



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

**MCPB**  
**Item # 10**  
**July 16, 2009**

**MEMORANDUM**

**DATE:** July 6, 2009

**TO:** Montgomery County Council  
Office of Zoning and Administrative Hearing

**FROM:** Renée M. Miller, AICP, Senior Planner *RMM*  
Development Review Division (301-495-4723) *RMM*

**VIA:** Rose Krasnow, Chief, Development Review Division *RK*  
Ralph D. Wilson, Zoning Supervisor *RDW*

**SUBJECT:** **Local Map Amendment (G-877) and Associated Schematic Development Plan** to reclassify approximately 3.02 acres in Wheaton from the R-60 (Residential, One Family) and C-T (Commercial-Transitional) Zones to the RT-8 (Residential, Townhouse) Zone.

**MASTER PLAN:** 1990 Wheaton Central Business District and Vicinity Sector Plan

**FILING DATE:** March 19, 2009 (amended and refiled)

**PLANNING BOARD:** July 16, 2009

**PUBLIC HEARING:** July 31, 2009

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**D) SUMMARY RECOMMENDATION**

This application is a request to reclassify approximately 3.02 acres of land within the Wheaton Sector Plan area from the C-T (Commercial-Transitional) and R-60 (one-family detached residential) zones, to the RT-8 (Townhouse) zone. The application was previously submitted in 2008, for development under the RT-10 zone. That application proposed 36 townhouses, including 6 Moderately Priced Dwelling Units (MPDUs). The Planning Board recommended disapproval of the application, citing that the RT-10 zone requested did not have a sufficient relationship to the sector plan recommendation.

The RT-8 zone is a floating zone that contains eligibility requirements, development standards, and a site plan review requirement where building location, landscaping, and site design issues are addressed. The schematic development plan associated with the

application would restrict development to a total of 27 dwelling units, consisting of 24 townhouses, and 3 single-family (detached) houses. Four of the townhouses would be provided as Moderately Priced Dwelling Units (MPDUs). The central issue in the case is density. The sector plan recommends townhouse development for the site, but at a density of 6 dwelling units per acre, not 8 dwelling units per acre as proposed by the applicant.

Staff recommends that Local Map Amendment (G-877) and associated Schematic Development Plan be approved for the following reasons:

1. The application satisfies the requirements of the RT-8 purpose clause;
2. The application satisfies the development standards of the RT-8 zone;
3. The application provides a compatible form of development; and
4. The application conforms to the land use recommendations of the Wheaton Central Business District Sector Plan, although it does not conform to the plan's density recommendation.

## **II) SITE LOCATION**

The subject property is located just west of Wheaton Plaza, at the southwest corner of Valley View Avenue and University Boulevard. The site is within ½-mile of the Wheaton Metro Station. The site does not have direct vehicle access from University Boulevard. (See Attachment 1.) Access to this site is via Findley Road, an existing 50-foot right-of-way, which terminates at the western boundary of the property. The site is generally higher in elevation than most of the surrounding development. The lowest elevation is along University Boulevard and at the University Boulevard intersection with a service road into Wheaton Plaza. The site increases in elevation from these two points towards the rear of the property. The highest elevation is at the southeast corner of the property, nearest the cul-de-sac of Faulkner Place. (See Attachment 2.)

The surrounding area of a site must be identified in a floating zone case so that compatibility and other issues can be properly evaluated. In general, the definition of the surrounding area takes into account those areas that would most directly be affected by the proposed development. In the present case, the surrounding area is generally described as follows: College View Drive to the north, Veirs Mill Road to the east, McComas Ave to the south, and Hobsin Street to the west. (See Attachment 3.)

Important nearby land uses near the site include the Giant Grocery Store at Wheaton Plaza, zoned C-2, and the Kensington Heights and the Kensington View neighborhoods, zoned R-60. There are also several small businesses zoned C-T and C-2 located near the site. (See Table 1 and Attachment 3.) The surrounding area is characterized by one-family detached and multi-family housing, and several non-residential uses, including professional offices and service-related retail. There are also several special exceptions

in the area that were mostly approved in the 1970s and 1980s. Table 2 below, identifies each of the special exceptions within the surrounding area.

**Table 1: Land use and Zoning**

Direction	Immediately adjacent to site		Area Surrounding the site	
	Zoning Designation	Existing Use	Zoning Designation	Existing Use
North	N/A R-60 <sup>1</sup>	University Boulevard Kensington View Subdivision	C-2 R-60 and R-20	Office Building Single- and Multiple-Family Residential
South	R-60	Kensington Heights Subdivision	R-60	Single-Family Residential
East	C-2	Giant Food Store	C-2, C-T <sup>1</sup> CBD-2	Mixed Use, including Retail, Multiple-Family and Office
West	R-60	Kensington Heights Subdivision	R-10 R-60	Single- and Multiple-Family Residential

**Table 2: Special Exceptions**

Case No.	Address	Zone	Use	Approved
CBA-565	2900 Faulkner Pl	R-60	Private Club (Swim & Tennis)	10/28/1957
CBA-565-A	2900 Faulkner Pl	R-60	Private Club (Swim & Tennis)	Not available
CBA-3063	11190 Veirs Mill Rd	C-2	Drive-In Restaurant	10/19/1971
S-242	2813 W. University Blvd	C-T	Non-Resident Medical Office	09/19/1973
S-262	3101 W. University Blvd	R-60	Private Educational Institution	08/22/1973
S-394	11194 Veirs Mill Rd	C-2	Auto Filing Station	04/23/1975
S-459	10914 Georgia Ave	R-60	Private Educational Institution	03/24/1975
S-694	10900 Georgia Ave	R-60	Housing for Elderly or Handicapped person	08/16/1979
S-742	2609 McComas Rd	R-60/RT-8	Housing for Elderly or Handicapped person	03/05/1980 <b>(denied)</b>
S-854	2809 W. University Blvd	C-T	Home Occupation- Tailoring	12/08/1982
S-892				
S-1203	3114 W. University Blvd	R-60	Housing for Elderly or Handicapped persons	07/26/1985
S-1228	2921 W. University Blvd	R-60	Accessory Apartment	12/29/1987
S-1509	2741 W. University Blvd	C-2	Drive-In Restaurant	04/01/1998
S-1695	11201 Upton Dr	R-60	Off-street parking related to a commercial use	08/24/1984
S-2038	2917 W. University Blvd	R-60	Non-Resident Medical Office	02/23/2001 <b>(revoked)</b>
S-2245	2915 W. University Blvd	R-60	Major Home Occupation	02/07/1997 <b>(denied)</b>
S-2664	11030 Veirs Mill Rd	C-2	Drive-In Restaurant	06/01/2007

<sup>1</sup> Three properties contain previously approved special exceptions. For further information, please refer to Table 2.

### III. ZONING HISTORY

The site has been the subject of two previous rezoning applications: (1) F-971, which was withdrawn in 1975, and (2) G-541, which was withdrawn in 1987. Both cases proposed to change the site's zoning designation from the R-60 zone to the C-2 zone, but due to inadequate public facilities at the time of the zoning requests, the cases were withdrawn. The subject site was designated in the 1990 Wheaton Central Business District and Vicinity Sector Plan as suitable for development under the standards of the C-T and RT-6 zones. (See Attachment 4.)

The application was previously submitted on June 18, 2008, for development under the RT-10 zone. That application proposed 36 townhouses, including 6 Moderately Priced Dwelling Units (MPDUs). On November 13, 2008, the Planning Board recommended denial of the application. The Board did not find the RT-10 zone to have a sufficient relationship to the sector plan recommendation to justify approval. Subsequently, the applicant requested a postponement of the November 24, 2008 public hearing before the Hearing Examiner. The applicant has since met with community representatives affected by the application. As a result of these meetings, the earlier application was amended to reduce the proposed density to RT-8 and to revise the site layout plan.

### IV. PROPOSED DEVELOPMENT

The amended application proposes a maximum of 27 dwelling units, consisting of 3 single-family detached units and 24 attached townhouse units. The application was accompanied by a schematic development plan. The following table identifies the binding elements proposed by the applicant.

**Table 3: Schematic Development Plan**

<b>Binding Elements</b>
1) The maximum number of dwelling units shall be 27 dwelling units including moderately priced dwelling units (MPDUs). The final number of dwelling units including a minimum 12.5% MPDUs will be established at site plan review.
2) Vehicular Access to the site shall be limited to Findley Road.
3) Building coverage shall not exceed 25% of the gross tract area.
4) Green area provided shall not be less than 55% of the gross tract area.

Development of the site with 27 dwelling units is based on a 13.8 percent MPDU requirement. The density of the site is 8.94 dwelling units per acre when applying this option. The townhouses are to be built in clusters of three and four units, and would have the appearance of single-family residences. The townhouses would be set back a minimum of 28-feet from the existing frontage along University Boulevard. The entire frontage along University Boulevard would be landscaped and fenced. The RT-8 zone requires submittal of a §59-D-3 site plan. The final layout, scale, massing, and materials to be used would be reviewed at that time. (See Attachment 5.)

**IV) DEVELOPMENT STANDARDS**

The following table compares the applicant’s proposal to the development standards of the RT-8 zone.

**Table 4: Development Standards**

<b>Standard</b>	<b>Required/Permitted</b>	<b>Proposed</b>
<b>§59-C-1.722 Row Design.</b>	(a) 8 townhouses is the maximum number permitted in any one attached row. (b) Three continuous, attached townhouses is the maximum number permitted with the same front building line. The variations in building line must be at least 2 feet. (c) For one-family attached units, there can be no more than 12 units in one row.	Between 3 and 4 townhouses in a row.  The applicant proposes building line variations.  No more than 4 in a row.
<b>§59-C-1.723 Combined Tracts</b>	<b>Not Applicable</b>	<b>Not Applicable</b>
<b>§59-C-1.731 Tract Area and Density.</b> (a) Minimum Tract Area (sf) (b) Maximum density of development (du)/ac	20,000 sf 8 du/ac	131,363 sf <i>See §59-C-1.74(b)</i>
<b>§59-C-1.732 Building Setbacks (minimum feet)</b> (a) From any detached dwelling lot or land classified in a one-family, detached, residential zone <sup>2</sup> (b) From any public street (c) From an adjoin lot (1) Side (end unit) <sup>3</sup> (2) Rear	30’  25’  10’ 20’	40’  28’  28’ 40’
<b>§59-C-1.733 Maximum Building Height (feet)</b> (a) Main Building (b) Accessory Building	35’ 25’	35’ <i>None proposed</i>
<b>§59-C-1.74 Development including Moderately Priced Dwelling Units</b> (a) Additional use: dwelling unit, one-family attached  (b) Maximum density of development (du)/ac of usable area (c) Maximum percentage of tract occupied by building may be increased (d) If necessary in order to accommodate the increased density: (1) Minimum Green Area (2) §59-C-1.722 may be waived	Not more than 40% of the total number of dwelling units.  9.76 <sup>4</sup> du/ac  40  45% 2 foot off-set front building line of townhomes	3 one-family (detached) = 11.1%  8.94 du/ac  25%  55% N/A

<sup>2</sup> Unless a more desirable form of development can be demonstrated by the applicant to the satisfaction of the Planning Board using the street, side and rear lot line setbacks as provided in this section.

<sup>3</sup> Where the side lot of an end unit abuts a public street, the side yard setback must equal the required front yard setback.

<sup>4</sup> Includes a bonus density of up to 22% and a required 15% MPDUs.

The application satisfies the development standards of the RT-8 zone. The subject property exceeds the minimum tract area of 20,000 square feet. The proposed dwelling unit density is within the RT-8 density limit permitted for projects that include MPDUs. The building coverage, green area, and parking are all within Code standards.

**V. PURPOSE OF THE ZONE**

The Code establishes that the purpose of the R-T zone is to provide suitable sites for townhouses:

1. In sections of the County that are designated or appropriate for residential development at densities allowed in the R-T zones; or
2. In locations in the County where there is a need for buffer or transitional uses between commercial, industrial, or high density apartment uses and low-density one-family uses.

The subject site is specifically identified in the sector plan as a suitable location for townhouse development at six dwelling units per acre. Although the application is not in strict conformance with the sector plan density recommendation, it satisfies the purposes of the zone. The site is appropriate for townhouse development at densities permitted in the RT-8 zone and provides an appropriate transitional land use from the Wheaton Shopping Center to the adjacent one-family detached residential development.

**VI. COMPATIBILITY**

The site lies within a block that is approximately 6.8 acres in size that has an overall density of about 6 dwelling units per acre. This block contains 24 properties, including 22 developed and 2 vacant single family lots, plus the subject site. In looking at compatibility, staff analyzed how development of the site at RT-8 densities compared to development at RT-6 densities would impact the block's overall density. The yield for the vacant lots was based on the existing R-60 classification.

If the subject site were developed with townhouses under the RT-6 zone, as recommended in the sector plan, the overall density of the block would not be increased. Development of the site as proposed by the applicant under the RT-8 zone would increase the overall density of the block by about 1.3 dwelling units per acre and increase the total number of potential dwelling units on the block to 51. The difference in density between the RT-6 and RT-8 zones is not a substantial increase for the block. Based in part on this density analysis, staff concludes that development of the site under the RT-8 zone would be compatible with development elsewhere in the block.

In addition, the site is located immediately adjacent to the service road of a major retail shopping center and fronts on a major roadway with a 120-foot right-of-way and six travel lanes. The site is also within ½-mile of the Wheaton Metro Station, 1/3-mile of the Central Business District, and is served by multiple bus routes.

The applicant is proposing townhouses that are in groups of 3-4 attached units, which will look similar to a larger single-family detached home. The heights of the townhouses will also be consistent with single family-detached homes and be no taller than 35-feet; however, in most instances, the homes will be less than 30-feet. (See Attachment 6.) According to plans submitted by the applicant, the nearest townhouse will be approximately 145-feet from the side of the adjacent house.

The lots for the detached homes are similar in size to the adjacent lots along Findley Street. Final layout of the townhouses and single-family detached lots will be determined at site plan.

## **VII. WASTE WATER AND WATER SERVICES**

The amended application was reviewed by the Washington Suburban Sanitary Commission (WSSC) staff. It was concluded that single-family detached and townhouse units at the proposed location would not significantly impact the WSSC distribution and collection system. (See Attachment 7.) Additionally, WSSC staff stated that the proposed rezoning would not significantly impact the sewerage system and that the downstream gravity sewer system has existing capacity.

## **VIII. TRANSPORTATION**

Transportation Planning staff finds the transportation network adequate to support the rezoning, subject to the following conditions as part of the APF test for transportation, to be followed at the time of preliminary plan:

- 1) Limit the preliminary plan to 24 townhouse units and 3 single-family detached units; and
- 2) Satisfy future State Highway Administration (SHA) and Montgomery County Department of Transportation (DOT) requirements at the time of preliminary plan.

Pedestrian access is provided by lead-in sidewalks to the site. The site is located approximately 2,300 feet (< ½-mile) from the Wheaton Metro Station and is served by both Metrobus and RideOn bus routes. Vehicular access is limited to Findley Road, a 50-foot dedicated right-of-way with approximately 22-feet of paved roadway. Findley Road extends only one block east and west of its intersection with Drumm Avenue. Drumm Avenue provides access to University Boulevard. Findley Road currently “dead-ends” into this site and there are no sidewalks along either side of the street.

According to the accepted traffic study, the proposed development is anticipated to generate 15 additional vehicle trips during the A.M. peak-hour and 23 additional trips during the P.M. peak-hour. In order to be conservative, trip credit for proximity to the Metro was not applied as part of LATR test. Table 5 below describes a summary of the estimated peak hour trips generated for the proposed development. A full LATR study was not required as the application would produce fewer than 30 peak-hour vehicle trips.

**Table 5: Trip Generation**

Proposed Land Uses	Proposed	Weekday Peak-Hour Trips	
		A.M .	P.M.
Townhouse Units	24	12	20
Single Family detached units	3	3	3
<b>Total</b>	<b>27</b>	<b>15</b>	<b>23</b>

This site is located within the Kensington/Wheaton Policy area, as such, the 2007-2009 Growth Policy requires applicants to mitigate 15% of their new vehicle trips. New vehicle trips are calculated as any trips over 3 morning peak-hour and 4.5 evening peak-hour trips. For further discussion regarding the mitigation of new vehicle trips, please refer to Attachment 8 of this report.

Lastly, the applicant has submitted a queuing analysis for the northbound approach to the University/Drumm Avenue intersection to address the concerns raised at the previous Planning Board meeting. According to the analysis, at no point does queuing exceed 3 vehicles. The data shows the small number of queued cars clearing in less than 3 minutes. Additional vehicles generated by the proposed development would add less than one vehicle ever two minutes, on average; therefore would likely not be perceivable to the majority of the drivers on Drumm Avenue.

## **IX. PUBLIC SCHOOLS**

Staff has received written correspondence from the Montgomery County Public School staff regarding the amended application. The area is served by Rock View Elementary, Newport Middle and Einstein High Schools. Einstein High School (which is part of the “Downcounty Consortium” of high schools) is the base area for students. High School students in this consortium are guaranteed enrollment in their base school, but also may choose to attend Blair, Kennedy, Northwood or Wheaton High Schools. (See Attachment 9.)

It is anticipated that the proposed rezoning will generate 7 elementary, 2 middle and 3 high school students. According to school system staff, Rock View Elementary School is currently over capacity and an addition is scheduled to open August, 2010. Newport Mill Middle School is within capacity and is projected to remain within capacity. Einstein High School is slightly over capacity. The FY 2009 Growth Policy School test finds capacity adequate in the Einstein Cluster. (See Attachment 9.)

## **X. MASTER PLAN**

The subject property is within the 1990 approved and adopted Sector Plan for Wheaton Central Business District and Vicinity. The subject site is classified in the R-60 zone, but under the plan, a portion of the site would be appropriate for reclassification to the C-T zone and a portion for reclassification to the RT-6. Community-Based Planning did not, in their review of the amended application, note any changes in the land use or the development pattern of the area since adoption of the sector plan that would render the



sector plan RT-6 recommendation invalid. Additionally, the sector plan is currently undergoing a comprehensive update. (See Attachment 10.)

## **XI. ENVIRONMENTAL**

Environmental Planning staff recommends approval of the zoning application subject to the following conditions to be met at the time of preliminary plan:

- 1) Submission of a forest conservation plan with the preliminary plan of subdivision that indicates maximized tree retention and planting to create an urban forest; and
- 2) Submission of a noise analysis with the preliminary plan of subdivision indicating existing baseline noise conditions, 20-year future conditions and methods to mitigate the noise impact.

According to Environmental Planning staff, the subject property contains 1.02 acres of existing forest that is designated a moderate priority for retention with 16 trees having a diameter of 30-inches or greater. This property also is the largest remaining forested area within the Wheaton CBD Sector Plan area. There are also no streams, wetlands or any associated buffers on-site. (See Attachment 11.)

The applicant proposes to provide 55% of the site as green area. Environmental Planning staff notes that the property should be able to achieve this green area standard, especially if environmental site design principles are used. There is not an approved stormwater management concept plan for this project; however, one will be required at preliminary plan. While the stormwater management area is shown on the schematic development plan, it is illustrative only and may not be the same size, location or configuration as shown currently. Environmental staff suggests that environmental site design principles be integrated into the design to minimize the impact of imperviousness.

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) #420072150 was approved for the site on June 27, 2007. This property is also subject to the Montgomery County Forest Conservation Law and a forest conservation plan will be required with the submission of the preliminary plan of subdivision. Given the location of this project, Environmental Planning staff recommends that an urban forest strategy be utilized maximizing tree cover through the forest conservation plan. In addition, the site is located in the Kensington Heights Branch sub-watershed of the Rock Creek watershed. This sub-watershed is designated a "Watershed Restoration Area," and as such, the Countywide Stream Protection Strategy recommends comprehensively examining and addressing stormwater retrofit, stream restoration and habitat improvement opportunities.

A Legacy Open Space application was requested on this site by the Kensington Heights Civic Association; however, at this time, park staff did not recommend a full review. Park staff walked the site and found significant invasive plant species in sparse woods that would rate low priority retention. Good quality specimen trees did occur but were generally along the property's edge. Park staff believed that these trees had the potential to be incorporated into future development scenarios. (See Attachment 12.)

## **XII) COMMUNITY COMMENTS**

The Kensington Heights Citizens Association submitted written correspondence in opposition to the applicant's proposal to reclassify the subject site from the R-60 zone to the RT-8 zone. The association does not oppose development of the site with townhouses at the RT-6 density. The association has indicated that development under the RT-6 zone would better preserve green space and visual screening by enabling new construction to be concentrated on the less densely wooded portions of the lot and addresses some of the concerns with the original plan. (See Attachment 13.)

## **XIII) CONCLUSION**

Based on the foregoing analysis, staff recommends that Local Map Amendment (G-877) and its associated Schematic Development Plan seeking to reclassify approximately 3.02 acres in Wheaton from the R-60 (Residential, Detached One Family) and C-T (Commercial-Transitional) zone to the RT-8 (Residential Townhouse) be approved for the following reasons:

1. The application satisfies the requirements of the townhouse purpose clause;
2. The application satisfies the development standards of the RT-8 zone;
3. The application proposes a compatible form of development; and
4. The application conforms to the land use recommendations of the sector plan for the site, although it does not conform to the strict density recommendation of the plan.

## ATTACHMENTS

- Attachment 1-** General Location Map
- Attachment 2-** Pictometry and Site Photos
- Attachment 3-** Surrounding Area Map
- Attachment 4-** Proposed Zoning Plan, 1990 Sector Plan for Wheaton Central Business District and Vicinity
- Attachment 5-** Schematic Development Plan, submitted by applicant, March 2009
- Attachment 6-** Schematic Cross-Sections, submitted by applicant, June 2009
- Attachment 7-** Memorandum from Washington Suburban Sanitary Commission, received April 30, 2009
- Attachment 8-** Memorandum from David Paine, Transportation Planning Division to Renée M. Miller, AICP, Development Review Division, received June 16, 2009
- Attachment 9-** Written correspondence from Bruce Crispell, Montgomery County Public Schools to Renée M. Miller, AICP, Development Review Division, received April 8, 2009
- Attachment 10-** Memorandum from Sandra Tallant, Community-Based Planning Division to Renée M. Miller, AICP, Development Review Division, received June 16, 2009
- Attachment 11-** Memorandum from Amy Lindsey, Environmental Planning Division to Renée M. Miller, AICP, Development Review Division, received June 22, 2009
- Attachment 12-** Memorandum from Dominic Quattrocchi, Park Planning and Stewardship to Renée M. Miller, AICP, Development Review Division, received October 15, 2008
- Attachment 13-** Correspondence from Donna Savage, Kensington Heights Citizens Association to Renée M. Miller, AICP, Development Review Division, received June 17, 2009