



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB 09/19/02
Item # 9

MEMORANDUM

DATE: September 13, 2002
TO: Montgomery County Planning Board
VIA: Joe R. Davis, Chief
Development Review Division
FROM: Michael Ma *Ma*
Planning Department Staff
(301) 495-4523

REVIEW TYPE: Site Plan Review
APPLYING FOR: Approval of 8154.39 gsf Retail on 0.15 acres
PROJECT NAME: **Triangle Park**
CASE #: 8-01014
REVIEW BASIS: Sec. 59-C-18.10 and Div. 59-D-3 of M. C. Zoning Ordinance

ZONE: CBD-2, Wheaton CBD Retail Preservation Overlay Zone
LOCATION: NE quadrant, intersection of Veirs Mill Road and Grandview Avenue
MASTER PLAN: Wheaton CBD Sector Plan
APPLICANT: Georgia East Associates, LP
FILING DATE: December 21, 2000
HEARING DATE: September 19, 2002



STAFF RECOMMENDATION: Approval of 8,154.39 gsf retail and office on 0.15 acres with the following conditions:

1. Standard Conditions dated October 10, 1995, Appendix A.
2. Paving of the public open space between the building and the existing sidewalk with the approved Wheaton Streetscape paver as specified in the Wheaton CBD Road Code Design Standards, dated April 1990, or with stamped concrete in a pattern and color compatible with the standard Wheaton Streetscape paving. The existing sidewalk is to be re-paved later by the County, through the Department of Housing and Community Affairs' program for Wheaton CBD infrastructure improvements. Signature set to provide for coordination of this design with streetscape elements.
3. Conditions of letter conditionally approving the Storm Water Management concept, dated December 1, 2000.
4. On signature set, revise north driveway wings so as not to overlap property line.
5. Designate widened ROW on Veirs Mill and truncation at corner with Grandview for future dedication on Signature Set.

6. Setback from building to the north (and therefore proposed footprint) subject to code interpretation at time of building permit by MCDPS.
7. Show existing parking spaces/meters and adjacent driveways on Signature Set.
8. Participate in Wheaton CBD Transportation Management Organization when it is established.

ISSUE EXTANT AT TIME OF REPORT

Whether, or to what extent, the small size of the proposed building and the very large size of the area requiring streetscape are cause for a waiver of the streetscape requirement

APPLICANT'S POSITION: Small size of the proposed development can only support concrete paving between the building and the public sidewalk.

STAFF POSITION: Pave the public open space between the building and the existing sidewalk with the approved Wheaton Streetscape paver as specified in the Wheaton CBD Road Code Design Standards, dated April 1990, or with stamped concrete in a pattern and color compatible with the standard Wheaton Streetscape paving. The existing sidewalk is to be re-paved later by the County.

PROJECT DESCRIPTION: Surrounding Vicinity



ANALYSIS: Conformance to Master Plan

The Wheaton CBD Sector Plan created the Retail Preservation Overlay Zone, whose purpose is as follows:

- (a) Retain the existing scale of development and mix of retail and service uses within the Wheaton Central Business District.
- (b) Regulation development to preserve a variety of retail uses and services in the Wheaton Central Business District to meet the needs of workers, shoppers, and residents.
- (c) Encourage building designs to make new buildings compatible with existing buildings within and adjacent to the overlay zone.

The overlay prohibits the use of the optional method for development, but allows all standard method uses, except that there are restrictions placed on street-level uses in buildings over two stories, and 50 % of the street-level exterior wall area that fronts on sidewalks, plazas or other public open spaces must be windows or apertures. Also certain submission requirements are modified and Site Plan Review findings are modified.

ANALYSIS: Conformance to Development Standards

PROJECT DATA TABLE

Development Standard	Permitted/ Required	Proposed
Lot Area (ac.):	NA	0.15
Gross Floor Area (sq. ft.):	13332	8154.39
Floor Area Ratio (FAR):	2.0	1.22
Public Space (%):	10%/668 sf	16%/1078 sf
Building Height (ft.):	60	30'-8"
Setbacks (ft.):		
To ROW:	0	0
Side yard to north lot	0*	0

*Subject to interpretation by MCDPS; 15' if windows are in adjacent wall

FINDINGS: For Site Plan Review (Per Sec. 59-C-18.105)

- (1) *The site plan does not conflict with the recommendations in the Wheaton CBD Sector Plan.*
- (2) *The site plan meets all of the requirements of this overlay zone as well as the applicable requirements of the underlying zone. See Data Table above. At least 50 percent of the street level exterior wall area fronting on sidewalks, plazas, or other public open spaces has windows and apertures. The Plan partially implements the approved Wheaton streetscape applicable to the Retail Overlay Zone area. Staff has worked out an agreement with the Wheaton Government Center and the Department of Housing and Community Affairs, which provides for a sharing of the burden of streetscaping this unusually large pedestrian area between the applicant and the*

county. The applicant is to pave and furnish the area between the building façade and the existing sidewalk; the County will improve the sidewalk in a comparable manner, including street trees per the Streetscape Manual, at a future date as funds become available.

- (3) *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*
- (4) *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation. The site is exempt for Forest Conservation requirements.*

APPENDICES

- A. Standard Conditions
- B. Wheaton CBD Retail Preservation Overlay Zone
- C. Wheaton Streetscape Manual excerpts

APPENDIX A: STANDARD CONDITIONS OF APPROVAL DATED 10-10-95:

- 1. Submit a Site Plan Enforcement Agreement and Development Program for review and approval prior to approval of the signature set as follows:
 - a. Development Program to include a phasing schedule as follows:
 - 1) Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
 - b. Site Plan Enforcement Agreement to address requirement to participate in the Wheaton TMO
- 2. Signature set of site, landscape/lighting, and sediment and erosion control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
 - a. Conditions of DPS Stormwater Management Concept approval letter
 - b. The development program inspection schedule.
 - c. Details of the proposed benches.
- 3. No clearing or grading prior to M-NCPPC approval of signature set of plans.

APPENDIX B: RETAIL PRESERVATION OVERLAY ZONE

Sec. 59-C-18.10. Retail preservation overlay zone for the Wheaton Central Business District.

59-C-18.101. Purpose.

It is the purpose of this overlay zone to:

- (a) Retain the existing scale of development and mix of retail and service uses within the Wheaton Central Business District.
- (b) Regulation development to preserve a variety of retail uses and services in the Wheaton Central Business District to meet the needs of workers, shoppers, and residents.

- (c) Encourage building designs to make new buildings compatible with existing buildings within and adjacent to the overlay zone.

59-C-18.102. Regulations.

- (a) Restriction on use of optional method of development. In the Wheaton Retail Preservation Overlay Zone, the optional method of development allowed in the underlying CBD zone is prohibited.
- (b) Land uses. All permitted or special exception uses allowed under the standard method of development in the underlying CBD zones are allowed in the Wheaton CBD Overlay Zone, except:
 - (1) In new buildings over one story in height built after July 16, 1990, the street level leasable space must be used for:
 - (A) any of the commercial uses in subsection 59-C-6.22(d);
 - (B) the following service uses from subsection 59-C- 6.22(e):

appliance repair shops;
banking and financial institutions;
barber and beauty shops;
child day care facility;
dry cleaning and laundry pickup stations;
duplication services;
photographic studios;
self-service laundromat;
shoe repair shops;
tailoring or dressmaking shops; or
 - (C) the following cultural, entertainment and recreational uses from subsection 59-C-6.22(f):

billiard parlors;
bowling alleys;
commercial recreational or entertainment establishments;
indoor theaters; or
libraries and museums.
 - (2) In new buildings built after July 16, 1990, all retail uses must be directly accessible from a sidewalk, plaza, or other public space.
 - (3) Windows and apertures cover occupy at least 50 percent of the street-level exterior wall area that fronts on sidewalks, plazas, or other public open spaces.

59-C-18.103. Procedure for application and approval.

A site plan for any development in the Wheaton Retail Preservation Overlay Zone must be approved under the provisions of division 59-D-3. Development includes the following:

- (a) construction of new buildings;
- (b) additions and other exterior improvements to existing buildings that increase the amount of development floor area on a site; and
- (c) addition of off-street parking spaces or revisions to parking facilities that require the approval of a new parking facilities plan under section 59-E-4.1.

59-C-18.104. Site plan contents and exemptions.

- (a) Sections 59-D-3.22 and 59-D-3.23 do not apply in the Wheaton CBD Overlay Zone.
- (b) A site plan for development in the Wheaton CBD Overlay Zone must include:
 - (1) the location, height, ground coverage, and use of all structures;

- (2) for each residential building, the number and type of dwelling units, classified by the number of bedrooms, and the total floor area, if any, to be used for commercial purposes;
- (3) the floor areas of all nonresidential buildings and the proposed use of each;
- (4) the location of recreational and green areas and other open spaces;
- (5) calculations of building coverage, density, green area, number of parking spaces, and areas of land use;
- (6) the location and dimensions of all roads, streets and driveways, parking facilities, loading areas, points of access to surrounding streets, and pedestrian walks;
- (7) a landscaping plan (or final forest conservation plan, if required under Chapter 22A), showing all man-made features and the location, height or caliper, and species of all plant materials;
- (8) an exterior lighting plan, including all parking areas, driveways and pedestrian ways, and the height, number, and type of fixtures with a diagram showing their light distribution characteristics; and
- (9) a development program with the sequence in which all structures, open spaces, vehicular and pedestrian circulation systems, landscaping, and recreational facilities are to be developed. The applicant must designate the point in the development program sequence when the applicant will ask the Planning Board to inspection for compliance with the approved site plan.

59-C-18.105. Planning Board approval.

- (a) The Board must find that at least 50 percent of the street level exterior wall area, fronting on sidewalks, plazas, or other public open spaces, has windows and apertures before approving a site plan for the Wheaton CBD Overlay Zone.
- (b) The procedures for Planning Board approval under section 59-D-3.4 are modified for this overlay zone to require the following findings:
 - (1) the site plan does not conflict with the recommendations in the Wheaton CBD Sector Plan;
 - (2) the site plan meets all of the requirements of this overlay zone as well as the applicable requirements of the underlying zone; and
 - (3) each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.