



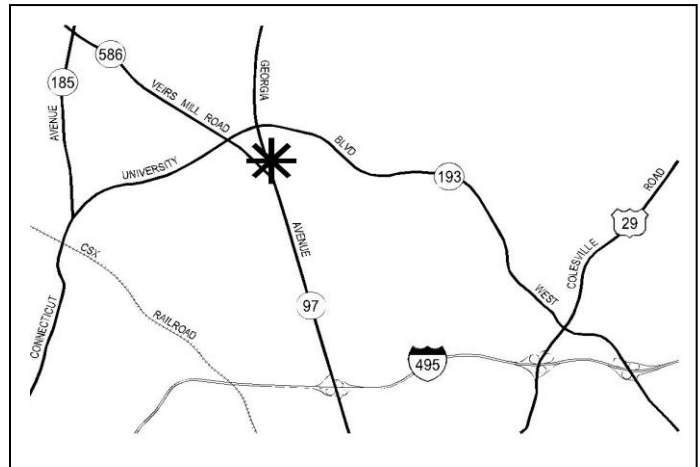
11141 Georgia Avenue, Site Plan Amendment No. 82012017A

- SD Stephanie Dickel, Senior Planner, Stephanie.Dickel@montgomeryplanning.org, 301.495.4527
- KA Khalid Afzal, Planner Supervisor, Khalid.Afzal@montgomeryplanning.org, 301.495.4650
- AK Glenn Kreger, Chief, Glenn.Kreger@montgomeryplanning.org, 301.495.4653

Completed: 5/7/14

Description

- Request to modify Condition #11(b), which currently requires on-site amenities to be installed prior to release of any Use-and - Occupancy Certificate;
- Approximately 200 feet south of Reddie Drive on Georgia Avenue;
- CR 6: C 5.5, R 5.5, H 200' Zone, Approved and Adopted 2012 *Wheaton CBD & Vicinity Sector Plan*;
- 0.614 gross acres;
- Applicant: ML Wheaton, LLC c/o Lowe Enterprises Real Estate Group;
- Filing Date: March 20, 2014.



Summary

- Staff recommendation: Approval with conditions.
- This amendment is to phase delivery of the recreation amenities allowing issuance of the Use-and-Occupancy Certificates for the leasing and management offices, and residential units on the first through fifth floors. The 12th floor recreation amenities must be completed prior to the issuance of any Use-and-Occupancy Certificate for the residential units on floors six through twelve.

RECOMMENDATION AND CONDITIONS

Staff recommends approval of Site Plan No. 82012017A, 11141 Georgia Avenue. All site development elements shown on the latest plans submitted via ePlans to the M-NCPPC as of the date of this Staff Report are required except as modified by the following conditions:

1. Site Plan Conformance

The development must comply with the conditions of approval for Site Plan No. 820120170 as listed in the MCPB Resolution No. 12-106, except as amended by this Amendment.

2. Development Program

The Applicant must construct the development in accordance with the approved development program in Site Plan No. 820120170, except for condition 11(b), which is modified as follows:

~~On-site amenities including, but not limited to, recreation amenities and public use space amenities adjacent to each building, must be installed prior to release of any use and occupancy permit for the respective building. Prior to release of any Use-and-Occupancy Certificate for floors six through twelve, the indoor community space, fitness facility and the four picnic/sitting areas on the 12th floor must be installed.~~

3. Certified Site Plan

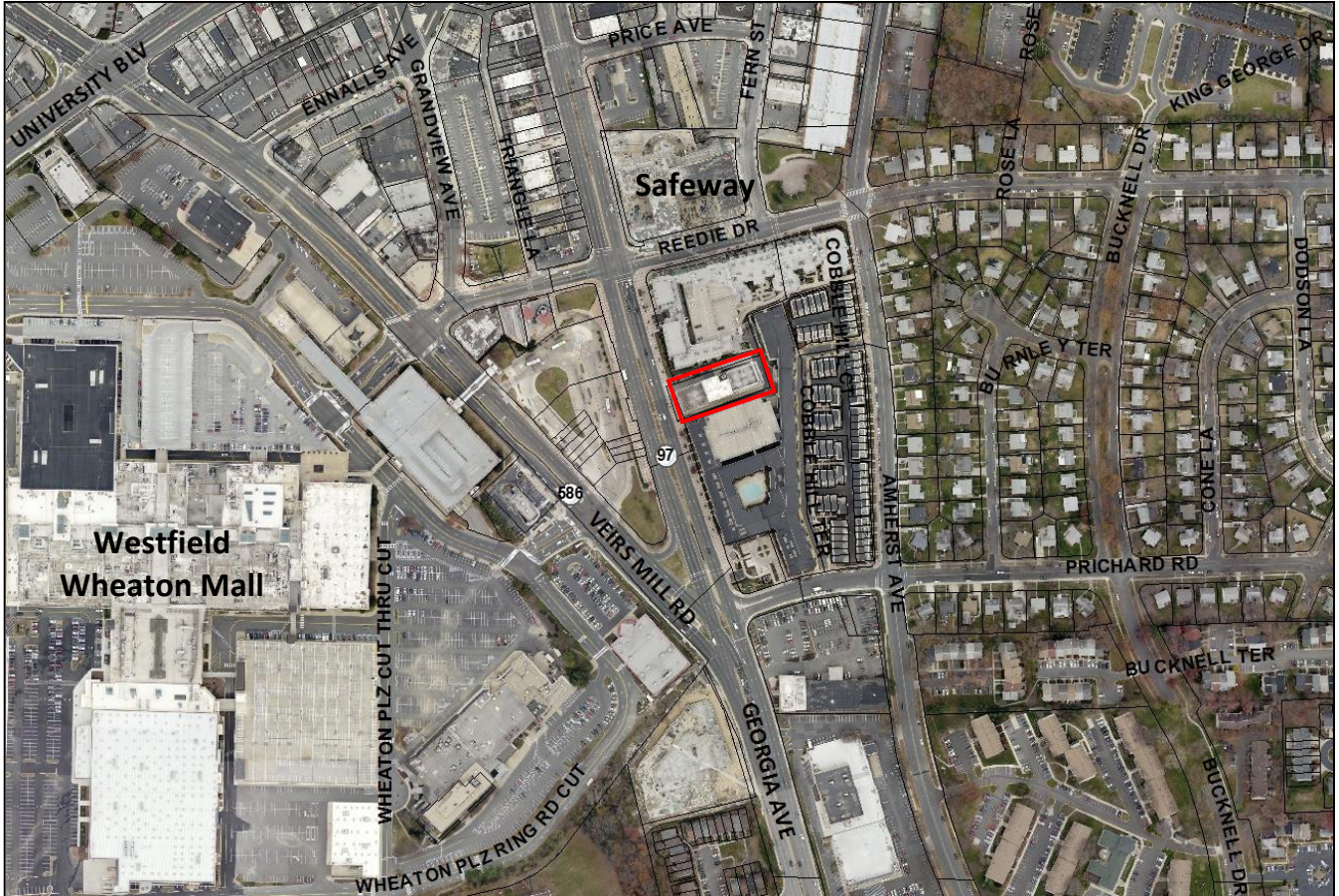
The following revisions must be made to the Certified Site Plan and provided, subject to M-NCPPC Staff, for review and approval: updated development program and the Planning Board resolution.

SITE DESCRIPTION

Vicinity

The Subject Property is located on Georgia Avenue, on Block B2 of the Wheaton Central Business District, and is immediately surrounded by multifamily residential buildings and associated parking facilities on three sides. The 2012 *Wheaton CBD and Vicinity Sector Plan* (Sector Plan) rezoned all directly adjacent properties to CR zones with densities and heights identical to the Property's CR zoning. The remaining lots and parcels located on the eastern portion of this block along Amherst Avenue are improved with a multifamily building and townhouses developed under the CRN zone.

Other notable uses in the immediate vicinity of the Property include Westfield Wheaton Mall to the southwest, the Wheaton Safeway project that is currently near completion across Reddie Drive to the north, the Wheaton Metrorail Station entrance across Georgia Avenue, and various retail uses north of Reddie Drive.



Site Vicinity

Site Analysis

The Subject Property is currently under construction for a mixed-use development including up to 840 square feet of non-residential development (leasing and management offices) and 194 residential dwelling units, with on-site recreational amenities.

There are no known rare, threatened, or endangered species; forests; 100-year floodplains; stream buffers; wetlands; steep slopes; or historic properties or features on site.

PROJECT DESCRIPTION

Previous Approvals

On May 21, 2012, the Planning Board approved Sketch Plan No. 320120030 (MCPB Resolution No. 12-52) with binding elements.

On September 26, 2012, the Planning Board approved with conditions Preliminary Plan No. 120120230 (MCPB Resolution No. 12-105) to create one lot on 0.614 gross acres.

On September 26, 2012, the Planning Board approved with conditions Site Plan No. 820120170 (MCPB Resolution No. 12-106) for 148,020 square feet of total density with 840 square feet of non-residential uses and up to 147,180 square feet of residential uses for up to 194 units, including 12.5% MPDUs on 0.614 acres.

Proposal

Currently, the approved Site Plan for this project requires all recreation facilities to be installed prior to the release of any Use-and-Occupancy Certificate. This condition prevents the Applicant from finishing, and acquiring the Use-and-Occupancy Certificates for the lower floors, including the leasing office on the ground floor. The Applicant is therefore requesting that they be allowed to finish the leasing office on the ground floor and start leasing units on the lower five floors prior to completing the rest of the building, including the recreational facilities on the 12th floor. This amendment will allow phasing of the project and require the completion of the recreation facilities on the 12th floor before issuance of Use-and-Occupancy Certificates for floors six through 12.

All streetscape improvements will be required to be installed prior to release of any Use-and-Occupancy Certificate as required by the existing Condition #11a. This amendment does not propose any physical changes to the approved plans for the Subject Property.

ANALYSIS AND FINDINGS**Sector Plan**

The proposed amendment maintains conformance with the Approved and Adopted 2012 *Wheaton CBD and Vicinity Sector Plan* vision and recommendations.

Transportation and Circulation

The proposed amendment does not affect vehicular or pedestrian traffic.

Environment

The proposed amendment maintains compliance with Chapter 22A regarding forest conservation, and Chapter 19 regarding water resource protection of the Montgomery County Code.

Development Standards

The proposed amendment does not alter any development standards approved with the original site plan.

Binding Elements

The proposed amendment maintains conformance with the binding elements of the Sketch Plan No. 320120030 and as amended by the Site Plan No. 820120170.

COMMUNITY OUTREACH

The Applicant has met all proper signage, noticing, and submission meeting requirements. Staff has not received correspondence on this matter.

CONCLUSION

The proposed amendment to the approved site plan 820120170 does not alter the overall design of the development in relation to the original approval. The proposed project remains compatible with existing and proposed development adjacent to the site. It does not impact the compatibility or the efficiency, adequacy, and safety of the site with respect to structures and uses, vehicular and pedestrian circulation, open space, landscaping, or lighting. The proposed amendment remains in conformance with environmental regulations, the development standards of the zone, and the original Planning Board findings of approval. All previous approvals remain in full force and effect, as modified by this amendment.

APPENDIX

- A. MCPB Resolution No. 12-52
- B. MCPB Resolution No. 12-106

MAY 21 2012



ATTACHMENT A

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

MCPB No. 12-52
Sketch Plan No. 320120030
11141 Georgia Avenue
Date of Hearing: May 10, 2012

RESOLUTION

WHEREAS, pursuant to Section 59-C-15.42 of the Montgomery County Code¹ the Montgomery County Planning Board ("Planning Board" or "Board") is authorized to review sketch plan applications; and

WHEREAS, on January 24, 2012, ML Wheaton, LLC c/o Lowe Enterprises Real Estate Group East, Inc. ("Applicant"), filed an application for approval of a sketch plan for construction of up to 160,560 square feet in one building including up to 200 residential units and up to 13,380 square feet of non-residential uses, on 0.614 gross acres (26,760 square feet) of CR6 C5.5 R5.5 H200-zoned land, located at 11141 Georgia Avenue approximately 200 feet south of the intersection of Georgia Avenue with Reddie Drive ("Property") in the Wheaton CBD and Vicinity Sector Plan ("Sector Plan") area; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320120030, 11141 Georgia Avenue (the "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, Staff issued a memorandum to the Planning Board, dated April 13, 2012, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, on May 10, 2012, the Planning Board held a public hearing on the Application (the "Hearing"), and at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the Hearing, the Planning Board approved the Application subject to certain conditions, in accordance with the vote as certified below.

¹ All Section references are to the Montgomery County Code.

Approved as to
Legal Sufficiency:

[Signature] 4/27/12
M-NCPPC Legal Department

8787 Georgia Avenue, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board approved Sketch Plan No. 320120030 for construction of up to 160,560 square feet in one building including up to 200 residential units and up to 13,380 square feet of non-residential uses on the Property, subject to the following binding elements and conditions:

A. Binding Elements. The following site development elements are binding under Section 59-C-15.43(b)(4):

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location of vehicular access points; and
4. Public benefit schedule.

All other elements are illustrative.

B. Conditions. This approval is subject to the following conditions:

▪ Density

The proposed development is limited to a maximum total density of 160,560 square feet of development with up to 147,180 square feet for residential uses and up to 13,380 square feet for non-residential uses. The final number of dwelling units will be determined at site plan.

▪ Height

The development is limited to a maximum height of 165 feet.

▪ Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59-C-15.43(d). Total points must equal at least 100 and be chosen from at least 4 categories as required by Section 59-C-15.82(a); the requirements of Division 59-C-15 and the Implementation Guidelines must be fulfilled for each public benefit proposed.

a. Transit proximity

The Planning Board approves up to 50 points for proximity to Level 1 transit, Metrorail station.

b. Connectivity and Mobility

The Planning Board approves up to 10 points for minimum parking provided. Final points will be established at site plan approval.

c. Quality Building and Site Design

The Planning Board approves up to 28 points from the Quality Building and Site Design category, which is achieved through provision of structured parking (18 points) and exceptional design (10 points). Final points will be established at site plan approval.

d. Protection and Enhancement of the Natural Environment

The Planning Board approves up to 16 points from the Protection and Enhancement of the Natural Environment category, which is achieved through the purchase of Building Lot Terminations (BLTs) (5 points), a cool roof (6 points) and a recycling facility plan (5 points). Final points will be established at site plan approval.

e. Retained Building

The Planning Board approves up to 59 points from the Retained Building category, which is achieved through maintaining 75% of the structural system of the existing building.

▪ Building Lot Terminations (BLTs)

Prior to release of a building permit, the Applicant must provide proof of purchase and/or payment for the required BLTs.

▪ Moderately Priced Dwelling Units (MPDUs)

The development must provide MPDUs in accordance with Chapter 25A.

▪ Retained Building

To receive incentive density for the Retained Building public benefit,

- a. Prior to any demolition, the Applicant must use an architectural deconstruction company or organization to remove recyclable materials; and
- b. Prior to issuance of a building permit, the Applicant must submit documentation to Staff showing compliance with the Retained Building criteria under Section 59-C-15.857.

▪ Future Coordination for Preliminary and Site Plan

In addition to any other requirements for preliminary plans under Chapter 50 and site plans under Chapter 59, the following must be addressed when filing a preliminary or site plan:

- a. Utility relocation.
- b. Fire and Rescue access and facility details.
- c. Streetscape details.
- d. Demonstration of how each public benefit satisfies the Zoning Ordinance and Incentive Density Implementation Guideline requirements.
- e. Implementation of transportation improvements.

- f. Consideration of building-to-street interface to maximize activation and safety.
- g. Focus on energy efficiency in building design features.
- h. Dedication along Georgia Avenue (MD 97).
- i. Traffic Mitigation Agreement.

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 Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of § 59-C-15.42, the Montgomery County Planning Board finds that as conditioned herein the elements of the sketch plan specified in Section 59-C-15.42(c) of the zoning ordinance are appropriate in concept and appropriate for further review at site plan. Specifically, the Planning Board FINDS the Sketch Plan:

1. meets the objectives, general requirements, and standards of Division 59-C-15;

- The Sketch Plan meets the objectives of Section 59-C-15.2 quoted below; specifically, the development as approved will:
 - *“Implement the policy recommendations of applicable master and sector plans.”* The project will provide the residential uses near transit facilities, and public benefits encouraged by the Sector Plan;
 - *“Target opportunities for redevelopment of single-use areas and surface parking lots with a mix of uses.”* The project will reuse an existing building and parking facilities for residential and non-residential uses;
 - *“Reduce dependence on the automobile by encouraging development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities.”* The project will provide additional affordable housing, a mix of multifamily unit types, density within 200 feet of the Wheaton Metrorail Station entrance, and ground floor retail commercial services;
 - *“Allow a mix of uses, densities, and building heights appropriate to various contexts to ensure compatible relationships with adjoining neighbors.”* The project will be within the maximum building height envelope of 200 feet established by the CR zone for the Property at a scale of development similar to existing and allowed buildings adjacent to the site. For Block B2 of the Price District, the Sector Plan states that “higher densities are more appropriate closer to the Metro station along Reedy Drive and along Georgia Avenue, and heights should transition from 200 feet along Georgia Avenue to 45 feet at the residential edge along Amherst Avenue”, which is implemented through the zoning applied to the Property, which complies with the Sector Plan recommendation;

- *“Allow an appropriate balance of employment and housing opportunities.”* The project will provide the mixed-use development encouraged by the Sector Plan implementing the recommended housing-to-jobs balance; and
- *“Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.”* The approved Sketch Plan meets the standards and requirements of optional method development through the approved public benefits.

- The Sketch Plan meets the general requirements of Section 59-C-15.6 as follows:
 - Section 15-C-15.61 - Master Plan and Design Guidelines Conformance
The project will be substantially consistent with the 2011 *Wheaton CBD and Vicinity Sector Plan*, as detailed in Finding #2 below, and substantially conform to the Draft *Wheaton CBD and Vicinity Sector Plan Design Guidelines*, which encourages new development fronting along the boulevards to:
 - **Create boulevards around the Core** through continuous street walls along the highways surrounding the Wheaton Core. The project retains, and reinforces the existing street wall along the eastern side of Georgia Avenue, between Prichard Road and Reddie Drive;
 - **Enhance existing structures** - The project incorporates and rehabilitates an existing office building into a mixed-use building;
 - **Improve the public realm** – The project provides uses to activate the street through proposed commercial space on the ground floor.
 - Section 59-C-15.62 - Bicycle Parking Spaces and Commuter Shower/Change Facility
The project will provide at least the minimum required number of bicycle parking spaces for residents and visitors, as determined by the final unit count and commercial space approved with the site plan.
 - Section 59-C-15.63 - Parking
The project will provide parking spaces between the minimum required and maximum allowed, as determined by the final unit count and commercial space approved with the site plan.
 - Section 59-C-15.7 - Development Standards
The sketch plan meets the development standards of Section 59-C-15.7, as shown in the Data Table below:

<i>Development Table for the CR6.0 C5.5 R5.5 H200 Zone</i>		
Development Standard	Required/Allowed	Approved
Max. Density (FAR)		
Total	6.0	6.0
Residential	5.5	Up to 5.5
Commercial	5.5	Up to 0.5
Max. Height (feet)		
	200	165
Setbacks		
	n/a	n/a
Parking Spaces		
	0	Up to 60
Public Use Space		
	0	0

2. furthers the recommendations and objectives of the Wheaton CBD and Vicinity Sector Plan;

The Sector Plan specifically provides: "Wheaton is envisioned as a major mixed-use center for the Georgia Avenue corridor and eastern Montgomery County. It will have regional shopping, culturally diverse retail and entertainment, business and government services, and transit-oriented residential and office uses that serve a population with a broad range of incomes." (Sector Plan, Page 7)

"More employees and more residential development will provide customers for local services and businesses." (Page 9, 4th paragraph)

"The Plan seeks to capitalize on this diversity by zoning for mixed-use development that will provide new customers to support the retail and service sector, the current mainstay of Wheaton's economy." (Page 9, Diversity)

The Sketch Plan provides multi-family, transit-oriented housing near Metro that will increase housing choices in Wheaton and provide more customers for the local retail and service establishments.

The Sector Plan further states: "Wheaton's buildings will continue to be an eclectic mix, and infill redevelopment will create an increasingly compact and street-oriented pattern. A variety of heights and densities will ensure that new developments are compatible with the surrounding neighborhoods." (Page 27, Urban Design Elements)

The Sketch Plan creates infill development on the Subject Property that reinforces the existing compact development pattern and adds to the variety of building heights in the CBD through an appropriate scale and building height. It places a tall structure along the Georgia Avenue frontage of the block consistent

with the Sector Plan's guidance of placing higher densities "closer to the Metro station along Reddie Drive and along Georgia Avenue."

The Sector Plan discourages land dedicated to parking. Development plans should reflect shared parking strategies—preferably using structured parking compatible in size and design with both the associated uses and the adjacent area." (Page 70, Parking Management)

The project will meet its parking needs through a combination of on-site structured and surface parking, shared parking agreements with adjacent garages, and by participating in the Wheaton Parking Lot District program.

The Sector Plan encourages "all new building construction to incorporate environmental features such as green roofs, green walls, and innovative urban stormwater management. It also encourages "retrofits of existing development to maximize environmental features." (Page 75, Health)

The Sketch Plan provides sustainability through reuse of the existing structure, "green" features such as a Cool Roof, the purchase of BLTs, and by retrofitting the existing development to maximize environmental features.

3. *achieves compatible internal and external relationships between existing and proposed nearby buildings, open space, and uses;*

This compatibility is achieved through:

- Similar massing envelopes, although with more articulation and diversity of materials;
- An appropriate scale and building height, comparable to other built and allowed development which may build up to 200 feet in the CR Zone on adjacent properties along Georgia Avenue. For Block B2 of the Price District, the Sector Plan states that "higher densities are more appropriate closer to the Metro station along Reddie Drive and along Georgia Avenue, and heights should transition from 200 feet along Georgia Avenue to 45 feet at the residential edge along Amherst Avenue", which is implemented through the zoning applied to the property. The proposed development complies with the Sector Plan recommendation; and
- Use of existing parking structures retaining a strong relationship between buildings, sidewalks, and streets.

4. *provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading;*

Circulation, parking, and loading for cars, trucks, pedestrians, and bicyclists are all satisfactory within the proposed development. Specifically, the Sketch Plan provides:

- A building located on an existing street grid for cars, pedestrians, and bicyclists;
- Conveniently located residential uses near various public transportation resources including the Wheaton Metrorail Station, various bus lines, public parking garages, and numerous public and private facilities and commercial establishments within walking and biking distance;
- Off-street loading areas for the residents on the internal streets that limit conflicts on Georgia Avenue;
- Increased parking for bicycles;
- Improved sidewalks for pedestrians and bicyclists; and
- Sufficient parking within existing structures for residents.

5. includes public benefits that support the approved incentive density;

The Application includes public benefits that address the general incentive and density considerations required by Section 59-C-15.83. The public benefits:

- Take into consideration “the recommendations, objectives, and priorities of the applicable master or sector plan” by providing the diversity of housing, general sustainability measures, and connectivity improvements; The Sector Plan lists certain public benefits as priorities for the CR Zone optional method projects in Wheaton. It states that this list is “not mandatory, and it does not preclude consideration of other benefits as listed in the CR Zone to achieve the maximum permitted FAR.” The Sketch Plan is providing structures parking as included in the Sector Plan list of priority public benefits under the category “Quality buildings and site design.”
- Meet “the CR Zone Incentive Density Implementation Guidelines and any design guidelines adopted for the applicable master plan area” by providing the proper calculations and criteria for each public benefit and concentrating on transit proximity, connectivity between uses, and retaining the existing building and incorporating it into the new design achieving design excellence;
- Are appropriate for “the size and configuration of the tract” by taking advantage of the existing site to create a desirable infill development with a residential emphasis;
- Adequately address “the relationship of the site to adjacent properties” by designing the building at an appropriate scale for the surroundings with heights that establish a proper relationship with other structures in the

vicinity of Georgia Avenue and providing a visually pleasing, modern building;

- Consider “the presence or lack of similar public benefits nearby” through provision of diverse housing, retaining an existing building, using existing structured parking, and providing environmental benefits that are lacking in this area; and
- Provide “enhancements beyond the elements listed in the individual public benefit descriptions or criteria that increase public access to or enjoyment of the benefit” which will be developed and assessed during preliminary and site plan reviews.

<i>Detailed Public Benefit Table</i>	
Public Benefit	Maximum Points Approved
Transit Proximity Category	
Within ¼ mile of Wheaton Metrorail Station	50
Connectivity & Mobility Category	
Minimum Parking	10
Project provides less parking than the required spaces applicable under section 59-C-15.631. Final points established during site plan review.	
Quality Design Category	
Structured Parking	18
Project provides parking within the existing structure, final points established during site plan review.	
Exceptional Design	10
Provision of site and building design that meets the criteria of the Ordinance as further defined by the Guidelines, to be finalized during site plan review.	
Environmental Category	
BLTs	5
Under the ordinance, the square feet equal to 5% of the incentive density must be calculated to determine the BLT purchase requirement: $((147,180\text{sf incentive density} \times 0.05) / 20,000) = 0.3680$ BLTs	
Cool Roof	6
Project will provide 60-85% of roof not covered with vegetation as cool roof with solar reflectance index of 75 (for low slope roofs). Final points established during site plan review.	
Recycling Facility	5
Project will provide a recycling facility plan that complies with Montgomery County Executive Regulation 15-04AM or Montgomery County Executive Regulation 18-04.	
Retained Building Category	
Maintains 75% of structural system of existing building	59
Project must use an architectural deconstruction company or organization company to remove recyclable materials prior to demolition. Project must submit documentation showing compliance with criteria before building permit issued.	
Total	163

6. *establishes a feasible and appropriate provisional phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

The development will be developed in a single phase.

BE IT FURTHER RESOLVED that at the time of site plan, the Planning Board may approve changes to this sketch plan under certain circumstances. If the Applicant proposes to change a condition of approval or binding element, or agrees to a change proposed by another party, the proposed change must satisfy the requirements for approval of a sketch plan and site plan, including Section 59-C-15, Section 59-D-3.4, and the Sector Plan. If Planning Staff proposes to change a condition of approval or binding element, however, the Board may approve the change if necessary to ensure conformance with Section 59-C-15, Section 59-D-3.4, or the Sector Plan. In other words, for the Board to approve an Applicant-proposed change of a binding element it must find consistency with applicable standards; for the Board to approve a modification to a Staff-proposed binding element that the Applicant has not agreed to, the Board must find that the proposed change is necessary to meet the site plan approval standards, including conformance with zoning and Sector Plan requirements.

Alternatively, based on detailed review of a site plan, the Board may find that any element of the approved Sketch Plan, including a binding element, does not meet the requirements of the zone, Sector Plan, or other findings necessary to approve a site plan, and deny the site plan application.

The Board's review of sketch plans is governed by Section 59-C-15.43, which provides that "in approving a sketch plan" the Board must find that certain elements of the plan are "appropriate in concept and appropriate for further detailed review at site plan." Because the Board's approval of a sketch plan is in concept only and subject to further detailed review at site plan, it necessarily follows that the Board may find, based on detailed review of a site plan, that any element of a sketch plan does not meet the requirements of the zone, master plan, or other requirements for site plan approval. The Board does not have the authority at the time of sketch plan to predetermine that any element of the sketch plan will satisfy all applicable requirements for site plan approval. As a practical matter it would be unwise for it to do so, due to the limited detail contained in a sketch plan and the sketch plan's unlimited validity period. If the Board were unable to require changes to binding elements at the time of site plan to ensure compliance with all code and sector plan requirements, the Board might have decided to approve fewer elements of this plan as binding.

Although the Board does not have the authority to provide complete certainty about the conditions of approval or binding elements of a sketch plan, this does not mean that the Board should or will require changes to an approved sketch plan without good reason. To do so would be inefficient and unfair to Applicants and community members whose expectations about the future shape of development will be formed by what the Board approves in a sketch plan; and

BE IT FURTHER RESOLVED that all elements of the plans for Sketch Plan No. 320120030, 11141 Georgia Avenue, stamped received by M-NCPPC on March 21, 2012, are required except as modified herein; and

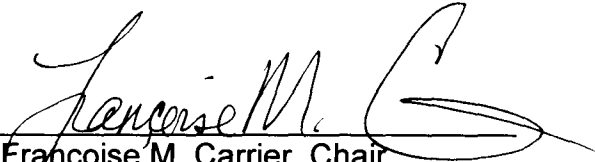
BE IT FURTHER RESOLVED that the date of this Resolution is MAY 21 2012
(which is the date that this Resolution is mailed to all parties of record); and

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

* * * * *

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 Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Presley voting in favor of the motion, and with Commissioner Anderson absent, at its regular meeting held on Thursday, May 10, 2012, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board

MR. RICHARD BRUSH, MANAGER
MCDPS-WATER RES. PLAN REVIEW
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20850

MS. LISA SCHWARTZ
DHCA
100 MARYLAND AVENUE
4TH FLOOR
ROCKVILLE, MD 20850

MS. SUSAN SCALA-DEMBY
MCDPS-ZONING
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20850

MR. CHRISTOPHER ANDERSON
MPDU MANAGER, DHCA
100 MARYLAND AVENUE
4TH FLOOR
ROCKVILLE, MD 20850

LERCH, EARLY & BREWER
STACY SILBER
3 BETHESDA METRO CENTER
BETHESDA, MD 20814-6301

JENNIFER MARCA
1710 CONNECTICUT, NW
SUITE 3400
WASHINGTON, DC 20009

MR. GREG LECK
MCDOT
100 EDISON PARK DRIVE
4TH FLOOR
GIATHERSBURG, MD 20878

MR. ATIQ PANJSHIRI
MCDPS-RIGHT-OF-WAY
PERMITTING
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20850

MS. CHRISTINA CONTRERAS
MCDPS-LAND DEVELOPMENT
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20850

MR. ALAN SOUKUP
MCDDEP-WATER RESOURCE
PLANNING
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20850

LOWE ENTERPRISE REAL ESTATE
GROUP
JOE A. CARROL
1101 CONNECTICUT AVENUE, NW
SUITE 250
WASHINGTON, DC 20036

ANDREW BRADSHAW
1395 PICCARD DRIVE
ROCKVILLE, MD 20850

MR. RICHARD BRUSH, MANAGER
MCDPS-SEDIMENT/STORMWATER
INSPECTION & ENFORCEMENT
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20850

MR. ESHAN MOTAZEDI
MCDPS-SITE PLAN ENFORCEMENT
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20850

MR. GENE VON GUNTEN
MCDPS-WELL & SEPTIC
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20-850

STEVE MORRISON
13816 VINTAGE LANE
SILVER SPRING, MD 20906

MARK RIVERS
TERPRISES REAL ESTATE GROUP
1101 CONNECTICUT AVENUE, NW
SUITE 250
WASHINGTON, DC 20036



SEP 26 2012

MCPB No. 12-106
Site Plan No. 820120170
Project Name: 11141 Georgia Avenue
Date of Hearing: September 20, 2012

RESOLUTION

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board" or "Board") is authorized to review site plan applications; and

WHEREAS, on May 9, 2012, ML Wheaton, LLC c/o Lowe Enterprises Real Estate Group East, Inc. ("Applicant"), filed an application for approval of a site plan to convert an existing 5-story office building into a 145 foot tall, 12-story mixed-use building with 148,020 square feet of total density with 840 square feet of non-residential uses and up to 147,180 square feet of residential uses for up to 194 units, including 12.5% MPDUs on 0.614 acres of CR6 C5.5 R5.5 H200 Zoned-land, located at 11141 Georgia Avenue ("Subject Property"), in the *Wheaton CBD and Vicinity Sector Plan* ("Master Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820120170, 11141 Georgia Avenue ("Site Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated September 6, 2012 setting forth its analysis of and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on September 20, 2012, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the Hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

Approved as to
Legal Sufficiency:

Christina Smart 9/13/12

8787 Georgia Avenue, Bethesda, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

M-NCPPC Legal Department
www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820120170 to convert an existing 5-story office building into a 145 foot tall, 12-story mixed-use building with 148,020 square feet of total density with 840 square feet of non-residential uses and up to 147,180 square feet of residential uses for up to 194 units, including 12.5% MPDUs on 0.614 acres the Subject Property, subject to the following conditions:¹

1. Sketch Plan Conformance

The development must comply with the applicable binding elements and conditions of Sketch Plan No. 320120030 approved by the Planning Board dated May 10, 2012, as amended by the Site Plan No. 820120170.

2. Preliminary Plan Conformance

The development must comply with the conditions of the approved Resolution for Preliminary Plan No. 120120230, including any amendments approved by the Planning Board.

3. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the CR Zone Incentive Density Implementation Guidelines, as amended, for each one. Each public benefit must be verified by M-NCPPC Staff to be complete as required by the submittals listed for each, prior to issuance of any use-and-occupancy permit for the associated building, except as noted below. Any disagreement regarding the Application or interpretation of the Public Benefits may be brought to the Planning Board for resolution.

a. Transit Proximity

b. Minimum Parking

- Submit as-built drawings of parking facilities with tabulation of maximum parking spaces allowed, minimum parking spaces required, and parking spaces provided.

c. Structured Parking

d. BLTs

- Purchase or payment for 0.3366 Building Lot Terminations must be made prior to issuance of any building permit. Documentation to be provided to M-NCPPC staff.

e. Cool Roof

- Provide as-built roof plans showing coverage of cool roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum SRI of 25 for slopes above 2:12.

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- f. Recycling Facility
 - Provide final layout and documentation of compliance with Montgomery County Executive Regulation 15-04AM or Montgomery County Executive Regulation 18-04 for approval by the Division of Solid Waste Services prior to issuance of use and occupancy permit.
 - g. Retained Building Category
 - Prior to any demolition, the Applicant must use an architectural deconstruction company or organization to remove recyclable materials; and
 - Prior to issuance of a building permit, the Applicant must submit documentation to M-NCCPC Staff showing compliance with the Retained Building criteria under Section 59-C-15.857.
4. Transportation
The Applicant must provide six (6) inverted-U bike racks, to accommodate twelve (12) bikes near the main entrance and 74 bike lockers or bicycle parking spaces in a secured area in the parking garage near an elevator or parking garage's access points and in a well-lit area. Final location and facility details to be determined by Certified Site Plan.
5. Environment
Applicant must provide a copy of the Forest Conservation Exemption (No. 42012088E) as part of the Certified Site Plan.
6. Moderately Priced Dwelling Units (MPDUs)
 - a. The Applicant must provide 12.5 percent MPDUs in accordance with an Agreement to Build with the Department of Housing and Community Affairs (DHCA).
 - b. The MPDU Agreement to Build shall be executed prior to the release of any building permits.
7. Recreation Facilities
The Applicant must provide at least the recreation facilities, conforming to the Recreation Guidelines approved by the Planning Board in September 1992, shown on the Site Plan including:
 - a. Indoor Community Space;
 - b. Pedestrian System;
 - c. Indoor Fitness Facility; and
 - d. Four Picnic/Sitting Areas.
8. Maintenance
Maintenance of all on-site Public Use Space is the responsibility of the Applicant and subsequent owner(s). This includes maintenance of paving, plantings,

lighting, benches, fountains, and artwork. Maintenance may be taken over by a governmental agency by agreement between the owner and applicable agency.

9. Architecture

The final exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings, as determined by Staff.

10. Financial Security and Agreement

Prior to issuance of first building permit, the Applicant must provide a performance bond(s) or other form of financial surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. Applicant must provide a cost estimate of the materials and facilities, which, upon Staff approval, will establish the initial surety amount.
- b. The amount of the bond or surety shall include plant material, on-site lighting, recreational facilities, site furniture, and entrance piers.
- c. Prior to issuance of the first building permit, Applicant must enter into a Site Plan Surety & Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.
- d. Bond/surety shall be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and reduction of the surety.

11. Development Program

The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Street lamps and sidewalks adjacent to each building must be installed prior to release of any use-and-occupancy permit for the respective building. Street tree planting may wait until the next growing season.
- b. On-site amenities including, but not limited to, recreation amenities and public use space amenities adjacent to each building, must be installed prior to release of any use-and-occupancy permit for the respective building.
- c. The development program must provide phasing for installation of on-site landscaping and lighting.
- d. The development program must provide phasing of applicable dedications, stormwater management, sediment and erosion control, afforestation, and other features.

12. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the Forest Conservation Plan Exemption letter, stormwater management concept exemption letter, development program, inspection schedule, and Site Plan Resolution on the approval or cover sheet.
- b. Remove unnecessary sheets.
- c. Make corrections and clarifications to details, incentive density calculations, recreation facilities, labeling, data tables, and schedules.
- d. Ensure consistency of all details and layout between architecture, site, and landscape plans.

BE IT FURTHER RESOLVED, that all site development elements as shown on 11141 Georgia Avenue Site Plan stamped by the M-NCPPC on August 8, 2012, the landscape and lighting plans stamped by the M-NCPPC on July 17, 2012 and the architectural plans stamped by the M-NCPPC on July 17, 2012 and July 31, 2012 drawings shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that, having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development if required, unless the Planning Board expressly modifies any element of the project plan.*

The Site Plan is not subject to a development plan, diagrammatic plan, schematic development plan, or project plan. It is, however, subject to the binding elements and conditions of Sketch Plan No. 320120030, which may be modified at the time of site plan review under Section 59-C-15.43(d).

There is one modification to the binding elements with this Site Plan. One public benefit under the Quality Design category, Exceptional Design, originally approved by the Sketch Plan has been removed per the Applicant's request. Even with this change, the Application continues to meet the necessary findings

regarding public benefits that must support the requested incentive density and are in keeping with the priorities of the Sector Plan.

The Planning Board finds the removal of the Exceptional Design public benefit does not alter the Sketch Plan findings under Section 59-C-15.43(c):

- The Application continues to meet the objectives, general requirements, and standards of Division 59-C-15 through compliance with the CR Zone.
- The Application furthers the recommendations and objectives of the Wheaton CBD and Vicinity Sector Plan and is in general conformance with the recommendations of the Sector Plan as discussed in the Master Plan section of this report and furthers its objectives and goals by providing housing near a Metrorail station, revitalizing an existing structure, and encouraging mixed-use development in high-density areas.
- The Application achieves compatible internal and external relationships between existing and proposed nearby buildings, open spaces and uses. The development achieves compatibility through similar massing envelopes, although with more articulation and diversity of materials and the building has been designed at an appropriate scale and building height, comparable to other built and allowed development which may build up to 200 feet in the applicable CR Zone on adjacent properties along Georgia Avenue.
- The Application achieves satisfactory general, vehicular, pedestrian, and bicyclist access, circulation, parking and loading. The building is located on an existing street grid for cars, pedestrians, and bicyclists. The project is conveniently located near various public transportation resources including the Wheaton Metrorail Station, various bus lines, public parking garages, and numerous public and private facilities and commercial establishments within walking and biking distance. The Application also provides off-street loading areas for the residents on the internal streets limit conflicts on Georgia Avenue, increased parking for bicycle, existing upgraded sidewalks for pedestrians and bicyclists, and sufficient parking within existing structures for residents.
- The Application will provide public benefits that support the requested incentive density including public benefits that address the general incentive and density considerations required by Section 59-C-15.83 by providing the diversity of housing, general sustainability measures, and connectivity improvements; the proper calculations and criteria for each public benefit and concentrating on transit proximity, connectivity between uses, and retaining the existing building and incorporating it into the new design; taking advantage of the existing site to create a desirable infill development with a residential emphasis; and designing the building at an appropriate scale for the surroundings with heights that establish a proper relationship with other structures in the vicinity of Georgia Avenue and providing a visually pleasing, modern building.

- The Application will be developed in a single phase and therefore establishes feasible and appropriate provisional phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and preliminary and site plan applications.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

There are several requirements of the CR zones that must be met by this Application:

- Uses;
- General Requirements;
- Development Standards; and
- Special Regulations for the Optional Method of Development (Public Benefits).

a. Uses

The proposed uses – residential and office – are permitted uses in the zone.

b. General Requirements

The Application is consistent with the 2011 *Wheaton CBD and Vicinity Sector Plan* and *Wheaton CBD & Vicinity Sector Plan Design Guidelines*:

- The Property is within the Price District as described in the 2011 *Wheaton CBD & Vicinity Sector Plan*. In accordance with the recommendations of the Sector Plan, the Application will provide multi-family, transit-oriented housing near the Wheaton Metrorail station that will increase housing choices in Wheaton and provide more customers for the local services and businesses.
- The proposed building height of up to 145 feet is within the maximum building height of 200 feet allowed by the zone.
- The building will be located along Georgia Avenue as allowed by the zone and envisioned by the Sector Plan.
- The Sector Plan states in the Urban Design Elements that, "Wheaton's buildings will continue to be an eclectic mix, and infill redevelopment will create an increasingly compact and street-oriented pattern. A variety of heights and densities will ensure that new developments are compatible with the surrounding neighborhoods." (page 27, Sector Plan).
- The project is an infill development that reinforces the existing compact development pattern and continues the street wall along Georgia Avenue. It adds to the variety of building heights in the CBD through an appropriate scale and building height. It places a tall structure

along the Georgia Avenue frontage of the block consistent with the Sector Plan's guidance of placing the greatest densities and heights at and near the Metro station along Georgia Avenue and Veirs Mill Road.

- The Application provides a residential lobby and leasing office with entrances on the ground floor along Georgia Avenue that will encourage street level activity. Although this particular segment of Georgia Avenue is not designated as a "priority retail street"(page 20, Sector Plan), the inclusion of the rental leasing office, considered commercial space, will further the plan's goal of creating street level activity envisioned by the Sector Plan. This will further the objective of both the Sector Plan and the design guidelines of creating walkable boulevards along the major roads surrounding the core, and achieving improved connectivity through pedestrian friendly streets.
- The Sector Plan envisions Georgia Avenue as an urban boulevard with enhanced medians and crosswalks, street trees, and street-oriented retail, where appropriate. The Project will retain the footprint of the existing building on the Property, and the pedestrian circulation along Georgia Avenue will remain in its current configuration. The existing streetscape within this area matches the enhanced streetscape to the north and south of the Subject Property, and includes special paving, street trees and street lighting.
- The Wheaton CBD & Vicinity Sector Plan Design Guidelines provide specific recommendations for urban boulevards, building design and public open space. The guidelines state: "Many existing building are in need of upgrading and the area lacks quality spaces for public use." (page 7, Design Guidelines). Public open space is not required at this site and the constraints of the site do not allow for new public open space. The Application will retain the existing five-story building and upgrade it with an additional seven stories.
- The Design Guidelines suggest street walls along Georgia Avenue "should be between 2 and 5 stories; this will vary depending on property size and location (to be reviewed on a case by case basis)". The Design Guidelines state minimum suggested tower setback is 15'-0"; may vary depending on the size of development. More is preferred in larger projects, but less can be considered depending on the project constraints (to be reviewed on a case by case basis)." (page 12, Design Guidelines). This Application does not propose a building setback, but it proposes to cantilever, starting at the fourth floor, vertical bays and Juliet balconies over the sidewalk. The cantilevered feature of the proposed façade serves the same purpose of articulation as recommended in the design guidelines of breaking up a shear wall rising from the ground to the full height of the building. It is also acceptable since the Application is trying to maximize the allowable

floor area by adding additional floors on top of an existing five-story building on a site that has a narrow frontage along Georgia Avenue. The proposed vertical bays and Juliet balconies serve as architectural elements to blend the existing building with the additional floors above.

- The Sector Plan “discourages land dedicated to parking. Development plans should reflect shared parking strategies—preferably using structured parking compatible in size and design with both the associated uses and the adjacent area.” (page 70, Sector Plan). The Application will meet its parking needs through a combination of on-site parking, shared parking agreements with adjacent garages, and by participating in the Wheaton Parking Lot District program.
- The Sector Plan establishes several recommendations to create an environmentally sustainable district. The Sector Plan encourages “all new building construction to incorporate environmental features such as green roofs, green walls, and innovative urban stormwater management. Encourage retrofits of existing development to maximize environmental features.” (page 75, Sector Plan). The Application provides sustainability through reuse of the existing structure, “green” features including a Cool Roof and by retrofitting the existing development to maximize environmental features with a more energy efficient building.

c. Development Standards

The Application will comply with all development standards as shown in the data tables and discussion above.

d. Public Benefits

The Application will provide numerous public benefits in addition to Transit Proximity with proportional incentive density points including:

Transit Proximity

This project is eligible for 50 points because it is adjacent to the Wheaton Metrorail station (level 1 transit) and 100 percent of the tract area is within ¼ mile of the Metrorail station. The Planning Board grants the full 50 points because development near transit facilities encourages greater use of transit, controls sprawl, and reduces vehicle miles traveled, congestion, and carbon emissions.

Minimum Parking

Up to 10 points may be granted for providing less than the maximum allowed number of parking spaces, per Section 59-C-15.631. The Planning Board grants the full 10 points because the project provides less

parking than the required spaces under section 59-C-15.631, which will encourage non-automotive travel. The points are determined as follows:

A = Maximum Allowed Spaces = 189
R = Minimum Required Spaces = 117
P = Proposed Spaces = 51

$((A/P) / (A/R)) * 10 = ((189/51) / (189/117)) * 10 = 23$ points (however, only a maximum of 10 points may be granted)

Structured Parking

Up to 20 points may be granted for placing parking within an above – or below - grade structure. A formula dividing the parking provided within an above-grade structure divided by the total parking provided and multiplying the result by 10 has been approved in the guidelines (below-grade parking spaces are eligible for double the points because of the greater cost). In this case, the majority of the parking is within the below-grade structure and the Planning Board grants 18 points. The points are determined as follows:

A = Above Grade Spaces = 10
B = Below Grade Spaces = 41
T = Proposed Spaces = 51

$((A/T) * 10) + ((B/T) * 20) = ((10/51) * 10) + ((41/51) * 20) = 18$ points

BLTs

All optional method developments in CR zones must achieve at least five points through purchase of BLTs as calculated by a formula established in the Ordinance, under Section 59-C-15.856(a). The Applicant will purchase 0.3366 BLTs as required and the Planning Board grants 5 points for this public benefit.

In the CR Zones, an applicant must purchase BLT easements, or make payments to the Agricultural Land Preservation Fund (ALPF), in an amount equal to 5% of the incentive density floor area under the following parameter:

(a) One BLT for every 20,000 square feet of gross floor area to qualify for the first 5 % incentive density floor area.

The points determined as follows:

$5\% * \text{Incentive Density Floor Area} = .05 * 134,640\text{sq.ft.} = 6,732\text{sq.ft.}$
 $6,732\text{sq.ft.} / 20,000\text{sq.ft.} = 0.3366$ BLTs

Cool Roof

Up to 10 points for sites one acre or less, may be granted for constructing any roof area that is not covered by a vegetated roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum of 25 for slopes above 2:12. Cool roofs keep energy costs down and decrease the heat island effect. The Applicant will meet the minimum SRI for a flat roof with a minimum cool roof of 40% of the total available roof area, based on a prorated calculation (.040 x 10 points = 4 points). The Planning Board grants 4 points for this benefit.

Recycling Facility

Up to 10 points may be granted for providing a recycling facility plan to be approved as part of the site plan and must comply with the Montgomery County Executive Regulation 15-04AM or Montgomery County Executive Regulation 18-04. The Planning Board grants 5 points per the criteria: 5 points are appropriate for development that meets the requirements of the zoning ordinance and submits the recycling facilities plan as part of the certified site plan.

Retained Building

Up to 100 points may be granted to development that:

- (a) maintains 75% of the structural system of the existing building;
- (b) uses an architectural deconstruction company or organization to remove recyclable materials prior to any demolition; and
- (c) submits documentation showing compliance with these criteria before the County issues a building permit for a new development.

A project may receive public density points according to the Zoning Ordinance's requirements and the following formula:

R = Retained Gross Floor Area = 86,820sq.ft.

I = Incentive Density Gross Floor Area = 134,640sq.ft.

$$(R/I) * 100 = (86,820\text{sq.ft.} / 134,640\text{sq.ft.}) * 100 = 64 \text{ points}$$

The Planning Board grants 64 points for incorporating the existing building into the new construction.

The proposed public benefits fulfill the priority recommendations of the Sector Plan, meet the criteria of both the Implementation and Design Guidelines; are appropriate for the size and configuration of the tract and enhance the site's relationship to adjacent properties. The individual benefits did not provide enhancements beyond the basic criteria for extra points established by the Zoning Ordinance or the Implementation Guidelines. The Applicant will provide public benefits from at least 4

categories equal to greater than 100 points, the final numbers to be determined prior to approval of the certified site plan.

Data Table

Public Benefit	Maximum Points Permitted	Proposed Points [Sketch Plan]	Criteria	Points Approved By the Planning Board & Binding on the Applicant
Transit Proximity Category				
Transit Proximity	50	50 [50]	Site within 350 feet of Level 1 transit-Wheaton Metrorail station.	50
Connectivity Between Uses, Activities, and Mobility Category				
Minimum Parking	10	10 [10]	51 proposed spaces out of 189 allowed.	10
Quality of Building & Site Design Category				
Structured Parking	20	18 [18]	41 spaces below grade; 10 spaces above grade.	18
Protection & Enhancement of the Natural Environment Category				
BLTs	30	5 [5]	1 BLT per 20,000sf of 5% of incentive density.	5
Cool Roof	10	4 [6]	Providing a minimum of 40% cool roof of total available roof area.	4
Recycling Facility	5	5 [5]	Provides recycling facility plan.	5
Retained Buildings Category				
Retained Building	100	64 [59]	Project will maintain 75% of the structural system of the existing building.	64
Total Points				156.00

3. *The locations of the buildings and structures, the open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

a. Locations of buildings and structures

The project is an adaptive reuse conversion of an existing building and will not change the physical location of the building footprint. The Site Plan has otherwise been designed to ensure that the location of buildings and structures are adequate, safe and efficient.

b. Open Spaces

Public open space is not required at this site.

c. Landscaping and Lighting

Landscaping and lighting, as well as other site amenities, will be provided to ensure that landscaping, lighting, and site amenities will be safe, adequate, and efficient for year-round use and enjoyment by patrons, employees, and residents. Site furnishings will be integrated within the site to create a unique and interesting place and ensure accessibility and comfort.

d. Recreation Facilities

The Application meets the active and passive recreation space required by the zone. The Applicant will provide the following on-site recreation facilities:

- 6 picnic/sitting areas (Rooftop Amenity);
- 1 indoor fitness facility (Health Center); and
- 3 indoor community space (Residential Amenity).

The development can also take advantage of the nearby recreational facilities at Wheaton Veterans Urban Park and Wheaton Forest Local Park including:

- 1 pedestrian system (sidewalks);
- 1 open play area (Wheaton Veterans Urban Park);
- 1 bike system (existing bikeways);
- 1 play lot (Wheaton Forest Local Park);
- 2 multipurpose courts (Wheaton Forest Local Park);
- 2 tennis courts (Wheaton Forest Local Park);
- 1 soccer field- regulation (Wheaton Forest Local Park); and
- 1 softball field-junior (Wheaton Forest Local Park).

The Application meets the required supply of recreation facilities based on the calculation methods in the M-NCPPC Recreation Guidelines. The Application will provide adequate, safe, and efficient recreation facilities to allow residents to lead an active and healthy life.

e. Pedestrian and Vehicular Circulation Systems

The Application has been carefully planned and designed to promote the safe and efficient movement of vehicles and, as a result of the Property's proximity to various public transportation resources, including the Wheaton Metro Station, bus lines, and public parking garages, will promote more efficient pedestrian utilization of the Georgia Avenue corridor.

Vehicular circulation will not change on the site. Access to and through the site will continue to be from Georgia Avenue. Revised surface parking spaces will be provided and garage and loading access points will continue to be located off internal streets. These circulation routes, access points, and loading movements

have been reviewed to ensure minimal conflicts with pedestrians and that full build-out will be in accordance with the Sector Plan and code requirements.

Pedestrian circulation will continue to be provided along the street frontage and within the site. Pedestrian and bicycle access is provided from the sidewalk along Georgia Avenue to the main lobby entrance. Bicycle parking for visitors and residents will be provided in front of the main entrance along Georgia Avenue and within the existing below grade parking structure. This network will continue to provide adequate, safe, and efficient pedestrian and vehicular circulation systems.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The building is compatible with existing uses regarding scale, massing, and height as reflected in the urban design and zoning recommendations of the Sector Plan and Design Guidelines.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

- a. Forest Conservation

The Application is subject to the Chapter 22A, Montgomery County Forest Conservation Law, but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(1) because the proposed activity occurs on a tract of land less than 1.5 acres with no existing forest, or existing specimen or champion tree, and the afforestation requirements are not in excess of 10,000 square feet.

- b. Stormwater Management

The Application has an approved Stormwater Exemption Request from the Department of Permitting Services (DPS).

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; 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 SEP 26 2012 (which is the date that this Resolution is mailed to all parties of record); and

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

* * * * *

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 Dreyfuss, seconded by Commissioner Presley, with Vice Chair Wells-Harley and Commissioners Dreyfuss and Presley voting in favor, and Chair Carrier, and Commissioner Anderson absent, at its regular meeting held on Thursday, September 20, 2012, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board