



**MCPB No. 10-45**  
**Preliminary Plan No. 120100120**  
**Wheaton Safeway**  
**Date of Hearing: April 15, 2010**

**MAY 19 2010**

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION**

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

WHEREAS, on October 28, 2009, 11215 Georgia Avenue LLC ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create 1 lot on 76,729 square feet of land in the CBD-3 zone, located in the northeast quadrant of the intersection of Georgia Avenue and Reddie Drive in the Wheaton Central Business District ("Property" or "Subject Property"), in the Approved and Adopted 1990 Sector Plan for the Wheaton Central Business District and Vicinity master plan area ("Sector Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120100120, Wheaton Safeway ("Preliminary Plan" or "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated April 1, 2010, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on April 15, 2010, the Planning Board held a public hearing on the Application (the "Hearing"); and

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

---

Approved as to  
Legal Sufficiency:

*Christina Sorrento* 5/6/10  
M-NCPPC Legal Department

WHEREAS, on April 15, 2010, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Dreyfuss; seconded by Commissioner Wells-Harley; with a vote of 4-0, Commissioners Alfandre, Dreyfuss, Hanson, and Wells-Harley voting in favor, Commissioner Presley being absent.

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board APPROVES Preliminary Plan No. 120100120 to create 1 lot on 76,729 square feet of land in the CBD-3 zone, located in the northeast quadrant of the intersection of Georgia Avenue and Reedie Drive in the Wheaton Central Business District ("Property" or "Subject Property"), in the Approved and Adopted 1990 Sector Plan for the Wheaton Central Business District and Vicinity master plan area ("Sector Plan"), subject to the following conditions:

- 1) Approval under this Preliminary Plan is limited to 1 lot for a maximum of 59,500 square-feet of commercial uses and a maximum of 500 multi-family residential units. A minimum of 10.0% of the residential apartment units, exclusive of MPDUs, must be workforce housing units, in accordance with Chapter 25B, Article V, of the County Code. If at the time of certified site plan, workforce housing is no longer a legal requirement for this project, the workforce housing may be eliminated as a type of dwelling unit in this project without the need for further Planning Board review and/or approval.
- 2) The proposed development must comply with the conditions of the preliminary Forest Conservation Plan. The Applicant must satisfy all conditions prior to Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits.
- 3) At site plan submittal, the Applicant must provide a noise mitigation analysis prepared by a professional engineer to address requirements for mitigation of projected exterior traffic noise levels to an interior level no greater than 45 dBA Ldn.
- 4) The Applicant must dedicate, and the record plat must show, the following rights-of-way along the property frontage (consistent with the 1990 Approved and Adopted Wheaton CBD and Vicinity Sector Plan):
  - a. Georgia Avenue - minimum of 60 feet from the road right-of-way centerline,
  - b. Reedie Drive - minimum of 42 feet from the road right-of-way centerline,
  - c. Fern Street - minimum of 30 feet from the road right-of-way centerline, and
  - d. Fern Street Alley - minimum required to satisfy Montgomery County Department of Transportation's (DOT) requirements.
- 5) The Applicant must finalize the Policy Area Mobility Review (PAMR) trip mitigation proposal to mitigate twenty-nine (29) "new" peak-hour trips 60 days prior to the site plan approval for the subject development. The site plan must include a phasing schedule indicating when the Applicant must provide the required PAMR mitigation. The PAMR mitigation measures must be one of the following, to be determined in coordination with the Commission's Transportation Planning Division and the Montgomery County DOT staff:



- a. Installation of two (2) real-time transit information signs at the Wheaton Metrobus Station by the southwest corner of the Georgia Avenue/Reedie Drive intersection, at locations to be determined by the Washington Metropolitan Area Transit Authority (WMATA) in coordination with the Montgomery County DOT; or
  - b. Implementation of improvements to Reedie Drive between Georgia Avenue and Fern Street within existing curbs to enhance operational efficiency and safety of vehicular and pedestrian movements along Reedie Drive, with the reconfiguration/improvement design to be reviewed and approved by Planning Department and Montgomery County DOT staff.
- 6) PAMR requirements included in Condition No. 5 of this Preliminary Plan must be addressed as part of the site plan review process as follows:
- a. If the Installation of two (2) real-time transit information signs at the Wheaton Metrobus Station is selected, the implementation date for the transit signs must be determined at the time of site plan.
  - b. If implementation of improvements to Reedie Drive between Georgia Avenue and Fern Street is selected, the Applicant must construct these improvements prior to issuance of the first use and occupancy permit for the building.
- 7) The Applicant must comply with the conditions of the MCDPS stormwater management approval dated January 28, 2010. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of this Preliminary Plan approval.
- 8) The Applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letter dated March 12, 2010. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of this Preliminary Plan approval. The required roadway improvements must be open to traffic prior to the issuance of any building occupancy permit for the development.
- 9) The Applicant must comply with the conditions of the Maryland State Highway Administration (MDSHA) letter dated March 18, 2010. These conditions may be amended by MDSHA, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 10) The Applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of the plat, and by MDSHA prior to issuance of access permits.
- 11) No clearing, grading or recording of plat prior to certified site plan approval.
- 12) Final approval of the number and location of dwelling units, including MPDUs and workforce housing units, on-site parking, site circulation, sidewalks, and bikeways will be determined at site plan.
- 13) The record plat must show all necessary easements.
- 14) The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.

15) The certified Preliminary Plan must contain the following note: "Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the preliminary plan are illustrative. The final locations of buildings, structures and hardscape will be determined during the site plan process. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."

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

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

The proposed mixed-use development features an 18-story high-rise residential building with 500 dwelling units and 59,500 square feet of street-level commercial uses, including a grocery store and a separate retail space. These uses contribute to the Sector Plan vision to develop the Subject Property with a high intensity of new activities, mixed uses and a range of services. The Preliminary Plan also conforms to the land use and zoning recommended by the Sector Plan. In accordance with the Sector Plan's recommendations, a substantial residential component is offered by the project as well as a state-of-the-art supermarket that will provide street-level retail with access to the store from Georgia Avenue and Reedie Drive. The Planning Board finds the proposed lot and associated uses are in substantial conformance with the recommendations of the Approved and Adopted 1990 Sector Plan for the Wheaton Central Business District and Vicinity.

*2. Public facilities will be adequate to support and service the area of the proposed subdivision.*

The Planning Board finds vehicular and pedestrian access will be safe and adequate with the proposed improvements. Vehicular improvements include ramps that will provide access to the residential garage located above the grocery store from Fern Street, access to parking for commercial uses from Georgia Avenue and Fern Street, and retail/residential loading areas with access from Fern Street. Walk-in/walk-out access to the Safeway store and the residential apartment units is provided along Georgia Avenue. Additionally, a walk-in/walk-out access to the Safeway store and walk-out access to the residential units is provided along Reedie Drive. Sidewalks will be reconstructed along Georgia Avenue, Reedie Drive, and



Fern Street to meet the Wheaton streetscape standards and facilitate pedestrian mobility.

Public facilities and services are available and will be adequate to serve the proposed development. The Application satisfies the Local Area Transportation Review and Policy Area Mobility Review requirements. The Subject Property will be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the Subject Property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, schools, and health services, are operating according to the Growth Policy resolution currently in effect and will be adequate to serve the Subject Property. The Application is not within a school moratorium area, and a school facilities payment is not required. Electrical, telecommunications, and natural gas services are also available to serve the site.

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

The Applicant proposes to consolidate Part of Parcel A, Part of Parcel B, Lots 1-13 and a previously abandoned alley into 1 recorded lot with a net lot area of 76,729 square feet after right-of-way dedication for Georgia Avenue and Reddie Drive. The lot size, width, shape and orientation are appropriate. The proposed lot size is appropriate because it accommodates a single building with a mix of uses. The width of the lot is suitable given the multiple points of access that are necessary to accommodate the commercial and residential parking garages. The consolidation creates a rectangular lot which is an appropriate shape for the corner orientation of the Subject Property.

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

#### Environmental Guidelines

A Natural Resource Inventory Forest Stand Delineation (NRI/FSD) #420100020 for the site was approved on July 13, 2009. There are no streams, wetlands or floodplains on-site, nor any forest or significant and specimen trees. As a result, the environmental guidelines are not applicable.

#### Forest Conservation

A preliminary forest conservation plan has been submitted, and the preliminary forest conservation plan worksheet shows the gross tract area of 2.32 acres to incorporate proposed off-site disturbance for improvements in the adjacent rights-of-way. Offsite trees will not be affected by this development. The project site has a reforestation requirement of 0.35 acres. The Applicant proposes to satisfy the

requirement with a combination of on-site tree planting credit (0.25 acres), and a fee-in-lieu payment for the remainder. The final forest conservation plan must include revisions to give credit only for overall landscape canopy, rather than full 20 year canopy credit for each individual tree where canopies overlap with other trees (there are four areas on the forest conservation plan with this situation). Street trees planted within the State's right-of-way on Georgia Avenue or in County rights-of-way cannot be credited towards forest conservation, as preservation is outside M-NCPPC control. The analysis of soil volume to determine if there will be adequate amounts to sustain new trees that are counted for credit must be addressed in the final forest conservation plan. The Planning Board finds the Preliminary Plan satisfies the requirements of the Forest Conservation Law, Section 22A of the Montgomery County Code.

#### Noise

Georgia Avenue is a major highway and, given its proximity to the site, motor-vehicle, traffic-generated noise impacts are anticipated. A noise analysis is necessary to determine the projected exterior noise levels requiring mitigation for residential units facing Georgia Avenue. A noise analysis must include an acoustical analysis of noise impacts to open space areas along Georgia Avenue. Options for creating quieter areas within the exterior open space should be considered to enhance its value and usage, except for any type of structural noise mitigation that would visually screen the public-use areas.

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

The concept consisting of on-site channel protection using structural sandfilters and on-site water quality control via a green roof, a volume-based filter and proprietary flow thru filters was deemed acceptable by the MCDPS Stormwater Management Section on January 28, 2010 because the concept meets MCDPS' standards.

- 6. The Planning Board finds that a lesser cut-off than is otherwise required for truncation at the corners of Reddie Drive and Georgia Avenue and Reddie Drive and Fern Street is appropriate, pursuant to Section 50-26(c)(3) of the Subdivision Regulations.*

The Preliminary Plan does not show the required dedication for truncation at the corners of Reddie Drive and Georgia Avenue and Reddie Drive and Fern Street. Pursuant to Section 50-26(c)(3) of the Subdivision Regulations, the corner lots at an intersection must be truncated by straight lines joining points 25 feet back from the



theoretical property line intersection in each quadrant. The Planning Board, however, may specify a greater or lesser cut-off than otherwise required.

The Applicant proposed a modification of this requirement and requests permission for a corner lot where right-of-way dedication lines arc at the corners of Reddie Drive and Georgia Avenue and Reddie Drive and Fern Street. The Planning Board finds the sight distance will be adequate with the proposed modification, safety and compatibility of the area will not be compromised, and a standard truncation would require the building to be pulled back from the intersections and detract from the pedestrian environment and architectural presence of the building.

MCDOT has approved the site distance for the two intersections and the traffic channelization of the area will not be affected by the modification. By providing less than 25 feet of truncation at these intersections, the building will be pulled closer to the street and such placement of the building will contribute to meeting Sector Plan objectives of street activation via street level retail and accessible pedestrian pathways.

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

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAY 19, 2010 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

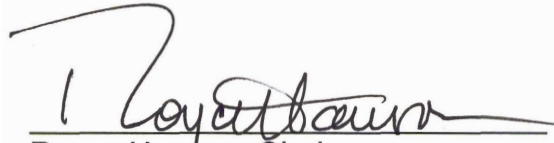
\* \* \* \* \*

### 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 Presley, seconded by Commissioner

MCPB No. 10-45  
Preliminary Plan No. 120100120  
Wheaton Safeway  
Page 8 of 8

Wells-Harley, with Commissioners Hanson, Wells-Harley, Alfandre, Dreyfuss, and Presley voting in favor of the motion, at its regular meeting held on Thursday, May 13, 2010, in Silver Spring, Maryland.

A handwritten signature in black ink, appearing to read "Royce Hanson", written over a horizontal line.

Royce Hanson, Chairman  
Montgomery County Planning Board