

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 22-052
Sketch Plan No. 320210060
WHEATON GATEWAY
Date of Hearing: May 26, 2022

JUL 19 2022

RESOLUTION

WHEREAS, under Section 59.7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review sketch plan applications; and

WHEREAS, on March 10, 2021, HOC at 11250 Veirs Mill Road, LLC (“Applicant”) filed an application for approval of a sketch plan for construction of up to 910,223 square feet of total development, comprised of up to 65,000 square feet of non-residential uses and up to 845,223 square feet of residential uses with 30% Moderately Priced Dwelling Units (MPDUs); including a minimum of 12% public open space and public benefits on 5.16 acres of CR 5.0, C-4.5, R-4.5, H-130; CR 3.0, C-2.5, R-2.5, H-100; CRN 1.5, C-0.25, R-1.5, H-45, and R-60 zoned-land, located at the southwest corner of Veirs Mill Road and University Boulevard (“Subject Property”) in the *2012 Wheaton CBD and Vicinity Sector Plan* (“Sector Plan”) area; and

WHEREAS, Applicant’s sketch plan application was designated Sketch Plan No. 320210060 Wheaton Gateway (“Sketch 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 May 16, 2021, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions (“Staff Report”); and

WHEREAS, on May 26, 2022, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Rubin, seconded by Vice Chair Verma, with a vote of 5-0, Chair Anderson, Vice Chair Verma, Commissioners Cichy, Patterson, and Rubin voting in favor.

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Approved as to

Legal Sufficiency: /s/ Emily Vaias

M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320210060, Wheaton Gateway, for construction of up to 910,223 square feet of total development, comprised of up to 65,000 square feet of non-residential uses and up to 845,223 square feet of residential uses with 30% MPDUs; including a minimum of 12% public open space and public benefits on the Subject Property, subject to the following binding elements and conditions:¹

A. Binding Elements. The following site development elements are binding under Section 59.7.3.3.F of the Montgomery County Zoning Ordinance:

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

All other elements are illustrative.

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

1. Density

The Sketch Plan is limited to a maximum of 910,223 square feet of total development, comprised of up to 65,000 square feet of non-residential uses and up to 845,223 square feet of residential density. Residential density includes up to 603,727 square feet of mapped density and 241,494 square feet of MPDU Bonus Density.

2. Height and Building Massing

The development is limited to a maximum building height as set forth below for each portion of the Project based on the mapped zone and the potential for additional height allowed by Section 59.4.5.2.C.7 for providing more than 12.5% MPDUs.

- a. The CRN-1.5, C-0.25, R-1.5, H-45 Zone Standard Method, the height is limited to 45 feet and up to 2 additional floors of height, a maximum of 69 feet, if the requirements of Section 59.4.5.2.C.7 are satisfied.
- b. The CR-3.0, C-2.5, R-2.5, H-100 Zone Optional Method, the height is limited to 100 feet and up to 2 additional floors of height, a maximum of 124 feet, if the requirements of Section 59.4.5.2.C.7 are satisfied.

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

- c. The CR-5.0, C-4.5, R-4.5, H-130 Zone Optional Method, the height is limited to 130 feet and up to 2 additional floors of height, a maximum of 154 feet, if the requirements of 59.4.5.2.C.7 are satisfied.

3. Moderately Priced Dwelling Units (MPDUs)

The Applicant must provide a minimum of 30% of the total units as Moderately Priced Dwelling Units. The development must provide MPDUs in accordance with Chapter 25A.

4. Incentive Density

The development must be constructed with the public benefits listed below unless modifications are made under Section 59.7.3.3.I. Per Section 59.4.7.3.D.6.e, a project that provides a minimum of 20% MPDUs does not have to satisfy any benefit category other than Affordable Housing under the Diversity of Uses and Activities category. The requirements of Division 59.4.7 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit. Final points will be established at Site Plan approval.

- a. Diversity of Uses and Activities achieved by providing a minimum of 30% of the residential units as MPDUs.

5. Public Open Space

The Applicant must provide a minimum of 12% of the Site Area (207,635 square feet) as Public Open Space, totaling 24,655 square feet.

6. Streetscape

- a. The Applicant must explore the undergrounding of utilities along the Site frontages and propose a reasonable and proportional strategy to underground as much of the overhead utilities as practicable. Priority for undergrounding utilities should be placed on Veirs Mill Road and University Boulevard to improve both the aesthetic appearance of the streetscape and improve pedestrian, bicycle, and traffic safety. The Planning Board will determine the scope of underground utilities along the Property's frontages during Site Plan review.
- b. The Applicant must provide streetscape elements along each respective public property frontage in accordance with the *Complete Streets Design*

Guide or applicable design standards at the time of Site Plan, to be determined by Planning Staff and MCDOT.

7. Noise

A noise study showing existing noise impacts on the Property and projected noise impacts based on the proposed development must be submitted with the Preliminary Plan. The noise study must include recommendations for limiting projected noise impacts to no more than 65 dBA Ldn for the exterior public open spaces (to the extent feasible), and projected interior levels not to exceed 45 dBA Ldn.

8. Validity

A site plan must be submitted within 36 months after the mailing date of the Sketch Plan resolution. Any request for an extension must be filed before the expiration of the 36-month validity date.

9. Future Coordination for Preliminary Plan and Site Plan

In addition to any other requirements for Site Plans under Chapter 59, the following must be addressed in the Site Plan application:

- a. The Applicant must submit and receive approval of a Preliminary/Final Forest Conservation Plan consistent with Chapter 22A of the Montgomery County Code.
- b. The Applicant must submit and receive approval of a Stormwater Management concept plan consistent with Chapter 19 of the Montgomery County Code.
- c. The CRN-zoned portion of the Site is subject to the Standard Method of Development criteria.
- d. The Applicant must design the streetscape to the applicable design standards.
- e. The Applicant must meet the height compatibility, as established in Section 59.4.1.8.B. of the Zoning Ordinance, along East Avenue and Kensington Boulevard.

- f. Explore methods to further reduce the perceived bulk of the proposed building along East Avenue and foster a pedestrian friendly environment. Examples to be considered include:
- i. Residential-scaled porches and stoops for all ground floor units with direct access to the abutting East Avenue sidewalk.
 - ii. A continuous row of street trees (placed 40 feet on-center with MCDOT approval), between the sidewalk and the curb along East Avenue.
 - iii. A maximum height of 35 feet for the projecting bays along the East Avenue façade.
 - iv. Setbacks above the sixth floor of the East Avenue façade.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations of its Staff as presented at the hearing and/or 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 the Zoning Ordinance, the Board finds that as conditioned the necessary elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan and that:

1. *The Sketch Plan meets the objectives, general requirements, and standards of the Zoning Ordinance.*

a. Development Standards

The Subject Property includes approximately 5.16 acres zoned CR 5.0, C-4.5, R-4.5, H-130; CR 3.0, C-2.5, R-2.5, H-100; CRN 1.5, C-0.25, R-1.5, H-45, and R-60. The data tables below demonstrate the Application's conformance to the applicable development standards of the zones.

Table 1: Overall Wheaton Gateway Project Data Table

Overall Project Data Table (Section 59.4.5) ¹		
Development Standard	Permitted/ Required	Approved
Tract Area (Square Feet/ Acres) CR-5.0, C-4.5, R-4.5, H-130' CR-3.0, C-2.5, R-2.5, H-100' CRN-1.5, C-0.25, R-1.5, H-45' R-60 Optional Method Tract Area Standard Method Tract Area Tract Area²	n/a	60,885 SF (1.40 ac) 98,407 SF (2.26 ac) 55,820 SF (1.28 ac) 9,605 SF (0.22 ac) 159,292 SF (3.66 ac) 65,425 SF (1.50 ac) 224,717 SF (5.16 ac)
Site Area (Square Feet/ Acres) Prior Dedication Proposed Dedication Site Area	n/a	n/a 17,082 SF (0.39 ac) 207,635 SF (4.77 ac)
Mapped Optional Method Density (CR FAR) Residential Density Commercial Density Total Optional Method Density	519,999 SF (3.26 FAR) 519,999 SF (3.26 FAR) 599,646 SF (3.76 FAR)	519,999 SF (3.26 FAR) 65,000 SF (0.41 FAR) 584,999 SF (3.67 FAR)
Mapped Standard Method Density (CRN FAR) Residential Density Commercial Density Total Standard Method Density	83,730 SF (1.5 FAR) 13,955 SF (0.25 FAR) 83,730 SF (1.5 FAR)	83,730 SF (1.5 FAR) 0 SF (0.0 FAR) 83,730 SF (1.5 FAR)
Total Mapped Density (Total Tract FAR) Residential Density Commercial Density Total Mapped Density	603,729 SF (2.69 FAR) 533,954 SF (2.38 FAR) 767,106 SF (3.41 FAR)	603,729 SF (2.69 FAR) 65,000 SF (0.29 FAR) 668,729 SF (2.98 FAR)
MPDU Bonus Density³ (Total Tract FAR) Optional Method MPDU Density Standard Method MPDU Density Maximum Total Project MPDU Density	n/a	208,002 SF (0.93 FAR) 33,492 SF (0.15 FAR) 241,494 SF (1.07 FAR)
Total Project Density¹	n/a	910,223 SF (4.05 FAR)
Public Open Space (min)	10% (20,764 SF)	12% (24,655 SF)

¹ Density may not be transferred between the CR and CRN portions of the Site.

² Tract Area includes the Standard Method CRN and R-60 zoned portions for the purposes of calculating open space.

³ 241,494 square feet is the maximum MPDU bonus density based on the satisfaction of the MPDU bonus density provisions set forth in Section 59.4.5.2.C.7. MPDU Bonus Density to be finalized at the time of Site Plan.

Table 2: Wheaton Gateway Sketch Plan Data Table for CR Zone, Optional Method, Section 59.4.5

Optional Method Project Data Table (Section 59.4.5)		
Development Standard	Permitted/ Required	Approved
Tract Area (Square Feet/ Acres) CR-5.0, C-4.5, R-4.5, H-130' CR-3.0, C-2.5, R-2.5, H-100' Optional Method Tract Area	n/a	60,885 SF (1.40 ac) 98,407 SF (2.26 ac) 159,292 SF (3.66 ac)
Residential Density (GFA/ FAR) CR-5.0, C-4.5, R-4.5, H-130' CR-3.0, C-2.5, R-2.5, H-100' Subtotal Optional Method	273,982 SF (4.5 FAR) 246,017 SF (2.5 FAR) 519,999 SF (3.26 FAR)	273,982 SF (4.5 FAR) 246,017 SF (2.5 FAR) 519,999 SF (3.26 FAR)
Commercial Density (GFA/ FAR) CR-5.0, C-4.5, R-4.5, H-130' CR-3.0, C-2.5, R-2.5, H-100' Subtotal Optional Method	273,982 SF (4.5 FAR) 246,017 SF (2.5 FAR) 519,999 SF (3.26 FAR)	25,000 SF (0.41 FAR) 40,000 SF (0.41 FAR) 65,000 SF (0.41 FAR)
Total Mapped Optional Method Density (GFA/FAR) CR-5.0, C-4.5, R-4.5, H-130' CR-3.0, C-2.5, R-2.5, H-100' Total Optional Method	304,425 SF (5.0 FAR) 295,221 SF (3.0 FAR) 599,646 SF (3.76 FAR)	298,982 SF (4.91 FAR) 286,017 SF (2.91 FAR) 584,999 SF (3.67 FAR)
MPDU Density (4.5.2.C) (Optional Method FAR)	n/a	208,002 SF (1.31 FAR)
Total Optional Method GFA/ FAR	n/a	793,001 (4.98 FAR)²
Building Height (4.5.2.C)³		
CR-5.0, C-4.5, R-4.5, H-130'	130 ft	154 ft
CR-3.0, C-2.5, R-2.5, H-100'	100 ft	124 ft

² 208,002 square feet is the maximum MPDU bonus density based on satisfaction of the MPDU bonus density provisions set forth in Section 59.4.5.2.C.7

³ Maximum height in the CR zoned portion of the Site based on satisfaction of the MPDU bonus height provisions set forth in Section 59.4.5.2.C.7

Table 3: Conceptual CRN Zone Standard Method Data Table Section 59.4.5.3 and 59.4.4.9²

Standard Method Project Data Table (Section 59.4.5 and 59.4.5.3.C)		
Development Standard	Permitted/ Required	Approved
Tract Area (Square Feet/ Acres) CRN-1.5, C-0.25, R-1.5, H-45' R-60 ¹ Standard Method Tract Area	n/a	55,820 SF (1.28 ac) 9,605 SF (0.22 ac) 65,425 (1.50 ac)
Residential Density (GFA/ FAR) CRN-1.5, C-0.25, R-1.5, H-45' R-60 Subtotal	83,730 SF (1.5 FAR) n/a 83,730 SF (1.5 FAR)	83,730 SF (1.5 FAR) 0 SF 83,730 SF (1.5 FAR)
Commercial Density (GFA/ FAR) CRN-1.5, C-0.25, R-1.5, H-45' R-60 Subtotal	13,955 (0.25 FAR) n/a 13,955 (0.25 FAR)	0 SF n/a 0 SF (0.00)
Total Mapped Standard Method Density (GFA/FAR) CRN-1.5, C-0.25, R-1.5, H-45' R-60 Total	83,730 SF (1.5 FAR) n/a 83,730 SF (1.5 FAR)	83,730 SF (1.5 FAR) n/a 83,730 SF (1.5 FAR)
MPDU Density (4.5.2.C) (Standard Method CRN FAR)	n/a	33,492 SF² (0.60 FAR)
Total Standard Method GFA/ FAR	n/a	117,222 SF (2.1 FAR)
Building Height (4.5.2.C)³		
CRN-1.5, C-0.25, R-1.5, H-45'	45 ft	69 ft
Placement (min) Front Setback Side Street Setback	0 ft 0 ft	35 ft TBD at Site Plan
Build to Area (max setback and min % of Building Façade) Front Setback Building in Front Street Side Street Setback Building in Side Street	30 ft 70% 30 ft 35 ft	TBD at Site Plan TBD at Site Plan TBD at Site Plan TBD at Site Plan
Building Orientation Entrance Facing Street or Open Space Entrance Spacing (max)	Required 100 ft	East Avenue (Street) TBD at Site Plan
Transparency Ground Story, front (min) Ground Story, side/ rear (min) Upper Story (min) Blank Wall, front (max)	20% 20% 20% 35 ft	TBD at Site Plan TBD at Site Plan TBD at Site Plan TBD at Site Plan

¹ R-60 is included as open space only; No density is attributed to the R-60 portion of the Site.

² 33,492 square feet is the maximum MPDU bonus density in the CRN zoned portion of the Site based on satisfaction of the MPDU bonus density provisions set forth in Section 59.4.5.2.C.7.

³ 69 feet is the maximum height in the CRN zoned portion of the Site based on satisfaction of the MPDU bonus height provisions set forth in Section 59.4.5.2.C.7

² This table is being provided to show that the CRN Zone aspect of the project was reviewed prior to submission of the future site plan.

b. General Requirements (Article 59-6)

i. *Site Access*

The Project will strengthen the Property's connection to nearby communities by facilitating both internal and external multimodal circulation. The development includes a new private street connection by proposing to construct a street between Veirs Mill Road (MD 586) and East Avenue, facilitating the use of internal points of access and reducing the amount of existing curb cuts from each respective public right-of-way. Along Veirs Mill Road, six existing curb cuts will be consolidated into two right-in and right-out access points. Likewise, three existing curb cuts along University Boulevard (MD 193) will be consolidated into one vehicular egress and ingress point into the parking garage and one ingress for the internal loading docks. Existing head-in parking along East Avenue, which previously supported repair garages as part of the automobile dealership, are proposed to be removed in favor of a consistent, defined street edge and on-street parallel parking.

Additionally, an ingress point for the residential parking garage levels is proposed adjacent to a new turnaround at the terminus of Kensington Boulevard. Evocative of urban areas throughout the County, the proposed development is envisioned to implement and expand the street grid identified by the 2012 *Wheaton Central Business District (CBD) and Vicinity Sector Plan*, by consolidating access, constructing wider sidewalks, installing street buffers with street trees, and implementing bidirectional bikeways. Conducive to the street network connectivity goals recommended in the *Sector Plan*, the Applicant's internal street and frontage improvements provide opportunities to extend to adjacent properties as the development evolves and surrounding properties are redeveloped.

The private street bifurcates the site into two halves, connected through an underground garage which proposes to shift all loading, parking, and deliveries out of the public right-of-way. In subsequent phases, the design of the proposed internal street and public street frontages will be reviewed to ensure it meets requirements of Chapter 49 and the adopted and approved Design Guidelines.

ii. *Parking, Queuing, and Loading*

The Sketch Plan envisions construction of three levels of below-grade garage parking within each mixed-use building in addition to at-grade and one level of above-grade parking. The Applicant stipulates that the final overall parking count will be determined during the Preliminary and Site Plan stages. While the Applicant outlines a proposed overall program of 845,223 square feet of residential development and

65,000 square feet of retail development, the composition of the number of bedrooms in individual dwelling units and mixture of tenants will be determined through the subsequent Preliminary and Site Plan applications. The Applicant will further refine parking numbers as the project moves forward in the context of Section 6.2.4. of the Zoning Ordinance and in context with minimum and maximum rates specified by the Wheaton Area Parking Lot District.

Vehicular loading and drop-off are proposed to occur internally within the garage structure with final specifications provided at the time of Site Plan.

Similarly, the rates related to the number of long-term and short-term bicycle parking spaces, as well as their respective locations will be fine-tuned as the project progresses through the subsequent Preliminary and Site Plan application processes.

iii. *Open Space and Recreation*

The Project is providing 12% of the Site Area as Public Open Space. The open space is located in two areas of the Site: the first area is along Veirs Mill Road and is centrally located to the Project; and the second area is oriented toward the adjacent R-60 neighborhood.

The first open space area, identified as an urban park and plaza, will be designed to invite passers-by from the public sidewalk and bus stop and will serve as an amenity for residents of the Wheaton Gateway project, surrounding community, and customers of the future commercial space. The second open space area, identified as a park and play area, will be designed as a new pocket park that will provide an amenity for both the future residents of the Wheaton Gateway project and residents of the existing single-family community. The design elements of these spaces will be refined during subsequent Site Plan application(s).

c. Intent of the CR zones (Section 4.5.1)

i. *Implement the recommendations of applicable master plans*

As described in Sketch Plan Finding No. 2 of this resolution the development implements the recommendation of the *2012 Wheaton CBD and Vicinity Sector Plan*.

ii. *Target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses.*

The Subject Project is currently being used as automotive dealership and will be developed into a mixed use with 3 buildings and ground floor commercial fronting on a major throughfare.

iii. Encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street.

The development will provide mixed-income housing with 30% MPDUs and structured parking. The Property is located close to the Wheaton Metrorail Station and future Bus Rapid Transit (BRT) Station.

iv. Allows a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods.

The building height, of up to 154 feet and as low as 69 feet, will be compatible with confronting single-family homes along East Avenue, as conditioned with further design requirements at Site Plan. These buildings are a mix of high-rise residential with ground floor commercial along Veirs Mill Road. As conditioned, the Applicant will continue to enhance the design along all frontages, with a focus on East Avenue, to ensure compatible relationships with adjoining neighborhoods.

v. Integrate an appropriate balance of employment and housing opportunities.

The development creates new affordable housing and market rate units in the area. There are a number of retail, commercial office, multi-family and single family homes in the vicinity of the Property that generate employment opportunities. Given the proximity to well-established employment uses near the Property, the additional housing provided by the Project will create an opportunity for individuals to live, work, and play in the Wheaton area.

vi. 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.

A project that provides a minimum of 20% MPDUs does not have to satisfy any benefit category other than Affordable Housing under the Diversity of Uses and

Activities category, per Section 59.4.7.3.D.6.e. The Project is providing 30% MPDUs. The final determination of public benefit points will be determined at the time of Site Plan. The Areas zoned CRN and R-60 standard method zones will not be used to calculate the points for Public Benefits.

2. The Sketch Plan substantially conforms to the recommendations of the Sector Plan.

The Property is within the boundaries of the *2012 Wheaton CBD and Vicinity Sector Plan*. The Sector Plan delineated five districts based on character and development potential with the Subject Property located within the Kensington View/Wheaton Hills District. This District includes properties along the north side of University Boulevard, both sides of Veirs Mill Road and transitions to residential communities to the north.

Applicable Sector Plan Guidance

The Subject Application advances the following Sector Plan goals:

Public Open Space:

The Project will deliver a significant public open space fronting onto Veirs Mill Road, completely framed by the development, accessible by improved sidewalks and connections to the surrounding community. An additional public open space is provided within the adjacent community, immediately adjacent to the development.

Sector Plan reference: “To have active public use spaces in the right locations” (Sector Plan p. 23, also p. 79) through redevelopment and/or public/private partnerships, to create the desirability needed to expand the local real estate market. Also, “to increase livability by integrating natural features into the built environment, while optimizing land use within the existing development footprint” (Sector Plan p. 73).

Street Level Activity:

The Subject Application includes activating uses along the Veirs Mill Road and University Boulevard frontages, as well as artists’ studios on the Veirs Mill Road frontage. Together with the public open space, the proposal strongly activates pedestrian areas around the building.

Sector Plan reference: Encourage that “street level uses should be a variety of retail types” (Sector Plan p. 23) and other active uses to promote pedestrian activity and community interaction.

Develop a Nighttime Economy:

The Subject Application will provide commercial spaces that may include uses supporting an expanded nighttime economy, as envisioned by the Sector Plan.

Sector Plan reference: Introduce uses that expand the nighttime economy and “create the initial foot traffic that will support expanded shopping hours and reduces crime”. (Sector Plan p.24)

Urban Design:

The Subject Application satisfies the Sector Plan goal of promoting mixed-use development and creating a landmark structure at the intersection of University Boulevard West and Veirs Mill Road.

Sector Plan reference: To improve the quality of the public realm by (Sector Plan p. 29):

- Creating an identifiable center focused on Wheaton’s triangle (see Design Guidelines, p.10);
- Enhancing the street system by promoting visual integration and expansion of the local network of sidewalks, bikeways, trails, and paths (see Design Guidelines, p.11-22);
- Creating a network of public use spaces for the Plan area (see Sector Plan p. 79), and;
- Promoting sustainability in building and street design.

Mobility:

The Subject Application expands connectivity by introducing a through-block connection, and by improving pedestrian and bicycle access around the Subject Property.

- Evaluate the extension of Kensington Boulevard.
- Include a through-block connection.
- Improve pedestrian and bikeway connectivity.

Environment:

The Subject Application will achieve higher sustainability ratings via a prefabricated construction system which advances this goal.

Plan Reference: To increase tree canopy cover, mitigate impervious surfaces, and reduce energy consumption through sustainable site and building design techniques (Sector Plan p. 73-74).

Health:

The Subject Application will consolidate public open space and provide a small park for the adjacent community that could create places with opportunities for outdoor recreation.

Sector Plan reference (Sector Plan p.77):

- Provide opportunities for active and passive recreation.
- Promote walking and biking on safe complete streets.
- Promote safe routes to schools.
- Encourage green roofs, green walls, and innovative urban stormwater management in all new buildings.

The Subject Application is in substantial conformance with the recommendations of the 2012 *Wheaton CBD and Vicinity Sector Plan*.

3. *The Sketch Plan satisfies, under Section 7.7.1.B.5 of the Zoning Ordinance, the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

The Sketch Plan is not subject to a development plan or schematic development plan.

4. *The Sketch Plan achieves compatible internal and external relationships between existing and pending nearby development.*

The Sketch Plan successfully achieves compatibility with the residential uses to the west and adjacent commercial properties. The Project meets the intent of Sector Plan and CR, CRN, and R-60 zoning requirements. It will be compatible with the newer and existing developments while setting a precedent for future developments in Wheaton.

5. *The Sketch Plan provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.*

The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading, as discussed above. There will be further refinement and enhancement at the time of Preliminary and Site Plan applications.

6. *The Sketch Plan proposes an outline of public benefits that supports the requested incentive density and is appropriate for the specific community.*

Taking into account the considerations in Section 59.4.7.1.B, including the recommendations and objectives of the Sector Plan and any applicable design guidelines, the CR Incentive Density Implementation Guidelines, the size and configuration of the site and its relationship to adjacent properties, similar public benefits nearby, and additional enhancements related to the individual public benefits, the Planning Board finds that the following outline of public benefits supports the Applicant's request for incentive density and is appropriate for the community surrounding the site. Final determination of public benefit point values will be determined at Site Plan(s).

For developments of this size in the CR zone, the Zoning Ordinance requires 100 points in a minimum of four categories. However, per Section 59.4.7.3.D.6.e, a project that provides a minimum of 20% MPDUs does not have to satisfy any benefit category other than Affordable Housing under the Diversity of Uses and Activities category. The Applicant is proposing to provide 30% MPDUs. Although at the time of Sketch Plan review, only the categories need to be approved, the following table shows both the categories and points for public benefits requested at Sketch Plan to demonstrate the project's ability to meet the requirement to provide sufficient public benefit points. The final calculations and benefit points earned will be further refined and ultimately determined as part of a future Site Plan submission. Table 4 shows the Applicant's approved public benefits in the following one category: Diversity of Uses and Activities. The Planning Board supports the public benefit at this time.

Table 4: Wheaton Gateway Public Benefit Calculations

Public Benefits	Incentive Density	
	Max Allowed	Approved
59.4.7.3.D: Diversity of Uses and Activities		
Affordable housing-30% MPDUs	n/a	210
TOTAL		210
*Points are only based on the areas zoned CR for an optional method development, CRN and R-60 areas are not included within the calculations		

Table 5: Wheaton Gateway Public Benefit Point Phases

Public Benefits Phased	Incentive Density		
	Phase 1	Phase 2	Totals
59.4.7.3.D: Diversity of Uses and Activities			
Affordable housing-30% MPDUs	105	105	210
TOTAL	105	105	210

*Points are only based on the areas zoned CR for an optional method development, CRN and R-60 areas are not included within the calculations.

Category

Diversity of Uses and Activities

Affordable housing-30% MPDUs: The Applicant requests 210 points for providing 30% MPDUs. Twelve (12) points are allowed for every percentage point over the required 12.5% MPDUs as demonstrated in the calculation below. The Planning Board supports the Applicant's request at this time.

7. The Sketch Plan establishes a feasible and appropriate phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.

The Project is expected to be developed over two phases. The Planning Board recommends that the Project develop Building 3 (located at the corner of Veirs Mills and University Blvd) within Phase 1 of the development. Developing the corner of the project is important to framing the intersection and establishing a gateway feature as you enter into Wheaton. The Planning Board may entertain the possibility of allowing different uses in order to accomplish this goal. The final phasing sequence will be determined at the time of Site Plan review and approval.

BE IT FURTHER RESOLVED that the Board's approval of a sketch plan is in concept only and subject to further review at site plan, when, based on detailed review the Board may modify the Sketch Plan's binding elements or conditions based on the Montgomery County Code, the Sector Plan, or other requirements; and

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 all binding site development elements shown on the latest version of Wheaton Gateway, Sketch Plan No. 320210060, received by M-NCPPC as of the date of the Staff Report May 16, 2021, are required, except as modified by the above conditions of approval; 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 JUL 19 2022 (which is the date that this Resolution is mailed to all parties of record); and

* * * * *

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 the motion of Commissioner Rubin, seconded by Vice Chair Verma, with a vote of 4-0, Chair Anderson, Commissioners Cichy, Rubin, and Verma voting in favor, Commissioner Patterson absent, at its regular meeting held on Thursday, July 7, 2022, in Wheaton, Maryland and via video conference.



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