

MEMORANDUM

September 22, 2011

TO: Planning, Housing, and Economic Development Committee  
FROM: <sup>GO</sup> Glenn Orlin, Deputy Council Staff Director  
SUBJECT: Wheaton CBD Sector Plan—fiscal impact and transportation elements

**Please bring your copies of the Draft Sector Plan and the Appendix to this worksession.**

This memorandum addresses the transportation elements in the Planning Board Draft Plan. Appendix 3 describes the Planning staff's transportation analysis leading to the Plan's recommendations. Most of the elements discussed in this memo are those about which there is some disagreement with the Final Draft expressed by the Executive and Executive Branch departments (©1-9), public testimony, or Council staff. Some purely technical corrections will be made to the final document, but they are not identified in this memorandum.

*1. Fiscal impact.* The Executive's Fiscal Impact Statement (©10) estimates that the development called for in the Plan would generate either a positive or negative cash flow over the next 30 years, depending upon the percentage of new development achieved and whether the Wheaton Mall property develops more intensively:

| <u>Scenario</u>                               | <u>Net County surplus (deficit)</u> |
|---|-------------------------------------|
| 100% of new development, with Wheaton Mall    | \$93,257,018                        |
| 100% of new development, without Wheaton Mall | (\$18,753,180)                      |
| 80% of new development, with Wheaton Mall     | \$14,778,504                        |
| 80% of new development, without Wheaton Mall  | (\$97,279,401)                      |

As is usually the case, commercial development generates a large surplus for the County, while residential development produces a large net cost, since most County services are to residents (most particularly school costs).

The net surplus (or deficit) shown above reflect the difference between forecasted tax revenue on the one hand, and the sum of County Government, Montgomery County Public Schools, and debt service operating costs on the other. The debt service cost of \$427.8 million reflects principal and interest on an estimated \$226.7 million in capital costs, documented on ©11-12. About 72% of these costs are for transportation improvements, with the balance for public use spaces and other streetscape improvements, rebuilding the Regional Services Center, and reopening the closed school currently used by Crossways.

**2. Land use/transportation balance.** The analysis of master-planned land use/transportation balance is conducted using the same technique as is used under the policy area review test in the most recent Subdivision Staging Policy (SSP). Therefore, a Policy Area Mobility Review (PAMR)-type analysis was conducted for this plan, calculating Relative Transit Mobility (RTM) and Relative Arterial Mobility (RAM) and comparing the result to the standard. The difference between the SSP analysis and this sector plan analysis, however, is that RTM and RAM are not calculated at a point 6 years out, but at build-out, assumed to be Year 2030.

Since PAMR is conducted at the policy area level, the results are reported in terms of the wider Kensington/Wheaton Policy Area. Based on the development proposed, Kensington/Wheaton's RAM would be 42% (Level of Service 'D') and its RTM would be 85% (LOS 'B'), within the "partial mitigation" realm of the PAMR chart.

Local Area Transportation Review (LATR) was also conducted with the build-out land use and transportation network. All the intersections within the Wheaton CBD would be better than the SSP's 1,800 Critical Lane volume (CLV) standard for Metro Station Policy Areas. In fact, only one intersection will exceed even 1,600 CLV: Georgia Avenue/Blueridge Avenue, which is forecast to operate at 1,666 CLV in the evening peak.

As is often the case in evaluating traffic for a central business district, the tightest constraints are beyond the CBD's border. Two such intersections are projected to fail the LATR standard of 1,600 CLV for the Kensington/Wheaton Policy Area: Georgia Avenue/Plyers Mill Road is estimated to operate at 1,648 CLV in the morning peak (3% over capacity) and Georgia Avenue/Arcola Avenue is estimated to operate at 1,703 CLV in the evening peak (6% over capacity).

However, there are feasible improvements that can bring each intersection below the 1,600 CLV standard. A fourth northbound lane could be added through the Georgia/Arcola intersection; there is room to widen the road in the southeast and northeast quadrants (Wheaton Regional Library is set back in the latter). A second northbound-to-westbound left turn lane could be fitted readily into the Georgia/Plyers Mill intersection.

Even if the County were not to make these improvements, there is precedent for approving plans where intersections projected to operate this close to capacity are deemed to be sufficient for land use/transportation balance. This is because build-out land use is never fully realized, and because the CLV analysis does not take into account all potential improvements to transit operations, particularly the scope and frequency of bus service, as well as transportation demand management (TDM) measures.

**Council staff recommendation:** Find that the Plan is in land use/transportation balance.

**3. Ennalls Avenue relocation.** Ennalls Avenue is a business district street that runs east-west between Veirs Mill Road and Georgia Avenue through the Wheaton Triangle (called the “Core District” in this plan). The eastern half of Ennalls Avenue actually veers northeast so that it intersects Georgia Avenue acutely, and very close to the latter’s intersection with University Boulevard. The Draft Plan recommends relocating this portion of Ennalls Avenue to run an easterly direction. There are three good reasons for this:

1. With an easterly path, Ennalls would have a safer, right-angled intersection with Georgia Avenue, and it would be spaced far enough from Georgia Avenue’s intersection with University Boulevard to allow for safe and unfettered left-turn movements in all directions.
2. With the relocation, Ennalls would align directly across from Price Avenue, thus creating a second east-west route (along with Reddie Drive) connecting Wheaton Plaza (the “Westfield District”), the Core District, and the Price District.
3. The relocation, with the consequent potential to abandon existing Ennalls Avenue between Grandview and Georgia Avenues, will create a coherent development pod in the northeast corner of the Core District.

GreenMountain Associates, a firm owned by Lenny Greenberg (a major property owner in Wheaton), objects to the particular alignment, noting that it would require the County to acquire two of the three parcels comprising its Ennalls Avenue properties and to tear town the low-rise retail on them. GreenMountain recommends relocating the alignment further south to avoid its properties, and if this is not possible, it recommends changing the conditions in the plan relating to the road’s timing and effects on development. Its letter is on ©13-18. A schematic of the Draft Plan’s alignment (portrayed by GreenMountain’s architect) is on ©19, and two alternative alignments shifted to the south are on ©20-21. On ©19-21 Council staff has highlighted the boundaries of the GreenMountain’s three parcels, to better understand the potential impact of each alignment on them.

In its comments, DOT agreed that the Draft Plan’s proposed realignment as a standard business district street—with two travel lanes, two parking lanes, and wide sidewalks—“would have severe impacts on adjacent land uses if it were built to public road standards” (see ©7, second bullet). Nevertheless, DOT supported a realignment as long as the land use implications were acknowledged. Alternatively, it pointed out that it could be a private street.

Council staff asked that Executive Branch staff evaluate GreenMountain’s proposed optional alignments for Ennalls Avenue. The staff believes both alignments are problematic as they have significant impacts to County Parking Lots 13 & 34 which are slated for redevelopment opportunities, and not future roadways.

During the past few weeks, however, DOT examined the Draft Plan alignment and has developed a business district street cross-section without the parking lanes, at least in the intermediate term. This would reduce the needed right-of-way by 16’ in width—from 70’ down to 54’—and so would require taking only the southernmost of GreenMountain’s properties. With the proposed parking garage adjacent to it and the existing lot across Grandview Avenue, there is a surfeit of parking without additional on-street spaces. However, it is possible that when the parcels north of relocated Ennalls

Avenue are ready to redevelop, the developer(s) may desire on-street parking, so any solution should allow for the option for on-street parking on the north side.

**Council staff recommendation:** In Table 2 on page 58, designate the Ennalls Avenue relocation between Grandview and Georgia Avenues as a public Business District street with a 60'-wide right-of-way with one parking lane (Road Code Standard 2005.01). This link is too essential to circulation within Wheaton to be a private street, especially when the continuation west (to Veirs Mill Road) and east (Price Avenue) are public, business district streets. Also add the following text:

**The Plan recognizes that providing on-street parking on a relocated Ennalls Avenue between Grandview Avenue and Georgia Avenue may not be possible if impacts to adjacent properties are to be minimized. Therefore, the Plan acknowledges that achievement of the ultimate Business Street section that would include on-street parking on at least one-side of the street may not be realized until redevelopment occurs on both sides of this segment of Ennalls Avenue.**

GreenMountain objects to the Draft Plan's text on page 61 noting "Should property owners not be able to obtain a building permit due to the location of this proposed roadway, an appeals process is available for owners to take concerns to the County Board of Appeals." **Council staff agrees that this text is unnecessary and should be deleted.** This is not the first time that a planned right-of-way for a road has gone through an existing building, nor will it be the last; there is no reason to single out this instance.

GreenMountain has some other recommendations (see ©14):

- Add language to the Draft Plan stating that the preservation of existing retail space and the creation of new retail space will remain important until large-scale redevelopment occurs. **Council staff disagrees.** The preservation of existing retail and the creation of new retail will remain important *even after* large-scale redevelopment occurs, just not necessarily in the same exact spot.
- Do not extend Ennalls Avenue until properties redevelop, and the relocation of Ennalls Avenue between Grandview and Georgia Avenues should not interfere with existing structures or businesses except if the redevelopment achieves more than half of the Draft Plan's density. **Council staff disagrees.** Timing this project to achieving half—or any particular portion—of the Plan's density is arbitrary. The relocation should be built when the Council feels it is in the public interest to do so, and when it rises to a high enough priority to be funded, given the many competing uses for capital funds.
- Allow affected property owners to obtain a building permit for renovation of existing buildings and for the expansion of existing space. **Council staff disagrees.** Again, this is not the first time that a planned right-of-way for a road has gone through an existing building, nor will it be the last; there is no reason to single out this instance. Executive Branch staff may be asked to comment on the rights of owners of such potentially affected buildings to get permits for renovation or expansion. Section 59-A-5.6 of the Zoning Ordinance states:

In areas where a master plan of highways has been duly adopted by the Commission showing a proposed new highway or street or a proposed relocation or widening of an existing highway or street, or a proposed rapid transit route or facility, no building or part of a building shall be permitted to be erected within the planned acquisition line of such proposed highway or street, or rapid transit line or facility.

The owner of the property so affected, however, shall have the right to appeal the refusal of a building permit to the board and the board may grant a permit to build, subject to such conditions and restrictions as it deems necessary, if it should find, upon the evidence and arguments to it upon such appeal, (1) that the entire property of the appellant of which the area affected by the master plan forms a part cannot yield a reasonable return to the owner unless such appeal is granted, and (2) that balancing the interest of the general public in preserving the integrity of the plan and the interest of the owner of the property in the use and benefits of his property, the granting of such permit is required by consideration of reasonable justice and equity. Before taking any action, the board shall hold a public hearing at which the parties in interest shall have an opportunity to be heard.

**4. *Ennalls/Price Avenue extensions.*** The Draft Plan also proposes extensions of Price Avenue east of Fern Street to Amherst Avenue and Ennalls Avenue west of Veirs Mill Road to the Westfield ring road. The eastern extension would likely occur only when (or if) County Garage 45 redevelops. At that time, likely to be well in the future, plans for the adjacent development may favor using a narrower right-of-way here as well, eliminating one or both parking lanes. **Council staff recommends retaining the 70' right-of-way noted in Table 2 (p. 58), but the text on p. 61 should be supplemented as follows:**

- **The extension of Price Avenue between Fern Street and Amherst Avenue should be done concurrently with redevelopment of County Parking Garage 45. Currently, there are no plans to redevelop this parking structure, so this portion of the Ennalls-Price road connection may be the last to be developed. Depending upon the nature of this redevelopment, the extension of Price Avenue may be built without one or both parking lanes, thus reducing the necessary right-of-way.**

The Draft Plan calls for Ennalls Avenue to be extended west from Veirs Mill Road to Wheaton Mall's ring road. All the streets within Westfield's property are private roads, and so the Draft Plan appropriately calls for this to be a private road, too.

**5. *Hickerson Drive.*** Hickerson Drive is a one-block local street between Georgia Avenue and Elkin Street in the Blueridge District. The representative of the Aaronson family, which owns property both north and south of Hickerson Drive, recommends amending the second bulleted paragraph on page 63 as follows (see excerpt of Jody Kline's letter on ©22-23):

Hickerson Drive [may] will be abandoned if the resulting private street connection provides flexibility in creating a vibrant retail corridor with enhanced pedestrian and vehicular circulation within the Blueridge District. The abandonment of Hickerson Drive should be considered only at the time of development of the blocks to the north and south and between Georgia Avenue and Elkin Street. A through block connection in the east-west Hickerson Drive orientation should be maintained during and after redevelopment of the adjacent properties.

**In the first sentence, Council staff recommends replacing "may" with "should," not "will."** Only the Council can approve an abandonment to a public right-of-way that is in use. A sector plan

cannot direct future Council actions, but it can provide guidance, so “should” is more appropriate than “may” or “will.” **Council staff concurs with the suggested revision in the last sentence.** It clarifies the intent of the recommendation.

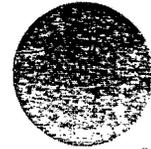
**6. Kensington View Civic Association (KVCA) comments.** In its testimony KVCA asked how the unbuilt portion of Kensington Boulevard adjacent to Lindsay Ford can expand from a 50’-wide right-of-way to 70’ (©24-25). But this is a misreading of the entry in Table 2 on page 58: the *planned* right-of-way for this unbuilt segment of Kensington Boulevard is only 50’. It is not planned to be widened to a standard 70’, like most Primary Residential Streets. The design standard in the table indicates it as “Mod. 2003.08,” a modification from the normal Primary Residential Street standard.

Regarding bikeways, KVCA believes the LB-7 route (see p. 65) “would not be desirable due to the up-and-down topography of the narrow roads in Kensington View and the traffic congestion on Geiger Avenue due to Einstein traffic/parking” (©26). However, KVCA does support this route from Upton Drive to Veirs Mill Road, via Hillsdale Drive. **Council staff concurs with KVCA.** One detail: LB-7 is recommended as a shared use roadway, but no roadway is planned for the short gap between Upton Drive and Hillsdale Drive cul-de-sac; there the bikeway would be a bike trail.

**7. DOT comments.** Council staff asked Planning staff to respond to DOT’s comments on ©7-9. The Planning staff’s responses are on ©27-28. In some cases the Planning staff has provided a response that justifies the current text in the Draft Plan; in some cases it agrees that DOT’s revisions should be made; and in a few cases some more follow-up is required. **Council staff believes all these matters are relatively minor and can be worked out among the staffs in time for the final resolution.**



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ROCKVILLE, MARYLAND 20850  
MEMORANDUM

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Isiah Leggett  
County Executive

June 20, 2011

To: Valerie Ervin, Council President  
From: Isiah Leggett, County Executive  
Subject: Planning Board Draft Wheaton CBD and Vicinity Sector Plan

I am pleased to provide the County Council with my comments and the fiscal impact analysis for the Wheaton Sector Plan. Also, attached to this memorandum are technical comments from the various County departments.

I commend the Planning Board and its staff on their vision, public outreach and close coordination with the County's Redevelopment Program. I support the overall vision of the plan, making Wheaton a high density, mixed-use urban center while protecting surrounding neighborhoods. This plan with its application of new zoning, improvements to the street network, and the removal of the over-lay zone, provides the framework and encouragement for needed redevelopment. While Wheaton is not currently an office market, appropriate zoning can set the stage and enable the County to partner with developers to encourage a better mix of residential, office and retail for Wheaton.

However, despite prior efforts, we have not had the success we wanted for Wheaton. Zoning and planning are merely rungs in the ladder in Wheaton's climb to success. Wheaton is an Enterprise Zone and an Arts and Entertainment District, both of which, with the updated plan can serve as a springboard to redevelopment and investment. Yet, more is needed. I am committed to continuing the work I have begun with the Council to devote resources to helping Wheaton re-establish itself as a thriving urban mixed-use environment that will attract a variety of jobs and housing types.

Westfield Wheaton Mall is the largest employer, economic driver and physical presence in Wheaton. Its 80 acres account for some 40% of Wheaton's Urban District. The Mall supports 1.6 million sq. ft. of commercial space, making it the 4<sup>th</sup> largest mall in the Washington region. Retailing is the greatest employer in Wheaton, responsible for some 28% of the jobs in the Wheaton Sector Plan study area. Suburban malls, once the bellwether of commercial projects, are giving way around the country to town centers and more integrated mixed use development. Thus, the mall in Wheaton presents a challenge for long range planning given current demands, market realities and community needs. As contemporary planning moves away from auto-oriented suburban

Valerie Ervin, Council President

June 20, 2011

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shopping malls, the County is faced with the challenge of integrating Wheaton Mall, the longstanding icon and hub of Wheaton economic activity, into a town center that is knit into the surrounding communities.

I support the major steps the Plan takes to facilitate a town center and strive for a better housing/office/retail balance. And, I recognize the mall is not likely to redevelop in the near term; however, given the long range view of our master plans, I question whether the plan provides adequate incentives for the Wheaton Mall parcel to redevelop in the long-term. The future of the mall plays a significant role in the future of Wheaton. We need a strategy of vibrant tenanting in the present and a long range vision for redevelopment of the mall. Such redevelopment would provide opportunities for greatly enhanced connectivity with the rest of Wheaton. I propose that rather than approving the Plan with its current C-2 zoning, that technical issues be resolved now and high density, mixed-use zoning be applied to the entire Westfield Wheaton site with appropriate transition controls on the edges to protect adjacent neighborhoods.

Currently the pedestrian bridge over Veirs Mill Road between the WMATA garage and the WMATA bus bay area is the principal and safest pedestrian connection between Metro and Westfield Mall. This connection goes among multiple rows of parked vehicles and along a switch back, narrow ramp. The connection is both challenging and uninviting. If feasible, a park (perhaps on top of parking) above Veirs Mill Road connecting the future redevelopment of the Veirs Mill/Georgia/Ennalls block with the WMATA garage would greatly enhance connectivity and provide needed open space. I recommend that the Plan acknowledge the desirability of such connectivity.

I concur with the Plan recommendation to create public use spaces in the vicinity of parking lots 13, 14, and 17; these being the urban core. In making such conversions, any loss of Parking Lot District property must be compensated at fair market value. Related to these suggestions and provided it can be done in a manner that provides a better and lasting tribute to our veterans, I support the possible relocation of Veterans Park as part of redevelopment. The current location has grade and design challenges that help to account for its under utilization. Rather than identify a specific site for Veterans Park as suggested in the Plan, I suggest that the Plan recommend that a new, more vibrant park could be at the Town Square, in the vicinity of Parking Lot 17, or other location that will heighten its availability, use and vibrancy. The Parking Lot 17 location offers the benefit of proximity to the existing Veterans Park and adjacency to VFW and American Legion post locations. If the park is relocated, the existing site should be available for redevelopment with appropriate sensitivity to surrounding neighbors. Regardless of the exact location for a possible Veterans Park relocation, any new site must provide lasting and appropriate homage to veterans in a superior setting than the existing site.

I also concur with the Planning Board in its recommendation for the Ennalls Avenue – Price Avenue connection. Smart Growth includes multi-modal connectivity. Wheaton, as with most of Montgomery County, was planned with few

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inter-connected streets. To permit better access, smart growth calls for closer spacing of streets that provide for pedestrians, bicycles and cars. A closer net grid of roadways improves access, which is critical to encouraging pedestrian activity. University Boulevard provides not only the trunk access for east-west movement, but is the only east-west connection in the urban core. As the Plan recommends, Ennalls Avenue would start at the Westfield Mall Ring Road, pass north of Park Lot 13, connect with Price Avenue, and extend to Amherst Avenue. This new east-west connection and extension would provide critical access to a redevelopment, to Westfield Mall and to small businesses along Ennalls Avenue, Grandview Avenue, Triangle Lane, and Price Avenue. I agree with the Planning Board's determination that such connectivity would be acceptable either as a public or private street.

The proposed Plan shows a robust system of bikeways and bicycle lanes. Improving bicycle accessibility is critical to a multi-modal urban area and to shifting the focus from autos. I heartily support the Plan's recommendation for a bike station at the Wheaton Metro Station.

The application of the CR Zone in the White Flint area has so far not produced any affordable housing incentive density (either MPDU or Workforce Housing) under the optional method of development, due to the availability of a menu of competing public benefits that have proven to be more attractive to developers in that area. As the council considers changes to the CR zones, I urge the Council to look closely at the interplay between the CR zones and our need to incentivize affordable and workforce housing. Including a Plan section on housing will better identify the housing recommendations in the Plan.

To enhance street connectivity, the Plan should permit a local street connection from Blueridge Avenue through Parcels C and 920 to the existing Leesborough development. Currently, Map 18 on page 59 of the Draft Plan indicates this connectivity from Blueridge Avenue to the Leesborough development as a pedestrian connection. The Leesborough Site Plan approval provides for roadway connectivity to the south. Making such a roadway connection would provide additional access and be in the interest of the County as it follows Smart Growth principals and is in accord with earlier Planning Board decisions.

In summary, the pending Sector Plan for the Wheaton CBD is a very positive stride towards improving the economic health and future for the Wheaton area. Comments from Executive Branch departments are attached as is the fiscal impact analysis. Executive staff will be available to assist the Council as needed as the County Council deliberates on this important Sector Plan.

IL:dsj  
Attachment  
cc: Francoise Carrier, Planning Board Chair

## Department of General Services

### General Comments

- DGS commends the Planning Board for the Smart Growth vision of high density, quality mixed-use development tapering down from the Metro Station to adjoining residential neighborhoods. In developing this vision, the Planning Board and staff diligently reached out to both the Executive Branch and the Wheaton community.
- DGS supports the application of the C-R zone with its highest densities and heights to areas closest to the Metro Station.
- DGS supports the removal of the Retail Preservation Overlay Zone. This zone has affectively impeded redevelopment. Once supported by the community as a means of controlling the adverse consequences of redevelopment, this Overlay Zone has lost its support as the community has shifted its outlook to generally and enthusiastically supporting redevelopment.
- DGS anticipates seeking a development partner that will permit the County to create a superior Veterans Park at the site of the current Parking Lot 17. To fund this park shift, the existing Veterans Park needs to be available for redevelopment. Such development would need to be sensitive to the adjacent neighborhood.
- DGS supports the Plan inclusion of an Ennalls-Price connection and extensions. By starting this proposed street at the Mall Ring Road, connecting Ennalls Avenue to Price Avenue, and possibly extending on to Amherst Avenue, the Plan creates additional Mall access and a local parallel road to University Boulevard. Without this through road, the capacity for Reddie Drive to handle future Mall and redevelopment access needs is problematic.

### Specific Comments

- Page 13, under The Wheaton Community, 1<sup>st</sup> paragraph, 4<sup>th</sup> line – change 52 percent to 51 percent.
- Page 21, under “Encouraging Street Level Activities, 3<sup>rd</sup> line - change Office of Economic Development to Department of Economic Development.
- Page 22, under “Existing programs should consider”, 3<sup>rd</sup> bullet - change Kensington-Wheaton Chamber of Commerce to Wheaton Kensington Chamber of Commerce.
- Page 25, 1<sup>st</sup> bullet - change “major civic space” to “signature civic space”. Analysis of town squares through the Wheaton’s New Downtown development project has determined that a civic space of approximately 28,000 sq ft has been determined as desirable and that size is in line with the Rockville Town Square.
- Page 59, Map 18, Existing and Proposed Street and Pedestrian Network, indicates a pedestrian connection through what are Parcels C and 920 - DGS recommends that this connection be considered as a local road, thus provide for more of a grid network with better local access.

## Department of Housing and Community Affairs

### General Comments

- DHCA supports the Sector Plan's proposals for significant numbers of additional housing units, including MPDUs and Workforce Housing Units, in Wheaton. DHCA notes, however, that application of the CR Zone in the White Flint area has so far not produced any affordable housing incentive density (either MPDU or Workforce Housing) under the optional method of development, due to the availability of a menu of competing public benefits that have proven to be more attractive to developers in that area. Given the great need for affordable housing, DHCA recommends that the Sector Plan include a recommendation that projects in CR Zones provide significantly more MPDUs than the minimum required 12.5 percent and utilize any available density bonus. Such a recommendation would be consistent with the recently adopted Housing Element of the General Plan (Policy 4.11, which reads: "Ensure that all master plan and sector plan amendments address the need for housing for low, moderate, and middle income households and promote specific strategies to meet that need including height and density incentives and flexibility.")
- The recommendations of the Sector Plan appear to support the recommendations of the Montgomery County Affordable Housing Task Force, including increasing affordable housing; creating a more attractive planning and economic environment for the development of affordable housing; and, reducing parking requirements for housing developments in order to reduce homeowner costs, encourage use of mass transit and promote more environmentally friendly patterns of development. However, the recommendations concerning housing are currently not well identified in the Sector Plan. DHCA recommends that the Sector Plan include a Housing section, similar to the current sections on Mobility, Environment, and Community Facilities. The availability and location of housing for all populations is a top priority, and is a key factor in supporting sustainable development.

## Department of Public Libraries Recreation Department

### General Comments

The Wheaton Library is not physically located in the sector plan area covered by the April 2011 draft Wheaton Central Business District and Vicinity document, but there are places in the Plan which reference the Wheaton Library facility and for which Libraries and due to the future co-located Library/Recreation Center, the Department of Public Libraries and the Recreation Department have comments.

### Specific Comments

- Page 80, line 3 - change library introduction statement from “possibly in combination with the Wheaton Community Center” to say “currently planned as a joint library/community recreation center on the land occupied by the Wheaton Library and the Wheaton Community Center”.
- Appendix 4 – Park, Trail, and Recreation, page 6, the Public Libraries and Recreation Departments support the Plan recommendation in, to *Improve connectivity to community recreation centers, Wheaton Library, regional parks, and trails near the CBD.* The design of the new joint Library/Recreation Center should include sidewalk paving and directional signage that continues the streetscape signage and paving design from the sector plan area onto the library/recreation center property, thus providing inherent connectivity to not only the CBD, but the parks and trails in the area. The library and recreation facility are not far outside the CBD and Vicinity Sector Plan and should be “tied in” where possible to draw visitors from the CBD north to the two County properties at Arcola, Hermitage, and Georgia Avenue.
- Appendix 5 – Community Facilities page 1 to 3, the Public Libraries and Recreation Departments support the Plan recommendation in to *create an overall plan for the four community facilities just outside the sector plan area to the north. The Wheaton Rescue Squad, Wheaton Regional Library, and the County Recreation Center sites should be connected across Arcola Avenue with shared parking and internal pedestrian paths and seating areas.* This recommendation should not result in the downgrading or elimination of elements in the program of requirements; nor in the service needs for the library. Given the traffic on Arcola and the V/C ratio for the Arcola/Georgia Avenue intersection shown on page 39 of Appendix 3, which exceeds the LATR standard for the future, Libraries is concerned about moving pedestrians across Georgia or Arcola safely in order to meet this goal.

## Department of Transportation

### General Concerns

- WMATA just completed a draft Study that examined the number of bus bays needed to accommodate the existing bus network plus potential BRT corridors. The Plan must recognize the critical importance and role of the extensive bus network including its focal point, the Wheaton Metrorail Station.
- The Draft envisions an abandonment and realignment of Ennalls Avenue within the Core District of the Wheaton Triangle. Preliminary Engineering assessment of this new alignment has shown that the road would have severe impacts on adjacent land uses if it were to be built to public road standards. MCDOT can support a public street, if the land use impacts are recognized. Otherwise, this segment of Ennalls Avenue should be planned as a private street.
- The Draft calls for certain segments of Hickerson Drive and Elkin Street to be closed to vehicular traffic on weekends and holidays for certain special uses. This is totally an operational issue outside the purview of a master plan for these public streets. MCDOT has a process in place to accomplish this type of function. It is incorrect for a master plan with a twenty to thirty year time horizon to deal with this type of issue and the text should be deleted.
- Bikeway G-G' (as shown in the *Kensington Wheaton Master Plan*) is not shown on this plan draft; either show it on Map 17 and add it to Table 3, or add some text formally deleting it so there is no future confusion as to its status.
- The Historic Resources Section contains an inconsistency. While the text clearly states that "the environmental setting for this historic resource [31/12 WTOP Radio Transmitter] is 1.4 acres", Map 22 shows the entire 12.31 acre parcel as the "Designated Historic Site". This erroneous mapping needs to be corrected.
- The Draft does not contain some elements of a comprehensive plan required under State law.
- The Draft does not contain certain "Visions" required under State law.

### Specific Comments

- Page 2 - this Plan amends additional functional and countywide plans other than those currently listed in the Abstract; a list of all amended functional and countywide plans needs to be included.
- Page 9 - revise the first sentence of the second paragraph under "Wheaton's Role in the County to state, "A significant amount of traffic moves ~~west~~ through Wheaton to and from the I-270 Corridor, . . .
- Page 10 - correct Table 1 to show the 1990 Plan Estimate J-H Ratio as 4.3:1
- Page 20 - show the proposed (not existing) street network on Map 6
- Page 22 - add a final bullet under Developing a Nighttime Economy stating, "Crime Prevention Through Environmental Design (CPTED) Reviews should be incorporated into redevelopment efforts"

- Page 24 - show the proposed (not existing) street network on Map 7
- Page 26 - show the proposed (not existing) street network on Map 8
- Page 28 - show the proposed (not existing) street network on Map 9
- Page 29 - show the proposed (not existing) street network on Map 10
- Page 34 - show the proposed (not existing) street network on Map 12
- Page 35 - show the proposed (not existing) street network on Map 13
- Page 37 - show the proposed (not existing) street network on Map 15
- Page 38 - show the proposed (not existing) street network on Map 16
- Page 39 - show the proposed (not existing) street network on Map 17
- Page 40 - this section on the Core District needs to add text pertaining to the abandonment of existing Ennalls Avenue, the proposed relocation of Ennalls Avenue, the impact of the relocation on existing businesses, and the impact of both on the proposed zoning
- Page 41 - show the proposed (not existing) street network on the Proposed Zoning map in Figure 1
- Page 43 - show the proposed (not existing) street network on the Proposed Zoning map in Figure 2
- Page 47 - show the proposed (not existing) street network on the Proposed Zoning map in Figure 3
- Page 49 - show the proposed (not existing) street network on the Proposed Zoning map in Figure 4
- Page 51 - show the proposed (not existing) street network on the Proposed Zoning map in Figure 5
- Page 55 - revise the last sentence in the first paragraph under Existing Neighborhoods Surrounding the Districts to state, “Redevelopment in these neighborhoods under existing zoning should maintain existing scale and character ~~blend with existing conditions~~ and should not introduce mixed-use zoning.”
- Page 57 - revise the second sentence in the first paragraph under Approach and Network Integrity to state, “Carefully . . . in the CBD where design, safety, environmental, and community objectives require a multifaceted approach to placemaking.”
- Page 60 - in the second bullet, reevaluate the minimum master planned right-of-way widths for all Major Highways segments, given their BRT and bikeway potentials, as 150’
  - delete the fifth bullet under The Street Network; Target Speeds are an engineering, not planning, issue
- Page 63 - delete the second bullet under Pedestrian Circulation (see General Concerns)
- Page 64 - revise Table 3 in accordance with all comments on Map 19 (p. 65)
- Page 65 - extend symbol for Dual Bikeway on MD 193 from Amherst Av. to MD 97 for consistency with *Countywide Bikeways Functional Master Plan*
  - designate MD 193 from MD 97 to Drumm Av. as a bikeway similar to the designation in the pending *Town of Kensington and Vicinity Sector Plan*
  - either delete PB-3 on Franwall Avenue, or add a listing for it to Table 3

- add an SR-20 designation to Amherst Avenue south of Reddie Dr.
- correct the alignment of PB-7 to show it going via Douglas Avenue
- either delete PB-30 from McComas Ave., or add a listing for it to Table 3
- either delete PB-33 from MD 586, or add a listing for it to Table 3
- add a bikeway from East Ave. to MD 586 via College View Dr.
- add a bikeway from Galt Ave. to Grandview Ave. via Dawson Ave.
- add a bikeway from Fennimore Rd to MD 586 via Galt Ave.
- add a bikeway from Blueridge Ave. to Arcola Ave. via Nairn Rd.
- designate the entire Wheaton Plaza Ring Road as a shared road bikeway
- continue Bikeway SR-20 east to MD 193 via Reddie Dr.
- continue Bikeway SP-77 west to Dawson Ave. via Blueridge Ave.
- show the Sector Plan boundary on Map 19.
- Page 66 - revise the third bullet under Bikeway Network to comprehensively deal with bikeway issues on University Boulevard (MD 193)
  - with respect to the fifth bullet, the County has no authority to develop a bike station at the Wheaton Metro Station and bike stations are costly to construct; therefore, a specified land area should be identified in the Plan for the bike station. The Plan should show how it is feasible to incorporate such a facility into the Metro Station area, or show an alternative facility on nearby land dedicated for this purpose.
- Page 75 - delete the fourth, fifth, and eleventh bullets under Health; these appear to have nothing to do with master-planning
- Page 76 - show the former elementary school site on Upton Drive
  - label the names of the existing parks
  - reduce the shaded area on the WTOP parcel to only show the 1.4 acre historic Environmental Setting, not the entire 12.31 acre parcel
- Page 81 - revise the last bullet on the page to state, "Any redevelopment of the 12.31 acre WTOP site must . . ."

#### **DOT Division of Traffic Engineering and Operations - Additional Comments**

##### **General Comments**

- Any modifications at signalized intersections will need to be coordinated with MCDOT's Transportation Systems Engineering Team.
- Any traffic calming or pedestrian safety improvements will need to be coordinated with MCDOT's Traffic Engineering Studies Section.

##### **Specific Comments**

- Page 22, 3rd bullet from bottom (using sidewalk for café seating) - add "with executive branch's approval where feasible subject to permit and ADA requirements".
- Page 27 - Connectivity paragraph: would utilizing Georgia Ave, University Blvd and Veirs Mill Road as boulevards be appropriate? (MSHA issue).
- Page 57, 4<sup>th</sup> line from bottom - unfamiliar with the concept of RAM.

**Wheaton CBD and Vicinity Sector Plan  
Montgomery County, Maryland**

**Summary of Wheaton Fiscal Impact Analysis**

**Significant assumptions:**

| Development assumptions | Scenario A  |                                 | Scenario B  |                                 | Scenario C   |                                 | Scenario D   |                                 |
|-------------------------|---|---------------------------------|---|---------------------------------|--|---------------------------------|--|---------------------------------|
|                         | Assumes 100% of New Development Occurs, Includes Wheaton Mall |                                 | Assumes 100% of New Development Occurs, Excludes Wheaton Mall |                                 | Assumes 80% of New Development Occurs, Includes Wheaton Mall |                                 | Assumes 80% of New Development Occurs, Excludes Wheaton Mall |                                 |
|                         | Displaced Existing <sup>1</sup><br>(units)                    | Net New <sup>2</sup><br>(units) | Displaced Existing <sup>1</sup><br>(units)                    | Net New <sup>2</sup><br>(units) | Displaced Existing <sup>1</sup><br>(units)                   | Net New <sup>2</sup><br>(units) | Displaced Existing <sup>1</sup><br>(units)                   | Net New <sup>2</sup><br>(units) |
| <b>Development:</b>     |   |                                 |   |                                 |  |                                 |  |                                 |
| <b>Residential</b>      |   |                                 |   |                                 |  |                                 |  |                                 |
| Single family           | -   | 92                              | -   | 92                              | -  | 74                              | -  | 74                              |
| Multi-family            |   |                                 |   |                                 |  |                                 |  |                                 |
| For sale                | -   | 2,389                           | -   | 2,389                           | -  | 1,911                           | -  | 1,911                           |
| For rent                | -   | 2,119                           | -   | 2,119                           | -  | 1,695                           | -  | 1,695                           |
| Sub-total residential   |   | 4,600                           |   | 4,600                           |  | 3,680                           |  | 3,680                           |
| <b>Commercial</b>       | (square feet)   | (square feet)                   | (square feet)   | (square feet)                   | (square feet)  | (square feet)                   | (square feet)  | (square feet)                   |
| Office                  | 572,000   | 875,000                         | 572,000   | 875,000                         | 572,000  | 700,000                         | 572,000  | 700,000                         |
| Retail                  |   |                                 |   |                                 |  |                                 |  |                                 |
| Mixed use               | 1,126,390   | 162,000                         | 1,126,390   | 162,000                         | 1,126,390  | 129,600                         | 1,126,390  | 129,600                         |
| Wheaton Mall            | 1,573,610   | 0                               | 0   | 0                               | 1,573,610  | 0                               | 0  | 0                               |
| Industrial              | 128,000   | 0                               | 128,000   | 0                               | 128,000  | 0                               | 128,000  | 0                               |
| Hotel                   | 0   | 133,200                         | 0   | 133,200                         | 0  | 106,560                         | 0  | 106,560                         |
| Sub-total commercial    | 3,400,000   | 1,170,200                       | 1,826,390   | 1,170,200                       | 3,400,000  | 936,160                         | 1,826,390  | 936,160                         |

**Significant conclusions:**

| Population:                                    | Scenario A                              | Scenario B                              | Scenario C                              | Scenario D                              |
|--|---|---|---|---|
| Total residents                                | 9,154                                   | 9,154                                   | 7,323                                   | 7,323                                   |
| Total students <sup>3</sup>                    | 996                                     | 996                                     | 797                                     | 797                                     |
| Total employees <sup>4</sup>                   |   |   |   |   |
| Direct   | 3,000                                   | 3,000                                   | 2,400                                   | 2,400                                   |
| Indirect                                       | 1,785                                   | 1,785                                   | 1,429                                   | 1,429                                   |
| Total employees                                | 4,785                                   | 4,785                                   | 3,829                                   | 3,829                                   |
| <b>Revenues and Expenditures:</b> <sup>5</sup> | (Cumulative - Thirty Years w Inflation) |
| Montgomery County projected revenues           | \$1,218,976,114                         | \$1,105,725,730                         | \$1,020,585,077                         | \$907,334,694                           |
| Montgomery County projected expenditures:      |   |   |   |   |
| County expenditures <sup>6</sup>               | (\$547,647,103)                         | (\$346,406,917)                         | (\$297,787,790)                         | (\$296,595,312)                         |
| Montgomery County public school system         | (\$350,266,018)                         | (\$350,266,048)                         | (\$280,212,838)                         | (\$280,212,838)                         |
| Capital expenditures                           | (\$427,805,945)                         | (\$427,805,945)                         | (\$427,805,945)                         | (\$427,805,945)                         |
| Total County expenditures                      | (\$1,125,719,066)                       | (\$1,124,478,910)                       | (\$1,005,806,573)                       | (\$1,004,614,095)                       |
| Net County surplus/(deficit) <sup>7</sup>      | \$93,257,018                            | (\$18,753,180)                          | \$14,778,504                            | (\$97,279,401)                          |

Mont. Cap. Inv.

22-Jun-11

<sup>1</sup>Represents existing Wheaton development assumed to be redeveloped. Existing commercial space provided on page 2 of the Economic Analysis prepared January 12, 2010 attached to Appendix 8 to the April 2011 Wheaton CBD and Vicinity Sector Plan, Planning Board Draft. Existing Wheaton Mall square footage based on the square footage from Maryland State Department of Assessments and Taxation tax parcel data. Additional information needed to accurately project existing commercial development expected to be redeveloped.

<sup>2</sup>New unit assumptions based on information from page 10 of the April 2011 Wheaton CBD and Vicinity Sector Plan, Planning Board Draft. New commercial space provided in the executive summary of the Wheaton Urban District Market Analysis: Part I Report dated January 2010 and prepared by BAE attached to Appendix 8 to the April 2011 Wheaton CBD and Vicinity Sector Plan, Planning Board Draft. Assumes catalytic development demand. Additional information needed to accurately project new development and development absorption. Scenarios C and D assume 80% of new development will occur.

<sup>3</sup>New student assumptions based on information from page 79 of the April 2011 Wheaton CBD and Vicinity Sector Plan, Planning Board Draft. Assumes the Wheaton Sector Plan's estimated residential development could yield up to 386 elementary school students, 310 middle school students, and 300 high school students. Scenarios C and D assume 80% of students will be generated.

<sup>4</sup>New job assumptions based on information from page 10 of the April 2011 Wheaton CBD and Vicinity Sector Plan, Planning Board Draft. Additional information needed to accurately project new jobs and new jobs by development type (i.e. office, retail - mixed use, retail - Wheaton Mall, industrial and hotel). Scenarios C and D assume 80% of jobs will be generated.

<sup>5</sup>Revenues and expenditures are shown over the thirty year period, including inflation, as estimated in the corresponding projections.

<sup>6</sup>Includes additional expenditures to Montgomery County and additional County operating, maintenance, and one-time costs.

<sup>7</sup>Represents the net fiscal impact to the County from net new development.

**County Capital and Operating Cost Estimates  
Assumed to be Incurred as a Result of the  
Wheaton CBD and Vicinity Sector Plan**

| <b>CAPITAL IMPROVEMENT PROJECTS</b>     |   |                      |  |
|---|---|----------------------|--|
| <b>Project</b>                          | <b>Description</b>                      | <b>Cost Estimate</b> | <b>Comments</b>  |
| <b>MOBILITY NETWORKS</b>                |   |                      |  |
| <b>Major Highways</b>                   |   |                      |  |
| Georgia Avenue/MD 97                    | Windham Lane to Dawson Avenue           | \$46,840,000         | Urban boulevard treatments; bus rapid transit  |
| University Blvd./MD 193                 | Drumm Avenue to Amherst Avenue          | \$39,500,000         | Urban boulevard treatment  |
| University Blvd./MD 193                 | Amherst Avenue to Sector Plan boundary  | \$24,800,000         | Urban boulevard treatment; bus rapid transit; includes Dual Bikeway-5 shared use path. (see below – Bikeways)* |
| Veirs Mill Road/MD 586                  | College View Drive to MD 97             | \$29,390,000         | Urban boulevard treatment; bus rapid transit.  |
| <b>Business Streets</b>                 |   |                      |  |
| Elkin Street                            | Price Avenue to MD 193                  | \$1,970,000          |  |
| Ennalls Avenue                          | MD 586 to MD 97                         | \$4,030,000          | Includes abandonment of existing segment from Grandview Avenue to MD 97.                                       |
| Price Avenue                            | MD 97 – Amherst Avenue                  | \$2,140,000          | Includes new section from Fern Street to Amherst Avenue.   |
| <b>Residential Primary Streets</b>      |   |                      |  |
| Blueridge Avenue                        | Amherst Avenue to Nairn Farmhouse Court | \$6,170,000          | New road section is 520' long  |
| Bucknell Drive                          | Windham Lane to Prichard Road           | \$6,990,000          | New road section is 400' long  |
| Kensington Boulevard                    | East Avenue to MD 586                   | \$1,110,000          | New road section is 270' long  |
| <b>Bikeways</b>                         |   |                      |  |
| PB-50                                   | Horde Avenue Extended to MD 193         | \$130,000            | Shared use path  |
| Dual Bikeway-5 (University Blvd/MD 193) | Amherst Avenue to Sector Plan boundary  | \$340,000            | *See University Blvd. (Highways) Dual path: shared use path bikelanes.   |
| <b>Pedestrian Connections</b>           |   |                      |  |
| Core District                           | Grandview Avenue to MD 97               | \$30,000             |  |
| Blueridge District                      | MD 193 – Hickerson Drive                | \$20,000             |  |
| Blueridge District                      | MD 97 to Elkin Street                   | \$50,000             | Includes crossing pedestrian connection north of Blueridge Avenue  |
| Kensington View/Wheaton Hills District  | Grandview Avenue to MD 97               | \$30,000             |  |

|   |   |                      |  |
|---|---|----------------------|--|
| Kensington View/Wheaton Hills District  | MD 193 to Kensington Blvd.  | \$20,000             |  |
| Kensington View/Wheaton Hills District  | East Avenue to MD 586   | \$30,000             |  |
| <b>Subtotal – Mobility Networks Capital Improvement Projects</b>                      |   | <b>\$163,590,000</b> |  |
| <b>PUBLIC FACILITIES</b>  |   |                      |  |
| <b>Project</b>  | <b>Description</b>  | <b>Cost Estimate</b> | <b>Comments</b>  |
| Public Use Space Improvements in vicinity of Lot 13 <sup>1</sup> (Core District)      | Central open space in the Core District, close to the Metro station, for public events and community wide activities.   | \$8,148,000          | Construction cost \$2,520,000; Land cost \$5,628,000; County has approximately \$862,000 in developer contributions towards project. |
| Public Use Space Improvements in vicinity of Lot 14 (Blueridge District) <sup>2</sup> | Public use space to create temporary spaces for festivals, art exhibitions, outdoor movie theaters, outdoor cafes and eating areas, dances, and musical performances. | \$4,660,000          | Construction cost \$2,070,000; Land cost \$2,590,000   |
| Public Use Space Improvements in vicinity of Lot 17 (Price District) <sup>3</sup>     | Public use space to create temporary spaces for festivals, art exhibitions, outdoor movie theaters, outdoor cafes and eating areas, dances, and musical performances. | \$7,609,000          | Construction cost \$2,353,230; Land cost \$5,256,000   |
| Streetscape Improvements  | Improvements for streets not included in the current Wheaton Redevelopment CIP Project: Reddie Drive, Grandview Ave., Triangle Lane, Ennalls Ave., and Blueridge Ave. | \$2,311,000          | Assumes shared public/private expense.   |
| Public Market <sup>4</sup>  |   | \$1,000,000          | Assumes 5,000 sq. ft. shell structure on public use space.   |
| Regional Services Center <sup>5</sup>   | Rebuild the center in the Core District   | \$14,355,000         | Construction and fit out costs \$14,355,000; Land Cost \$0   |
| Elementary School <sup>6</sup>  | County-owned elementary school building and site on Upton Drive   | \$25,000,000         | Facility is currently used by the Crossways Community. Cost is for renovation/modernization of existing building.                    |
| <b>Subtotal – Public Facilities Capital Improvement Projects</b>                      |   | <b>\$63,083,000</b>  |  |
| <b>TOTAL – Capital Improvement Projects</b>   |   | <b>\$226,673,000</b> |  |

*Transportation C*

**LINOWES**  
**AND BLOCHER LLP**  
ATTORNEYS AT LAW

July 19, 2011

**Todd D. Brown**  
301.961-5218  
tbrown@linowes-law.com

Honorable Valerie Ervin, President  
and Members of the Montgomery County Council  
100 Maryland Avenue  
Rockville, Maryland 20850

Re: Wheaton CBD and Vicinity Sector Plan – Planning Board Draft

Dear Council President Ervin and Members of the County Council:

This office represents GreenMountain Associates Limited Partnership LLLP (“GreenMountain”) in connection with the Wheaton CBD and Vicinity Sector Plan. GreenMountain owns the properties located at 11255 Grandview Avenue, 2440 Ennalls Avenue and 11300 Georgia Avenue (collectively, “Property”)(Attachment 1) GreenMountain opposes the extension of Ennalls Avenue between Grandview Avenue and Georgia Avenue as proposed by the Planning Board Draft Plan (“Draft Plan”). Please include this letter in the public hearing record.

The GreenMountain Property is located within The Core District. The Property is currently improved with about 22,000 square feet of retail uses. Much of the Property is located on the western part of Block F which the Draft Plan identifies as having the most potential to provide the mixed uses envisioned in the Plan. p. 40. The Draft Plan also indicates the properties owned by Montgomery County and WMATA should be used to spur redevelopment activity. p. 21.

Because the realignment significantly impacts the Property, GreenMountain opposes the extension of Ennalls Avenue between Grandview Avenue and Georgia Avenue. Map 6 shows a conceptual alignment for the extension that would all but wipe out two of the three parcels that have been assembled to comprise the Property, as well as other properties fronting Georgia Avenue. (Attachment 2) Moreover, the Draft Plan indicates this extension, with the proposed extension of Price Avenue to the East, will create a new east-west link. p. 61. However, the alignment shown on Map 6 would be offset from Price Avenue on the east side of Georgia Avenue creating pedestrian and vehicular conflict and confusion and virtually eliminating the road’s potential to serve as a continuous east-west link as suggested.

The Draft Plan also contains a different alignment for the new roadway. In this regard, Map 18 appears to show a new right-of-way for Ennalls Avenue that would, in fact, align with Price Avenue. (Attachment 3) However, Map 18 shows a forced “jog” in the new right-of-way to achieve the alignment with Price Avenue. Experience indicates this alignment may not be desirable from a transportation engineering perspective. The alignment also creates

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Honorable Valerie Ervin, President  
and Members of the Montgomery County Council  
July 19, 2011  
Page 2

inefficiencies when designing adjacent building improvements. We note this alignment would also impact the Property significantly.

In what could fairly be described as an uneven hand, the Draft Plan states:

(i) the construction of the western segment of the Ennalls-Price Extension (to the mall ring road) should *not* interfere with existing structures or building footprints; and

(ii) the construction of the eastern segment of the Ennalls-Price Extension (Price Avenue) should be done concurrently with the redevelopment of Garage 45 (which is not planned), and therefore implicitly recommends the construction of this segment also should *not* interfere with the existing structure; but

(iii) with respect to the middle segment (between Grandview Avenue and Georgia Avenue), the Draft Plan states the right-of-way realignment "may impact the redevelopment of properties". p. 61. However, as suggested consolation, the Draft Plan states there will be a public review process where the concerns of property owners in this middle segment can be addressed. The Draft Plan continues by noting if a property owner in this middle segment cannot obtain a building permit [because the new alignment is shown in the master plan], the owner can take its concerns to the Board of Appeals. p. 61.

GreenMountain suggests the above language is hardly appropriate considering the extent of private investment that will be required to achieve the vision of the Plan. Accordingly, GreenMountain requests the County Council consider the following:

1. Include language in the Master Plan stating the preservation of existing retail space and the creation of new retail space will remain important until larger-scale redevelopment occurs. Therefore, any extension of Ennalls Avenue should not occur until properties redevelop, and the construction of Ennalls Avenue between Grandview Avenue and Georgia Avenue should not interfere with existing structures or businesses except when proposed as part of a redevelopment project that seeks to achieve a substantial percentage (greater than 50%) of the density recommended by the Master Plan.

2. Include language in the Master Plan stating the depiction of the new Ennalls Avenue alignment is not intended to prevent the issuance of a building permit for construction that is interim in nature. Affected property owners should be able to obtain a building permit for renovation of existing improvements and for the expansion of existing space. To require dedication of the new right-of-way in connection with smaller projects could displace existing tenants and discourage additional investment in properties that are not ready for large-scale

Honorable Valerie Ervin, President  
and Members of the Montgomery County Council  
July 19, 2011  
Page 3

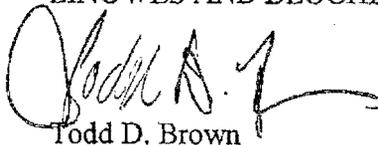
redevelopment. This in turn could potentially lead to additional physical decline in the neighborhood. Property owners must also be able to attract new tenants with the prospect of new space that might not be part of a large redevelopment project.

3. The Draft Plan indicates County-owned properties should be used to spur redevelopment activity. p. 21. GreenMountain believes existing County property should also be used for new street rights-of way where appropriate. In this instance, to minimize impacts to private property Parking Lots 13 and 34 could be used to provide a significant portion of a new right-of-way for Ennalls Avenue between Viers Mill Road and Georgia Avenue. The roadway could also be incorporated into one or more public/private redevelopment efforts for the County-owned properties. In short, the County should not impact private property when viable alternatives exist. In this case, the use of Lots 13 and 34, along with a realignment of the segment of Ennalls Avenue between Viers Mill Road and Grandview Avenue, could result in a road alignment that is geometrically superior to the alignment proposed in the Draft Plan while minimizing private property impacts.

Thank you for your consideration.

Sincerely,

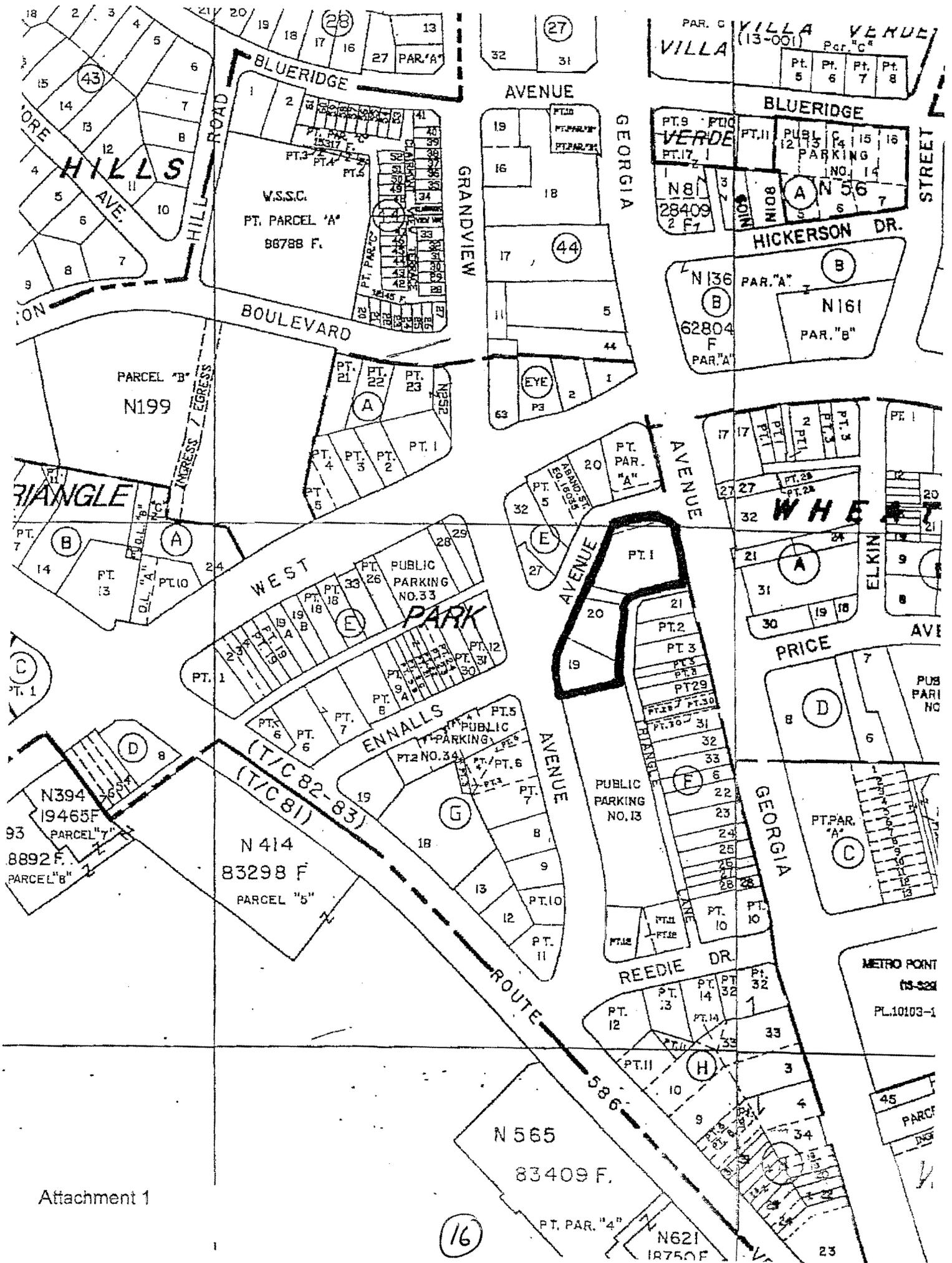
LINOWES AND BLOCHER LLP



Todd D. Brown

Enclosures

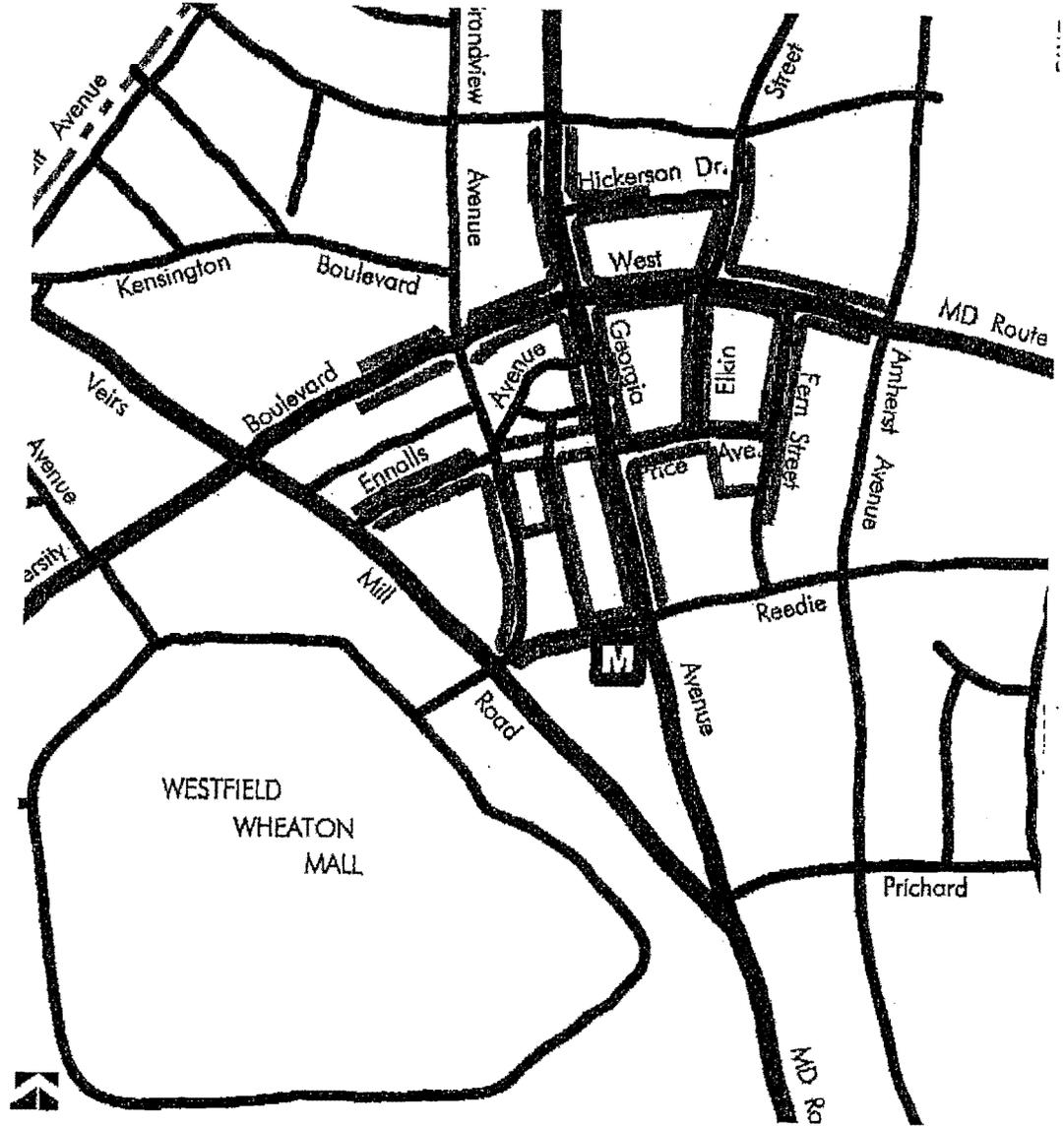
cc: Mr. Leonard Greenberg  
Ms. Marlene Michaelson



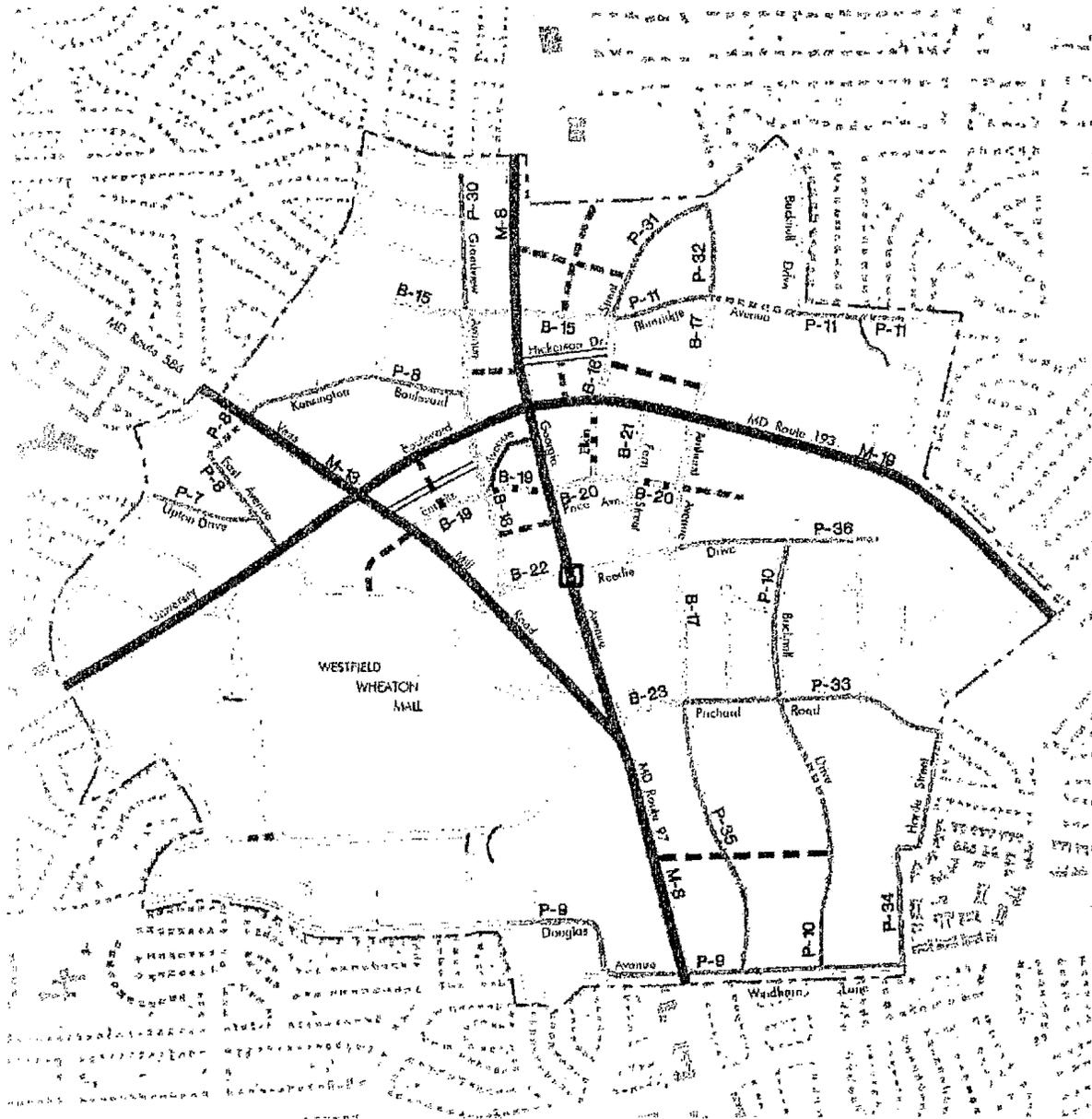
Attachment 1

17

Map 6 Proposed Priority Retail Streets

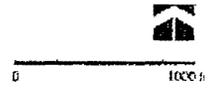


Map 18 Existing and Proposed Street and Pedestrian Network



- M** Wheaton Metro Station
  - Wheaton Sector Plan Boundary
- Street Classifications**
- Major Highway-Existing
  - Residential Primary Existing
  - Residential Primary Proposed
  - Business Existing
  - Business Proposed
  - Abandon
  - Local Street Existing \*
  - Local Street Proposed \*
  - Private Street Proposed \*
- Pedestrian Connections**
- Existing \*
  - Proposed \*

\* Not designated in the Master Plan of Highways. Alignments to be determined during the development review process. These connections could be public or private.



PROPOSED ALIGNMENT IN DRAFT PLAN



19

GREEN MOUNTAIN OPTION #1



GREENMOUNTAIN OPTION #2



University Blvd

Grandview Ave

Georgie Ave

Price Ave

Ennis Ave

21



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*\* All attorneys admitted in Maryland and where indicated*

JSKLINE@MMCANBY.COM

August 31, 2011

Montgomery County Council  
Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, MD 20850

RE: Wheaton Central Business District Sector Plan Amendment;  
Wheaton Shopping Center (Aaronson Property)

Dear President Ervin and Members of the County Council,

I am writing to you on behalf of the Aaronson family, the owners of properties located in the northeast quadrant of the intersection of Georgia Avenue and University Boulevard, commonly known as the "Wheaton Shopping Center." The Aaronsons' property is highlighted in yellow on the attached tax map. The property totals 2.86 acres of land (124,800 sf).

The Aaronsons' property is presently zoned in the CBD-2 classification. The Sector Plan recommends that the property be rezoned to the CR-5.0, C-4.5, R-4.5, H-150' zone. Attached are excerpts from the Sector Plan (Land Use and Zoning section, pages 45-47) showing the location of the Aaronson property in the Blueridge District and the zoning recommendations for the Wheaton Shopping Center and surrounding properties.

Generally, the Aaronsons have only modest problems with the Plan's recommendations. In particular, these concerns are:

1. Treatment of Hickerson Drive.

In earlier testimony to the Planning Board and in comments to Technical Staff, the Aaronsons suggested that the Plan contain language authorizing, under proper circumstances, the closure or abandonment of Hickerson Drive, which bisects their property, in order to create an optimum urban environment. In particular, we recommended to the Planning Board and Staff that the Plan state the following:

“The permanent closure of Hickerson Drive may be considered if by doing so a vibrant retail corridor is achieved in its place and pedestrian circulation within the Blueridge District is enhanced.”

The text that actually found its way into the Planning Board Draft is found on page 63 and reads as follows:

“Hickerson Drive may be abandoned if the resulting private street connection provides flexibility in creating a vibrant retail corridor with enhanced pedestrian and vehicular circulation within the Blueridge District. The abandonment of Hickerson Drive should be considered only at the time of development of the blocks to the north and south and between Georgia Avenue and Elkin Street. A through block connection should be maintained during and after redevelopment of the adjacent properties.”

**The Aaronson family recommends that the text found in the Planning Board Draft relating to Hickerson Drive remain with two minor changes:**

- 1. The word “may” in the first sentence be changed to “will” in respect of the likelihood that abandonment of the street will be a positive factor for the area and will retain a mid block connection; and**
- 2. The last sentence be amplified to read as follows: “A through block connection in the east-west Hickerson Drive orientation should be maintained during and after redevelopment of the adjacent properties.”**

2. Treatment of the eastern half of the Wheaton Shopping Center Property.

The Aaronson property is recommended for the CR 5.0, C 4.5, R 4.5, H 150' zone. The Commercial Residential zone is a mixed use zone in its purest form, allowing uses to be designed and mixed in a manner that satisfies the incentive density provisions of Section 59-C-15.8 of the Zoning Ordinance.

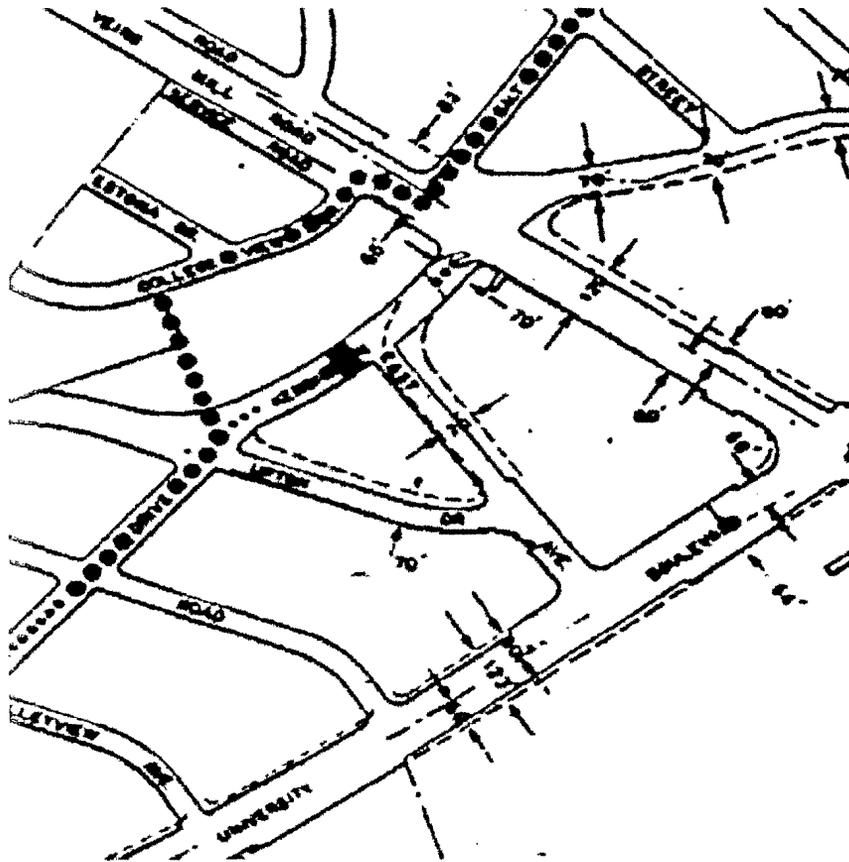
The language cited in the section numbered 1 above from the Draft Sector Plan indicates that Hickerson Drive, the “spine” of the Wheaton Shopping Center assembly of properties, could become “...a vibrant retail corridor....”

Yet the “Land Use Concept” (Map 10, page 29, attached) suggests that the northern three-quarters of the Aaronson property, an area including Hickerson Drive, be characterized as “Mixed-Use-Residential Emphasis”, a characterization that ignores the existing retail uses that currently front on Georgia Avenue, which would logically continue, and the possible animated retail corridor that Hickerson Drive can become.

We note that the confronting block of land on the west side of Georgia Avenue is entirely classified in the “Land Use Concept” (Map 10) as “Mixed-Use – Commercial Emphasis” even though that block extends westward to confront residential uses on Grandview Avenue.

## EAST AVENUE AND KENSINGTON BOULEVARD

While the 1990 Sector Plan details, on page 96, how Kensington Boulevard could be opened at Veirs Mill Road with a Cul-De-Sac and opening of Kensington Boulevard at Upton Drive -



The new Wheaton Sector Plan Draft states on page 60:

- Complete missing links in the existing grid of Business and Primary Residential Streets.
  - Retain the right-of-way for the unbuilt portion of Kensington Boulevard between East Avenue and Veirs Mill Road. Use of the right-of-way should be determined during development review for any redevelopment of the adjacent Lindsay property. The right-of-way may be used for a bicycle or pedestrian connection if it is determined that a street is not needed or feasible at this location. Regardless of how the right-of-way is used, the impact on residential properties should be minimized and any additional right-of-way required should be from the east side of East Avenue.

East Avenue is listed at 50' on page 58 of the Draft and as a "Residential Primary Existing" street below with no explanation of how this road will expand from 50' to 70'. There is also no language, other than if Lindsay Ford redevelops all of their property at once, that describes how any increased density or commercial uses can be handled on a dead-end road that is currently only improved to 28 feet, is the only access for single-family home residents on Kensington Boulevard and East Avenue, or how this road will be improved for new, commercial use, piecemeal developments. Page 61 addresses expansion "when warranted" by significant development or school-related traffic.

Map 18 Existing and Proposed Street and Pedestrian Network

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**BIKEWAYS AND TRAILS**  
**Between Kensington and Wheaton**  
**through Kensington View**

The Kensington-Wheaton Master Plan (Multi-Use Trails, page 106) recommendations:

- Class I Trail from Newport Mill Road to woods behind Einstein (unimproved Kensington Boulevard)
- Class I Trail\* along unimproved Kensington Boulevard to Upton Drive
- Class II and Class III Trails\* along Upton Drive to East Avenue and across to Westfield Mall
  - Master Plan of Bikeways and Sector Plans recommendations

The Wheaton Sector Plan Draft (Map 19 Proposed Bikeways, page 65) recommendations:

Two LB-Signed Shared Roadway/On-Road (Class 3) proposed local connection

- LB-7 from improved Kensington Blvd. (behind Einstein), up Geiger Ave., along West Ave., up Oak Dr. to Hillsdale Dr., down Hillsdale Dr. to Valley View Ave., up path to Midvale Rd., down Hillsdale Dr. to Upton Dr., up Kensington Blvd. to Veirs Mill Road.
- LB-1 up Upton Dr. to East Ave. and across to Westfield Mall (coordinated with trail in Master Plan).

**While we agree with the need for more improved trails/bikeways in the Wheaton area, we believe the LB-7 route would not be desirable due to the up and down topography of the narrow roads in Kensington View and the traffic congestion on Geiger Avenue due to Einstein traffic/parking. We believe the Sector Plan should be emphasizing the need for the construction of the Class 1 Trail in the Master Plan and coordinate the LB-7 bikeway with this trail – LB-7 from Upton Drive to Veirs Mill Road, via Kensington Blvd. The Class I Trail property in the Master Plan (unimproved Kensington Blvd.) is publicly owned, flat, wooded, and may qualify for support from other programs. I.e. “Safe Routes to Schools”, “Legacy Open Space”, etc.**

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## Planning Staff Responses to Department of Transportation Comments

- 1. The Plan must recognize the critical importance and role of the extensive bus network in Wheaton – including the Metrorail Station.**

Transit's important role is discussed in some detail on pages 67 through 69 of the plan and pages 7 through 11 of the Appendix. References to the County's Joint Development initiative and the Countywide BRT Study are also included.

- 2. The Draft envisions an abandonment and realignment of Ennalls Avenue within the Core District of the Wheaton Triangle. Preliminary engineering assessment of the new alignment has shown that the road would have severe impacts on adjacent land uses if it were to be built to public standards.**

MCDOT has since completed its review of the proposed realignment and in August 2011 determined that while challenging, the realignment is feasible.

- 3. The Draft calls for certain segments of Hickerson Drive and Elkin Streets to be closed to vehicular traffic on weekends and holidays for certain special uses. This is outside the purview of a master plan as it is an operational issue.**

The Plan – under the section on Pedestrian Circulation – states the streets should be designed (emphasis added) to be closed to vehicular traffic to accommodate special events without significantly affecting circulation and traffic flow. The Planning Board would agree that the decision on whether to actually close the streets is an operational decision.

- 4. Bikeway G-G in the Kensington Wheaton Master Plan is not shown.**

Bikeway G-G in the Kensington Wheaton Plan is a Class I Multi-Use Trail that enters the plan area through the park and goes along Carmody Drive and Prichard Road to the Wheaton Metro. We will have to check with the Department of Parks to get their input on this question.

- 5. The mapping of the (historical resource) environmental setting on the WTOP site is wrong.**

This comment will be addressed by the staff in Historical Preservation.

- 6. The Draft does not contain certain elements and visions required under state law.**

This comment will be addressed by the Area II team.

- 7. Any map depicting a proposed setting or condition that shows a street network should show the proposed street network – not simply the existing street network.**

We agree.

- 8. The section on page 40 that discusses the Core District should add text pertaining to the abandonment of and relocation of Ennalls Avenue.**

This discussion takes place in part on page 61 in bullet form. The Area II team will address the addition of text on page 40.

- 9. On page 60 (second bullet), reevaluate the minimum master planned right of way widths for all major highway segments – given their BRT and bikeway potential – as 150 feet.**

The Plan attempts to both balance and prioritize (over the movement of through traffic) pedestrian, bike, and transit needs within the core area. The 120 foot master plan right of way does not necessarily preclude some type of bus priority treatment. We expect to revisit this issue in more detail during the MPOH BRT Amendment process – for the Wheaton CBD and other CBD's and Metro Station Areas where similar challenges exist.

- 10. On page 63, delete the second bullet under Pedestrian Circulation**

We disagree. Guidance on enhanced connectivity and place-making is an important focus of the plan.

- 11. On page 65, extend symbol for dual bikeway on University Boulevard to Georgia Avenue for consistency with Countywide Bikeways Functional Plan.**

We disagree. This is related to the plan's approach of retaining the 120 foot right of way on major highways within the core area. The dual bikeway on University Boulevard is connected to new proposed bike lanes on Amherst Avenue as a means of providing bike access to the core area.

- 12. Numerous proposed revisions to the bikeway map in the Appendix need to be made.**

The updated map is Table 3 and Map 19 of the plan. The Appendix should be changed to reflect the update.

- 13. There are no details related to the recommendation for a bike station at the Wheaton Metro station.**

We believe this is a reasonable recommendation to include in a master plan.