

PHED Committee #5
July 13, 2009

MEMORANDUM

June 9, 2009

TO: Planning, Housing, and Economic Development Committee

FROM: Marlene L. Michaelson, Senior Legislative Analyst *MM*
Shondell Foster, Research Associate *SF*

SUBJECT: Wheaton CBD Sector Plan Sectional Map Amendment (SMA) (G-883)

The Council approved the Limited Amendment to the Sector Plan for the Wheaton Central Business District (CBD) on December 9, 2009. Attached is the application for the Wheaton CBD Sector Plan SMA submitted by the Planning Board (© 1 to 11). The SMA implements recommendations of the recently Approved and Adopted Limited Amendment to the Wheaton CBD Sector Plan by putting into effect zoning changes recommended in the Sector Plan.

The total area within the SMA is approximately 7.6 acres, of which approximately 7.45 acres are proposed for rezoning. The SMA proposes to reconfirm the remaining 0.13 acres with existing zoning. The SMA recommended rezonings are listed on © 2; the recommended rezonings are consistent with the recommendations in the Sector Plan.

A public hearing on the Sectional Map Amendment was held on June 30, 2009. The Council received testimony in support of the SMA as submitted from the County Executive, the Wheaton Redevelopment Advisory Committee, and Avalon Bay Communities. The Council received testimony from the property owners of Parcel 8 (Andrew and Harold Weinberg) who are opposed to this SMA for the same reasons they presented during the Council's review of the Limited Amendment to the Wheaton CBD Sector Plan. The property owners believe that this SMA would be spot zoning and implement rezoning to the adjacent property that does not factor in the size of the building, the building setbacks, or the impact the density may have on the surrounding infrastructure. Additional concerns the property owners have raised are whether their property could become non-conforming because they will be surrounded by residential uses.

The Council considered all but one of these concerns during its review of the Sector Plan. It determined that the Sector Plan was comprehensive and would not constitute spot zoning as asserted by the Weinbergs. The Council also added guidelines to protect the adjacent property owners as follows:

Ensure that new development achieves compatibility with the existing structures and does not “surround” the existing building on Lot 8, by creating open and landscaped areas or public use space in areas adjacent to Lot 8 and along Elkin Street; establish lower building heights in these areas; and increase setbacks between the existing structure and any new buildings.

The Council rejected the request for specific numerical standards and determined that these could best be set by the Planning Board during the development review process. The one issue not addressed previously by the Council was their concern that having their office buildings surrounded by residential uses would make their structures non-conforming. However, these properties would not become non-conforming under the Zoning Ordinance based on the residential development of adjacent properties in the CBD zone.

The recommended rezonings are consistent with the recommendations in the Wheaton CBD Sector Plan and, therefore, **Staff recommends approval of the Limited Amendment to the Wheaton CBD Sector Plan SMA as submitted.**

Councilmembers should remember that consideration of an SMA is subject to the ex parte rule and, therefore, the Council may only consider information that is part of the public record. Staff recommends against allowing any member of the audience, other than Staff, to participate in the worksession discussion, since their comments would not be a part of the official record.



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

MH
CC
SBF
LL
SF

July 6, 2009

The Honorable Phil Andrews
President
Montgomery County Council
Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

050072



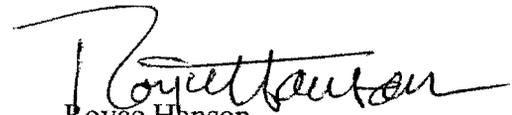
Dear Mr. Andrews:

On July 6, 2009, the Montgomery County Planning Board reviewed Sectional Map Amendment (SMA) G-883, for the Limited Amendment to the Sector Plan for the Wheaton Central Business District and Vicinity. We recommend that G-883 be approved as submitted.

The attached staff report provides background on the Limited Amendment, identifies properties proposed for reclassification under the SMA and relates the proposed reclassifications to the Limited Amendment's goals and objectives. It concludes that the Sectional Map Amendment will implement the recommendations of the Limited Amendment. The staff report is provided for inclusion in the District Council's record of the Public Hearing on the SMA.

The Board looks forward to the Council's final decision on this Sectional Map Amendment and is ready to work with you to implement the Limited Amendment's recommendations.

Sincerely,


Royce Hanson
Chairman

RH:fvb:ha

Attachment





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

MCPB
 Item #
 7/6/09

July 6, 2009

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Glenn Kreger, Acting Chief *GK*
 Vision Division

Khalid Afzal, Team Leader
 East Transit Corridor Planning Team
 Vision Division

FROM: Frederick Vernon Boyd, Community Planner (301.495.4654)
 East Transit Corridor Planning Team *FVB*
 Vision Division

SUBJECT: Sectional Map Amendment G-883—Limited Amendment to the Sector Plan for the Wheaton Central Business District and Vicinity

RECOMMENDATION: APPROVAL

SUMMARY

On May 12, 2009, The Maryland-National Capital Park and Planning Commission filed Sectional Map Amendment (SMA) G-883 to implement the *Limited Amendment to the Sector Plan for the Wheaton Central Business District and Vicinity*. The District Council approved the Limited Amendment on December 9, 2008 and the Commission adopted it on March 18, 2009. The resolutions of approval and adoption are attached.

The application includes: 1) current zoning sheets for the areas that encompass the Limited Amendment; and 2) proposed zoning on a second transparent sheet. The application also contains an index sheet that identifies the location of all land proposed for a new zone. The index sheet is attached to this report.

The sectional map amendment covers approximately 7.6 acres. The SMA proposes to reclassify about 7.45 acres and to confirm existing zoning on 0.13 acres. The SMA proposes the following classifications for the area covered:

Property	Size	Existing Zone	Proposed Zone
Lots 5, 6, 7 and Parcel C	3.65 acres	C-O	CBD-1.0
Lot 8	0.13 acres	C-O	C-O
Parcel 920 (WMATA)	3.8 acres	R-90/TDR	CBD 0.5

Vision Division, 301-495-4555, Fax: 301-495-1304
 8787 Georgia Avenue, Silver Spring, Maryland 20910
www.MontgomeryPlanning.org

There is a single pending local map amendment within the boundary of the Limited Amendment SMA: G-845, a request to reclassify approximately 3.65 acres from the C-O Zone to the PD-88 Zone. The applicant's attorney has confirmed to the Office of Zoning and Administrative Hearings that this request will be withdrawn on approval of the proposed sectional map amendment.

BACKGROUND

The Limited Amendment contains land use and zoning recommendations for a portion of the Sector Plan area bounded roughly by Georgia Avenue, Blueridge Avenue, Elkin Street and the former site of Our Lady of Good Counsel High School. It makes no recommendations for any other part of the Wheaton Central Business District Sector Plan area. The Limited Amendment recommends mixed-use development in the CBD-1 Zone for four properties totaling 3.65 acres; it recommends mixed-use development in the CBD-0.5 Zone for a single property totaling 3.8 acres; and it recommends office uses in the C-O Zone for one property totaling 0.13 acres.

In the years since the Sector Plan's original approval in 1990, mixed-use development has become an increasingly attractive and efficient way to redevelop relatively urban commercial areas. The CBD zones enable this mixing of uses. The C-O Zone, in contrast, does not generally allow commercial retail uses and limits the ability to include residential uses.

Mixed-use development in the study area would provide housing within a half-mile walk of Wheaton's Metro station, and could increase the stock of housing in Wheaton that is attractive to residents of varying ages and incomes. The addition of residential and commercial retail uses would enliven Blueridge Avenue and provide neighborhood shopping destinations for residents of the multifamily communities along Elkin Street east of the study area.

Mixed-use development also would be consistent with the Sector Plan's objective of providing a transition between the more intense uses in the CBD and the lower density residential uses to the north.

CONCLUSION

Approval of the Sectional Map Amendment will implement the goals, objectives, policies and recommendations of both the *Limited Amendment to the Sector Plan for the Wheaton Central Business District and Vicinity* and to the original Sector Plan. Planning staff recommends that the Planning Board transmit a recommendation of approval to the District Council for Sectional Map Amendment G-883.

FVB:ha G:\BOYD\wheaton sma staff report.doc

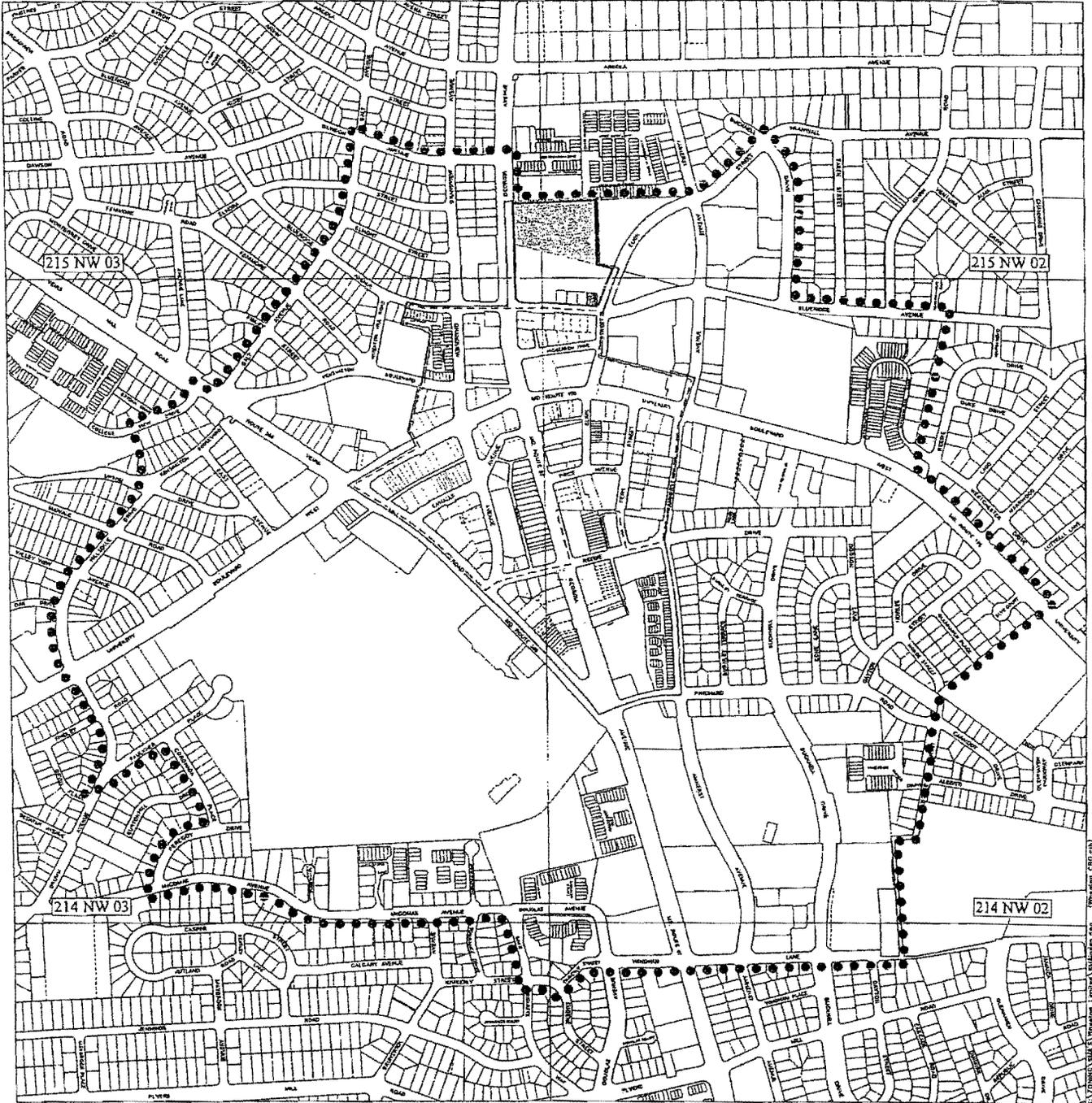
Attachments:

1. SMA Area Index
2. Council Resolution No. 16-813
3. M-NCPPC Resolution No. 09-07

ATTACHMENT 1

VICINITY MAP FOR

WHEATON CBD LIMITED AMENDMENT S.M.A. AREA INDEX



LEGEND

- | | | | |
|-------|--------------------------------------|--|-----------------------------------|
| ● ● ● | SECTOR PLAN BOUNDARY | | FROM R-80/DTR TO CBD-05 3.8 ACRES |
| — | C.B.D. BOUNDARY | | FROM C-0 TO CBD-1 3.85 ACRES |
| | WHEATON LIMITED S.M.A. AREA BOUNDARY | | C-G TO BE RETAINED 0.33 ACRES |
| | WHEATON OVERLAY ZONE BOUNDARY | | TOTAL ACREAGE 7.45 ACRES |



ATTACHMENT 2

Resolution No.: 16-813
Introduced: December 9, 2008
Adopted: December 9, 2008

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND**

By: District Council

SUBJECT: Approval of Planning Board Draft Limited Amendment to the Sector Plan for the Wheaton Central Business District and Vicinity

Background

1. On June 20, 2008, the Montgomery County Planning Board transmitted to the County Executive and the County Council the Planning Board Draft Limited Amendment to the Sector Plan for the Wheaton Central Business District and Vicinity.
2. The Planning Board Draft Limited Amendment to the Sector Plan for the Wheaton Central Business District and Vicinity amends the Sector Plan for the Wheaton Central Business District and Vicinity, 1990, and the General Plan for the Physical Development of the Maryland-Washington Regional District.
3. On July 24, 2008, the County Executive transmitted to the County Council his fiscal analysis of the Planning Board Draft Limited Amendment to the Sector Plan for the Wheaton Central Business District and Vicinity.
4. On September 16, 2008, the County Council held a public hearing regarding the Planning Board Draft Limited Amendment to the Sector Plan for the Wheaton Central Business District and Vicinity. The Limited Amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.
5. On October 27, 2008, the Planning, Housing, and Economic Development Committee held a worksession to review the issues raised in connection with the Planning Board Draft Limited Amendment to the Sector Plan for the Wheaton Central Business District and Vicinity.
6. On November 18 and November 25, 2008, the County Council reviewed the Planning Board Draft Limited Amendment to the Sector Plan for the Wheaton Central Business District and Vicinity and the recommendations of the Planning, Housing, and Economic Development Committee.

Action

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following resolution:

The Planning Board Draft Limited Amendment to the Sector Plan for the Wheaton Central Business District and Vicinity, dated June 2008, is approved with revisions. Council revisions to the Planning Board Draft Limited Amendment to the Sector Plan for the Wheaton Central Business District and Vicinity are identified below. Deletions to the text of the Plan are indicated by [brackets], additions by underscoring.

Page 4: Amend the last sentence on the page as follows:

Building Heights, for example, would step down from as much as [143] 125 feet in the CBD-2 [Zone] zone South of Blueridge Avenue to 60 [feet or] to 90 feet along Blueridge Avenue and to 35 feet in the proposed townhouse community on the former Good Counsel High School site south of Arcola Avenue.

Page 5: Add the following sentence after the first paragraph on the page:

This Limited Amendment recommends a careful assessment of parking for new development, to ensure that there is not an adverse impact on the occupants of the existing structures.

Page 5: Revise the second paragraph as follows:

[This Amendment does not recommend] While mixed-use development would also be appropriate for the Weinberg property on Lot 8, this Plan [; it] recommends instead that the C-O Zone remain in place.

Pages 5 to 6: Revise the text under the heading "Parcel 920" as follows:

This Amendment recommends that Parcel 920 be reclassified to the CBD-0.5 Zone and that the Central Business District boundary be expanded to include this parcel. This property is located between properties that appear poised for development. To the south are Avalon Bay's properties on Blueridge Avenue, recommended in this Amendment for mixed-use development in the CBD-1 zone (which allows an FAR of 3.0 and up to 125 units per acre). To the north is the former Good Counsel High School site, which is now zoned for townhouse development at 15 dwelling units to the acre. Recommended residential densities for those properties and the existing multifamily community to the east are higher than the nine units to the acre recommended for the property by the 1990 *Sector Plan*. Increased densities on Parcel 920 will increase the availability of housing and can contribute to the inventory of housing of varying types and affordability. They will not compromise the Sector Plan's objective of a smooth transition from the Central Business District to the one-

family neighborhoods outside the Sector Plan area. The Amendment strongly encourages an Optional Method Development for this property as well. An Optional Method Development would allow a denser development with more on- or off-site public use space, more Moderately Priced Dwelling Units and firmer regulatory controls through the site plan process than a Standard Method Development. Recognizing topographic constraints on this property, maximum heights set for this zone, and the need to ensure an appropriate transition to the surrounding residential development, this Limited Amendment recommends a maximum density on this property of 40 units to the acre. The density may be increased to accommodate permitted density bonuses for Moderately Priced Dwelling Units and Workforce Housing.

In summary, [staff] this Limited Amendment makes the following recommendations for the study area.

- Expand the boundary of the Wheaton Central Business District to include all of Parcel C, Villa Verde, and Parcel 920.
- Reclassify Parcel C, as well as Lots 5, 6, and 7 from the C-O Zone to the CBD-1 Zone.
- Reclassify Parcel 920 to the CBD-0.5 Zone.
- Remove the Wheaton Retail Preservation Overlay Zone from properties on the north side of the block of Blueridge Avenue between Georgia Avenue and Elkin Street.
- Retain the C-O Zone on Lot 8.
- Allow a reduction of required public use space on site to 10 percent, should an Optional Method Development occur on CBD-1 properties, if the developer opts to adhere to standards in the Zoning Ordinance that allow off-site provision of some or all of the required 20 percent public use space.
- Encourage off-site provision of public use space when Parcel 920 develops.
- Review parking for new development to ensure that existing buildings continue to have adequate access to public parking.

Page 10: Delete the fourth bullet and replace as follows:

- [Create open at the eastern portion of the area in the CBD-1 Zone and along Elkin Street, incorporate it into public use space for the benefit of neighborhood workers and residents, and design it so that new development does not “surround” the existing building on Lot 8]
- Ensure that new development achieves compatibility with the existing structures and does not “surround” the existing building on Lot 8, by creating open and landscaped areas or public use space in areas adjacent to Lot 8 and along Elkin Street; establish lower building heights in these areas; and increase setbacks between the existing structure and any new buildings.

Page 11: Revise the text under the heading "Environment" as follows:

New sector plans in urbanizing areas of the county [, such as Twinbrook and White Flint,] recognize the need for greater efforts in avoiding carbon emissions, increasing energy efficiency, and conserving water. There are a variety of techniques available to meet these goals, many of which are mandated in legislation and regulation. Because services needed for living and working are in close proximity, mixed-use developments enable residents to reduce the number of vehicle miles traveled, thus reducing the amount of carbon emitted. [Carbon emissions can be reduced more if the development is built with energy systems that draw from renewable sources such as photovoltaic cells or geothermal heat pumps. Living spaces should be outfitted with Energy Star appliances and lighting. Conserving water can be achieved through measures such as extensive green roofs, bioinfiltration cells or rain gardens, graywater reuse systems, and low flow water fixtures.] An open space system with adequate pervious area provides ground area for trees to grow and areas for rain to infiltrate into the groundwater. [Development proposed by this Amendment should provide required public use space within in the Central Business District if it cannot be fully achieved on site.] This Amendment recommends that new development adhere to the latest techniques to maximize [:

- Provide high performance measures in new buildings that prioritize] water conservation, energy efficiency, and pervious open space, and to reduce [reducing] carbon emissions.
- [Provide pervious open space except where necessary for walkways and bikeways
- Incorporate ways to deconstruct existing buildings and make every reasonable effort to recycle or reuse materials in the existing building.]

Page 11: Insert the following text after the section on the Environment:

Schools

Montgomery County Public Schools long-range planning staff analyzed the impact of increased residential development in the study area. The proposed zones could permit as many as 830 dwelling units on the Avalon Bay and WMATA properties. The analysis assumed that residential development would occur in mid-rise units. Using factors for this type of housing in this part of the county, MCPS analysts concluded that development on the properties would produce an additional 35 elementary school students, 33 middle school students and 28 high school students for schools in the Kennedy High School cluster. For Fiscal Year 2009, Elementary School capacity in the cluster is currently considered inadequate at 105 percent of capacity, which means that developers must make a school facility payment to proceed with proposed projects. Middle and high school capacity is adequate at 105 percent for FY 2009. All consortium clusters have adequate capacity at 120 percent.

Parks

The Planning Department is currently preparing a new Sector Plan for the Wheaton Central Business District. The Plan will include an overall open space plan for the entire Sector Plan area, which continues to include this Limited Amendment's study area. The Planning Board's review of Project and Site plans provides an opportunity to guide provision of open and recreation space for proposed new development in the overall context of the developing Sector Plan. In addition to the new open space plan, new residents in the study area will be served by existing park facilities, including Wheaton Regional Park, Arcola Local Park, and Wheaton Forest Local Park.

General

All figures and tables included in the Plan are to be revised, where appropriate, to reflect District Council changes to the Planning Board Draft Limited Amendment to the Sector Plan for the Wheaton Central Business District and Vicinity. Maps should be revised, where necessary, to conform to Council actions. The text is to be revised, as necessary, to achieve clarity and consistency, to update factual information, and to convey the actions of the District Council. All identifying references pertain to the Planning Board Draft Limited Amendment to the Sector Plan for the Wheaton Central Business District and Vicinity.

This is a correct copy of Council action.

Linda M. Lauer
Linda M. Lauer, Clerk of the Council

ATTACHMENT 3



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

MCPB No. 09-17
Sector Plan Limited Amendment
Wheaton Central Business District and Vicinity
Date of Hearing: February 19, 2009

M-NCPPC No. 09-07

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, The Maryland-National Capital Park and Planning Commission, by virtue of Article 28 of the Annotated Code of Maryland, is authorized and empowered, from time to time, to make and adopt, amend, extend and add to The General Plan for the Physical Development of the Maryland-Washington Regional District; and

WHEREAS, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, pursuant to procedures set forth in the Montgomery County Code, Chapter 33A, held a duly advertised public hearing on May 15, 2008, on the Public Hearing (Preliminary) Draft of the Limited Amendment to the Sector Plan for the Wheaton Central Business District and Vicinity, being also an amendment to the General Plan for the Physical Development of the Maryland-Regional District, as amended; and

WHEREAS, the Montgomery County Planning Board, after said public hearing and due deliberation and consideration, on June 5, 2008, approved the Planning Board (Final) Draft of the proposed Plan, and recommended that it be approved by the District Council and forwarded it to the County Executive for recommendation and analysis; and

WHEREAS, the Montgomery County Executive reviewed and made recommendation on the Planning Board (Final) Draft Limited Amendment to the Sector Plan for the Wheaton Central Business District and Vicinity, and forwarded those recommendations with an analysis to the District Council on July 24, 2008; and

WHEREAS, the Montgomery County Council, sitting as the District Council for the portion of the Maryland-Washington Regional District lying within Montgomery County, held a public hearing on September 16, 2008, wherein testimony was received concerning the Planning Board (Final) Draft Limited Amendment to the Sector Plan for the Wheaton Central Business District and Vicinity; and

(10)

APPROVED AS TO LEGAL SUFFICIENCY
[Signature] 2/19/09
M-NCPPC LEGAL DEVELOPMENT

WHEREAS, the District Council, on December 9, 2008, approved the Planning Board (Final) Draft Limited Amendment to the Sector Plan for the Wheaton Central Business District and Vicinity subject to the modifications and revisions set forth in Resolution No. 16-813; and

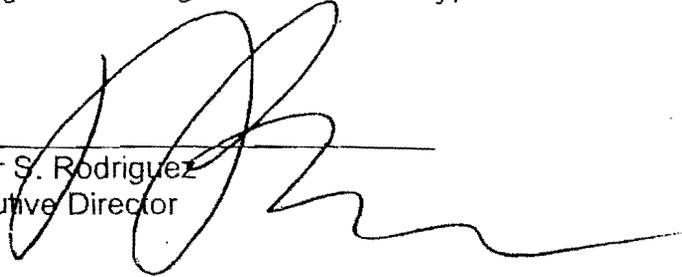
NOW, THEREFORE, BE IT RESOLVED, that the Montgomery County Planning Board hereby adopts said Limited Amendment to the Sector Plan for the Wheaton Central Business District and Vicinity, together with the General Plan for the Physical Development of Maryland-Washington Regional District, as amended; and as approved by the District Council in the attached Resolution No. 16-813; and

BE IT FURTHER RESOLVED, that copies of said Amendment must be certified by The Maryland-National Capital Park and Planning Commission and filed with the Clerk of the Circuit Court of each of Montgomery and Prince George's Counties, as required by law.

* * * * *

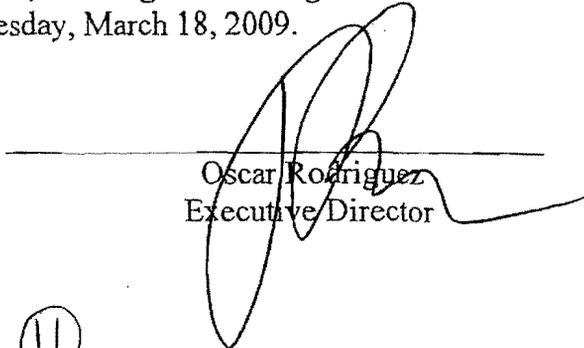
Certification

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Robinson, seconded by Commissioner Alfandre, with Commissioners Alfandre, Cryor, Hanson, Presley and Robinson voting in favor of the motion, at its regular meeting held on Thursday, February 19, 2009, in Silver Spring, Maryland.



Oscar S. Rodriguez
Executive Director

This is to certify that the foregoing is a true and correct copy of Resolution #09-07 – adopted by the Maryland-National Capital Park and Planning Commission on Motion of Vice Chairman Hanson and second by Commissioner Cavitt, with Chairman Parker, Commissioners Presley, Cryor, Clark, Squire, Vaughns, Robinson, and with Commissioner Alfandre absent during the vote, at its regular meeting held in the Parks and Recreation Auditorium (PRA) on Wednesday, March 18, 2009.



Oscar Rodriguez
Executive Director