

JAN 23 2012



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

MCPB No. 11-101
Preliminary Plan No. 120110320
10914 Georgia Avenue
Date of Hearing: October 20, 2011

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on May 10, 2011, Washington Property Company ("Applicant"), filed an application for approval of a preliminary plan to consolidate three parcels (one recorded, two unrecorded) into one lot to construct a six-story building containing 245 multi-family dwelling units above three levels of parking in the T-S-R Zone; located on the west side of Georgia Avenue, approximately 20 feet south of the intersection with Veirs Mill Road, ("Property" or "Subject Property"), in the Wheaton CBD Sector Plan area ("Sector Plan"); and

WHEREAS, Applicant's preliminary plan amendment application was designated Preliminary Plan No. 120110320, 10914 Georgia Avenue ("Preliminary Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, on October 20, 2011, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on October 20, 2011, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Dreyfuss; seconded by Commissioner Anderson; with a vote of 4-0, Commissioners Anderson, Dreyfuss, Carrier, and Wells-Harley voting in favor, and Commissioner Presley absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant

Approved as to
Legal Sufficiency

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provisions of Montgomery County Code Chapter 50, the Planning Board APPROVED Preliminary Plan No. 120110320, subject to the following conditions:

1. Approval is limited to 1 lot for 245 multi-family units. A minimum of 12.5% of the total units must be moderately priced dwelling units (MPDUs).
2. The proposed development must comply with the requirements of the Final Forest Conservation Plan.
3. The Applicant must dedicate, and the record plat must reflect, the master-plan recommended 120-foot right-of-way (60 feet from centerline) for Georgia Avenue as shown on the Preliminary Plan.
4. The Applicant must enter into a Traffic Mitigation Agreement with the Montgomery County Department of Transportation (MCDOT) and the Planning Board when the Wheaton CBD Traffic Management District is established.
5. The Applicant must comply with the conditions of approval of the Montgomery County Fire and Rescue (MCF&R) letter dated July 27, 2011. These conditions may be amended by MCF&R, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
6. The Applicant must comply with the conditions of approval of the MCDOT letter dated July 6, 2011. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
7. The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management concept approval letter dated February 11, 2011. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
8. The Applicant must satisfy provisions for access and improvements as required by MDSA prior to recordation of plat(s), as applicable.
9. No clearing, grading, or recording of plats prior to certified site plan approval.
10. Final approval of the location of buildings, on-site parking, site circulation, sidewalks, and bike paths will be determined at site plan.
11. The Certified Preliminary Plan must contain the following note: "Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan review. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for this lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."
12. The Adequate Public Facilities (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.

13. All necessary easements must be shown on the Record Plat.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff as presented at the Hearing and as set forth in the Staff Report (revised at the Hearing), which the Board hereby adopts and incorporates by reference and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the Sector Plan.*

The Preliminary Plan substantially conforms to the following Sector Plan goals and recommendations for housing:

- “[P]rovide additional housing to take advantage of improved public transportation accessibility brought about by Metro”.
- “Provide additional new housing and a range of housing opportunities to serve a broad spectrum of the metropolitan population. A variety of housing types would help to satisfy a demand for housing that may not be available in other parts of the County. A combination of apartments, townhomes, and single-family homes can expand the age and family size mix in Wheaton. An increase in the local population base can generate greater support for retail establishments, entertainment and recreation facilities, restaurants, and the like. New residential development should be encouraged to ensure the viability of the business areas.”
- Develop “new housing adjacent to the Metro station and at other locations in the Sector Plan area.”
- “Encourage new mixed use development to concentrate around the Metro station and in other areas of greater transit accessibility...Encourage the development of new housing in a range of types, prices, and rents, especially within walking distance of the Metrorail and Metrobus stations...; [and] Encourage new housing to help reinforce Wheaton as a lively area, especially during evenings.”
- Develop “a strong supporting population base. A variety of housing types in close proximity to the Central Business District and the Metro station would meet the needs of the residential housing market, would provide built-in purchasing power for the local retail Marketplace, would provide for an increase in the potential ridership on the Glenmont Transit Route, and should not contribute to the demand for commuter parking in the station area since it would be within walking or short bus-ride distance.”

In addition, the pending Sector Plan amendment, a draft of which was approved by the Planning Board in April of 2011, continues to recommend "mixed-use – residential emphasis" as a land use for this site. The proposed development is below the recommended maximum density and height in the Draft Sector Plan (CR4.0 C3.5 R3.5 H100, Westfield District). The Draft Sector Plan does not have any other specific recommendations for this site.

The Preliminary Plan allows for the development of a maximum of a six story 245 multi-family dwelling unit building with a minimum of 12.5% MPDUs located approximately ¼ mile from the Wheaton Metro Station, and will provide a range of unit types. The final unit count, mix, and parking requirements will be determined within the limitations set by the Planning Board's Preliminary Plan Resolution at the time of Certified Site Plan. The 245 multi-family units and associated MPDUs satisfy the relevant Sector Plan recommendations by: (1) Providing additional housing in close proximity to Metro, which allows residents to take advantage of improved public transportation accessibility; (2) Providing a range of housing types, prices, and rents which helps to expand the age and family size mix in Wheaton and help reinforce Wheaton as a lively area; and (3) Aiding the establishment of a supporting population base, which will help stabilize the Wheaton CBD as a mixed-use development centered on the Metro station and support the existing retail establishments.

Therefore, the Planning Board finds the Preliminary Plan substantially conforms with the Approved and Adopted 1990 Master Plan for the Wheaton Central Business District and Vicinity and the pending Wheaton CBD and Vicinity Sector Plan.

2. Public facilities will be adequate to support and service the subdivision.

Site Location and Vehicular Site Access Point

The site is located in the southwest quadrant of Georgia Avenue (MD 97) and Veirs Mill Road (MD 587) with the proposed vehicular access from Georgia Avenue.

On-Site Parking

The Subject Property is allowed a 5% reduction in parking because it is located within 1,600 feet of a Metro station, and an additional 10% reduction because the site is located within a Metro Station Policy Area. This reduces the required parking spaces by 43 from 291 to 248. The Applicant requests a further reduction in required parking, through the waiver provisions of 59-E-4.5, of 18 spaces. A waiver is supported because of the site's proximity to transit services including Metro and high-frequency bus routes; the site's proximity to numerous basic services; and the non-auto driver mode share goals of the Sector Plan. The maximum parking waiver is granted at 10% rather than 18 spaces because the final number of unit types and total count may differ from the

proposed (within the maximum approved). The final number of units, parking spaces, and waiver of parking spaces will be determined by Site Plan No. 820110100.

Available Transit Service

Ride-On Route 37 and Metrobus routes Q-1, Q-2, Q-4, Y-5, Y-7, & Y-8, Y-9 operate on Georgia Avenue and connect to Kensington, Grosvenor Metro Station, Potomac, Wheaton Metro Station, Rockville, Olney, and Silver Spring. The site is located within walking distance (approximately 1,500 feet) from the Wheaton Metro rail Station.

Master/Sector-Planned Roadways and Bikeways

In accordance with the 1989 approved and adopted *Master Plan for the Communities of Kensington/Wheaton*, 1990 approved and adopted *Comprehensive Amendment to the Sector Plan for Wheaton CBD and Vicinity*, and the 2005 approved and adopted *Countywide Bikeways Functional Master Plan*, the classified roadways and bikeways are as follows:

1. Georgia Avenue is designated as a six-lane major highway, M-8, with a recommended 120-foot right-of-way and a signed, shared roadway/on-road, SR-19 bike route.
2. Veirs Mill Road is designated as a six-lane major highway, M-13, with a recommended 120-foot right-of-way and a signed, shared roadway/on-road, SR-65 bike route.

These road and bikeway designations are not recommended to be changed by the pending Sector Plan.

Pedestrian and Bicycle Facilities

The pedestrian and bicycle facilities are adequate, as conditioned for additional bike facilities. General circulation and access for cyclists and pedestrians is being significantly improved through the widening of the sidewalk and new connections to nearby development.

Local Area Transportation Review (LATR)

The table below shows the number of peak-hour trips generated by the Application during the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.):

Trip Generation		Site-Generated Peak-Hour Trips	
		Morning	Evening
Trips based on the LATR & PAMR Guidelines	245 Apartments	101	116
18% trip reduction for location within a Metro Station Policy Area		18	21
Net Peak-Hour Trips		83	95

The Applicant submitted a traffic study to satisfy the LATR test because the proposed land use generates 30 or more peak-hour trips within the weekday morning and evening peak periods. The table below shows the calculated Critical Lane Volume (CLV) values from the traffic study at the analyzed intersections for the following traffic conditions:

1. **Existing:** Traffic conditions as they exist now.
2. **Background:** The existing condition plus the trips generated from approved but un-built nearby development.
3. **Total:** The background condition plus the site-generated trips.

Analyzed Intersection	Weekday Peak Hour	Traffic Condition		
		Existing	Background	Total
Georgia Avenue and <u>Reedie Drive</u>	Morning	945	1,029	1,035
	Evening	918	1,052	1,054
<u>Veirs Mill Road</u> and WMATA & Mall Access Points	Morning	573	573	578
	Evening	701	701	711
Georgia Avenue and <u>Veirs Mill Road</u>	Morning	929	957	972
	Evening	866	887	909
Georgia Avenue and Windham Lane	Morning	1,109	1,151	1,163
	Evening	1,140	1,193	1,221
Georgia Avenue and Site Driveway	Morning	N/A - Not Existing		1,035
	Evening			746

The CLV values at all analyzed intersections were less than the 1,800 congestion standard for the Wheaton CBD Policy Area and, thus, the Planning Board finds the LATR test is satisfied.

Policy Area Mobility Review (PAMR)

Under the Subdivision Staging Policy, the PAMR test would require the Applicant to mitigate 10 (10% of the 95) new peak-hour trips generated by the Application within the weekday morning and evening peak periods if the Subject Property was not located near a Metrorail station. However, since the Preliminary Plan is creating a lot for

residential units located in a Metrorail station policy area, the Application is allotted an 18% reduction in site-generated trips, which nullifies the 10% PAMR mitigation requirement. Therefore, the Planning Board finds the PAMR mitigation requirement is fulfilled through the reduction in trips credited to the Application due to its location.

Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the proposed multi-family building. The site is served by public water and sewer. Gas, electric, and telecommunications services are also available to serve the Property. Police stations, firehouses, schools, and health services are currently operating within the standards set by the effective Subdivision Staging Policy. The Application has been reviewed and approved by the Montgomery County Fire and Rescue Service, which has determined that the Property has adequate access for emergency vehicles. The Subject Property is located in the Einstein school cluster which does not require a school facilities payment at any level.

- 3. The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

The lot has been reviewed for compliance with 50-29(a) of the Subdivision Regulations. The Planning Board finds that the size, shape, width, and area of the lot is appropriate for its location within the subdivision.

- 4. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

Environmental Guidelines

Staff approved a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD #420063230) on March 21, 2008, and recertified it on July 8, 2010. The site contains no forest, streams, or wetlands, but does contain approximately 0.22 acres of environmental buffers. Stream Valley Buffer mitigation measures are required due to encroachments into environmental buffers. This mitigation will be reviewed and enforced as part of Site Plan No. 820110100.

Forest Conservation

This Property is subject to Chapter 22A, Forest Conservation Law, of the Montgomery County Code. A Preliminary Forest Conservation Plan was approved as part of the Local Map Amendment G-876 and a Final Forest Conservation Plan (FFCP) will be reviewed with Site Plan No. 820110100.

Therefore, based on the analysis above, the Planning Board finds the Preliminary Plan meets the Environmental Guidelines and Forest Conservation Law.

- 5. The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan approval meets MCDPS' standards.*

The Department of Permitting Services approved a Stormwater Management Concept Plan on February 11, 2011. It includes stormwater planters and micro-biofiltration facilities as water quality devices and control for the first 1" of rainfall. The remainder of the quantity control will drain to the Dennis Avenue Wheaton Branch Regional facility. Therefore, the Planning Board finds that the Application meets all applicable stormwater management requirements.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed; and

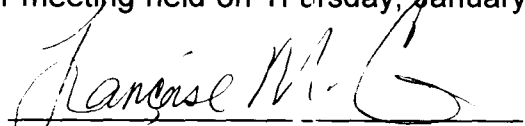
BE IT FURTHER RESOLVED, that the date of this Resolution is JAN 23 2012 (which is the date that this Resolution is mailed to all parties of record); and

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).

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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 Vice Chair Wells-Harley, seconded by Commissioner Anderson, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Dreyfuss present and voting in favor of the motion, and Commissioner Presley abstaining, at its regular meeting held on Thursday, January 19, 2012, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board