the SDP, binding elements and the proposed covenants will result in a form of development that continues to satisfy the compatibility requirement for the C-T Zone.

Design Issues

The subject application seeks to remove binding elements approved under previous rezoning application. The binding elements focus on retention and use of the existing on-site single-family dwelling units for Lots 7 and 23. The applicant also owns adjacent Lot 22 which is zoned C-T as well. The access point and one parking space for the proposed development are shown on Lot 22. For informational purposes only, the submitted schematic development plan shows the applicant's intended development on Lot 22; it is not part of this application.

The adjoining community raised various issues during the course of the schematic development plan amendment review related to the design of the proposed development and the future development on Lot 22. These issues: roof type, landscaping, lighting and screening materials, as well as windows or apertures at each end of the proposed building will be addressed during any subsequent site plan review and approval. The design of the proposed access point on Valley View Avenue to prohibit vehicles exiting the site from turning right onto Valley View Avenue was also raised. This issue will also be addressed at site plan review.

Future development on Lot 22, is not part of this application nor the Optional Method of the C-T zone. However, it will need site plan approval prior to release of any permits. The applicant can choose to submit one site plan addressing all three lots or two separate site plans addressing Lot 22 and Lots 7 and 23. All issues related to development of the lots under the subject application as well as Lot 22 will be addressed during the site plan review process.

Required Findings

There are five required findings related to the approval of a Development Plan found in Section .59-D-1.61 of the Zoning Ordinance. These findings relate to compliance with the Master Plan, consistency with the requirements of the zone, compatibility with surrounding development, circulation and access, preservation of natural features, and perpetual maintenance of common areas. The required findings are as follows:

- (a) *That the zone applied for is in substantial compliance with the use and density indicated by the master plan or sector plan, and that it does not conflict*

with the general plan, the county capital improvements program or other applicable county plans and policies.

Under the subject application, the zoning for this site is not under review. The C-T zone was deemed in compliance with the use and density indicated by the sector plan, when the C-T zoning was granted in 1987. Under the submitted DPA, the zone continues to be in compliance with use and density indicated by the adopted sector plan and will not conflict with other applicable county plans and policies.

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

According to Sect. 59-C-4.301 of the Zoning Ordinance, the purpose clause of the C-T zone is as follows:

The purpose of the C-T zone is to provide sites for low-intensity commercial buildings, which, singly or in groups, will provide an appropriate transition between one-family residential areas and high-intensity commercial development. The C-T zone is intended to constitute a margin of limited width at the border between a commercial area and a one-family residential area. For that reason, the C-T zone can only be applied:

(a) In areas designated for the C-T zone on adopted and approved master or sector plans;

The Wheaton Central Business District Sector Plan (1978) recommended C-T zoning for the subject lots. In local map amendment application, (G-540) the District Council approved the C-T zone for this site on 8/3/87. Subsequent to approval of local map amendment (G-540), the Wheaton Central Business District and Vicinity Sector Plan (1990) was adopted and approved. This plan reconfirmed the C-T zoning for this site. The 1990 sector plan stated that new development should be limited to existing lots and should be discouraged on assemblages of more than one lot and low intensity new development is encouraged to buffer the existing single-family residences from adverse effect associated with major traffic arteries.

The fact that an application complies with all specific requirements and purposes set forth herein shall not be deemed to create a presumption that the application is, in fact, compatible with surrounding land uses, and, in itself, shall not be sufficient to require the granting of an application.

Sections 59-C-4.303 through 59-C-4.306 of the Zoning Ordinance set the parameters of the C-T zone, including building coverage and height, floor area,

setback, and green area parking. The SDP conforms to each parameter as follows:

59-C-4.303. Building coverage and building height

The maximum percentage of coverage by buildings and accessory structures, and the maximum building height at any point, shall be as follows:

	<i>Coverage</i>	<i>Height</i>
<i>(b) On a lot with an area of 12,000 square feet or more.</i>	<i>35 percent</i>	<i>35 feet</i>

Only Lot 23 will be developed with a building. Lot 23 contains approximately 15,000 square feet. The proposed building will be 35 feet in height. The building footprint will be a maximum of 5,100 square feet, which yields coverage of 34 percent. Lot 7 will be developed with parking spaces and the coverage requirement is not applicable to parking spaces.

59-C-4.304. Floor area

The gross floor area of all buildings on a lot must not exceed FAR 0.5, except as provided in the special regulations of section 59-C-4.308.

As proposed on the submitted Development Plan, the gross floor area for the new building will be 7,500 square feet, thus, the FAR will be 0.5 for this development.

59-C-4.305. Setbacks

All buildings must be set back from lot lines at least as follows:

(a) From any street right-of-way as shown on a master plan-10 feet.

The proposed building will be setback approximately 73 feet from University Blvd.

(b) From any other lot line:

- (1) If the building has windows or apertures providing light, access, or ventilation to a space intended to be occupied for commercial or residential purposes that faces that lot line-15 feet, except as provided in subparagraph (3) below.*
- (2) If the adjoining lot is in a residential zone and is not recommended for commercial or industrial zoning on a master plan-15 feet, except as provided in subparagraph*
- (4) In all other cases, no building setback is required*

The proposed building on Lot 23 will be setback approximately 27 feet from the adjoining residentially zoned lots to the north in the Kensington view subdivision. The submitted SDP shows that the building will be constructed adjacent to the lot lines for Lots 7 and 22 as both of these lots are zoned C-T. According to a note on the submitted schematic development plan, there will be no windows at each end of the building. This level of detail is more appropriately determined at the

site plan review. If at the time of site plan review and approval, it is determined that windows or apertures would be appropriate at each of the building, then the proposed building can be setback 15 feet from the appropriate lot lines. Based on the above-cited note on the SDP and for the purpose of the subject amendment, the proposed building can be constructed to the lot line and a setback is not required under the C-T zone.

(3) For a building existing at the time the C-T zone is granted, the board may approve a setback of less than 15 feet, provided the smaller setback is not less than the setback existing at the time of rezoning.

Not applicable, as the existing dwelling units will be razed under this amendment. Furthermore, at the time the C-T zoning was granted, the Board did not approve a setback of less than 15 feet for these buildings.

59-C-4.306. Green area

Green area must constitute at least 10 percent of the area of the lot.

According to the Zoning Ordinance, green area can include a portion of land encompassed by a development plan, which will provide light and air and or scenic recreational or similar amenities. For this application the green area consists of landscaped features and screening on Lots 7 and 23. As shown on the submitted development plan amendment, the green area for this development will consist of 24.5% of the area. Thus, the requirement for green area has been satisfied.

59-C-4.307. Parking

(a) All parking in accord with the requirements of article 59-E must be provided on site or on a nearby property in the C-T zone with one exception.

The schematic development plan shows 34 parking spaces. Under the C-T zone, if the proposed building were to be developed with only office uses with a maximum square footage of 7,500 square feet, the use would require 20 parking spaces. Under this submittal, the applicant proposes to devote 2,400 square feet to office uses and 5,100 square feet to retail uses. Thus, the parking spaces for the office uses will be 7 spaces, while the retail uses would need 26 spaces, for a total of 33 spaces. The submission proposes a total of 34 parking spaces which is distributed as follows: 33 parking spaces between Lots 7 and 23 and 1 parking spaces on adjacent Lot 22. Lot 22 is owned by the applicant and is also zoned C-T and parking on nearby C-T zoned property is allowed. Thus the parking requirement can be met.

(b) The exception is a property in a parking lot district, as defined in chapter 60 of this Code, that has been designated on an approved and adopted master or sector plan as one that may utilize public parking facilities to satisfy the requirements of article 59-E.

The subject lots are not in a parking lot district.

59-C-4.309. Development procedure

(a) Subdivision Subdivision or resubdivision of lots must be consistent with the recommendations of the relevant approved and adopted master or sector plan.

The subject parcels are subdivided and will not be re-subdivided under this request. The sector plan clearly states that "new development should be limited to existing lots and should be discouraged on assemblages of more than one lot". Under subject amendment, the applicant proposes to retain the current lot configuration and remain consistent with the adopted sector plan recommendation that discourages consolidation of lots in this location.

(b) Site Plan The procedure for site plan approval is as set forth in division 59-D-3. Site plan approval is required for re-use of a building existing at the time the C-T zone is granted as well as for remodeling, rebuilding or new construction.

The subject application is an amendment to a previously approved schematic development plan. This subject amendment and accompanying schematic development plan will need to be approved by the District Council. Following approval of the subject amendment, a site plan will need to be approved by the Planning Board prior to issuance of any permits for this development. .

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

The site will retain an existing right in/right out vehicular access from University Boulevard. A second vehicular access is provided from Valley View Avenue. The second access point is located to the most northern part of the site and away from the intersection of Valley View Avenue and University Boulevard. The proposed location of this entrance will help with safety and efficiency of traffic operations at this intersection. The proposed internal vehicular circulation systems will be adequate and efficient to accommodate safe movement of traffic generated by this development.

There is an existing sidewalk on University Boulevard in front of the site. Under this SDP, a new sidewalk will be constructed along Valley View Avenue. The intersection of Valley View Avenue and University Boulevard has a new traffic signal that is equipped with pedestrian signal buttons and phasing. Crosswalks are clearly marked at this intersection. The site is within walking distance of the Wheaton Metrorail station. Facilities for safe crossing and movement of pedestrian traffic are in place.

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

This site has flat slopes, no forest, and no specimen trees beyond fair condition. The site is mostly impervious with the exception of small front yards along University Boulevard. There are two single-family houses used commercially with parking lots in the rear and on the east side. This plan proposes to remove the existing houses and replace them with one commercial structure. The proposed plan increases slightly the amount of imperviousness with the construction of the new structure. Stormwater management will likely consist of water quality control measures only due to the small increase in imperviousness.

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

According to the applicant's statement there are no areas intended for recreational or other common or quasi-public purposes.

Transportation

Transportation Planning recommends approval of the subject amendment as it meets the requirements of Local Area Transportation Review (LATR) and Policy Area Review. Staff also finds that this amendment will have no adverse effect on the area roadway conditions.

Roadways

Georgia Avenue is a six-lane divided major highway with 120 feet of right-of-way. Veirs Mill Road is a six-lane divided major highway with 120 feet of right-of-way. University Boulevard is a six-lane divided major highway with 120 feet of right of way.

Valley View Avenue is an unclassified secondary residential street with a 50-foot right of way.

Local Area Transportation Review

The applicant is requesting to build 7,500 square feet of office space replacing two single-family homes for a total of 4,200 square feet of living space. This will result in a net increase of eight and fifteen peak hour trips during the morning and evening weekday peak periods, respectively. Therefore, a traffic study is not

required to meet the requirement of Local Area Transportation Review. The expected additional trips will not significantly change the Critical Lane Volume at nearby intersections and there will be no significant change in the vehicular safety and operation of traffic in the vicinity of the site. Staff supports approval of this amendment as it meets the transportation requirements.

Policy Area Review

The development is located within the Kensington/Wheaton policy area, which has a remaining capacity of 2,530 housing units and 2,770 jobs, as of April 30, 2004. The petition therefore passes the Policy Area Review test.

The State Highway Administration recommends that all access along the properties that abut MD 193 westbound be denied except for the entrance shown on Lot 22. Additionally, the applicant will close the existing access points on Lots 7 and 23 abutting MD 193 and obtain an access permit for the proposed entrance on Lot 22.

Environmental

Environmental Planning recommends approval of the submitted DPA.

Forest Conservation

A Natural Resource Inventory Forest Stand Delineation has been approved for this site. A Forest Conservation Plan (FCP) exemption has been granted because this is a small property with an activity occurring on a tract less than or equal to 1.5 acres in size where there is no existing forest and afforestation requirements would be less than 10,000 square feet, and no specimen or champion trees will be disturbed. There is one specimen tree in poor condition on this property. A Tree Save Plan is not needed.

Environmental Guidelines

This site is not located within a Special Protection Area or Primary Management Area. There are no streams, floodplains, steep slopes, wetlands or environmental buffers encumbering the site.

Stormwater Management

An approved Stormwater Management Concept for this plan will be required prior to Site Plan approval. Since the increase in runoff generated by the proposed plan will likely be less than that required by DPS for water quantity control, a waiver for water quantity will probably be issued. Structural quality control, however, will be required.

Water Quality

This site is located in the Kensington Heights Branch subwatershed of the Lower Rock Creek watershed. The Lower Rock Creek is a Use I stream suitable for water contact recreation and fishing. The Little Kensington Heights Branch

subwatershed has poor stream conditions and fair habitat conditions. The subwatershed is in the Watershed Restoration Area management category designated by the *Countywide Stream Protection Strategy* (CSPS). This designation is applied in older heavily developed areas of the County with long established impacts on the environment. Streams in these areas have been degraded from uncontrolled runoff. After a recent study, the Department of Environmental Protection has prioritized stream restoration projects in Rock Creek.

CONCLUSION

Upon review of the Schematic Development Plan Amendment the staff that finds that the SDP is in compliance with the C-T zone with respect to the purpose clause and zoning requirements. The DPA conforms to the recommendations and objectives contained in the Wheaton Central Business District and Vicinity Sector Plan. For these reasons, staff supports approval of the submitted development plan amendment and the accompanying schematic development plan dated 7/01/04.

However, staff believes the following concerns need to be addressed by the applicant at the time of detailed site plan review.

- Record cross easements for parking, ingress, egress, maintenance and utilities for Lots 7, 23 and 22.
- Determine if windows or apertures will be provided along each end of the proposed building on Lot 23. If windows or apertures will be provided, the proposed building will need to be setback 15 feet from the appropriate abutting C-T zoned lot line.
- Design proposed access point on Valley View Avenue to prohibit vehicles exiting the site from turning right onto Valley View Avenue.
- Determine landscaping, lighting, screening materials, roof type to be compatible with existing residences in the adjacent Kensington View Subdivision.

ATTACHMENTS