

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

December 22, 2023

MCPB No. 23-127
Sketch Plan No. 320230030
MHP-Amherst
Date of Hearing: November 30, 2023

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 August 15, 2023, Montgomery Housing Partnership (“Applicant”) filed an application for approval of a sketch plan for the construction of two mixed use buildings and 39 townhouses; to establish the location of the future Wheaton Arts and Cultural Center (“WACC”) on the site, create new roads, open spaces and amenity areas; and show the location of the future community park on 6.14 acres of CR-2.0, C-1.5, R-1.5, H-75 zoned-land, located in Wheaton Downtown, north of Blueridge Avenue, between Georgia Avenue and Elkin Street (“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. 320230030 MHP-AMHERST (“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 November 17, 2023, providing its analysis and recommendation for approval of the Application subject to certain binding elements and conditions (“Staff Report”); and

WHEREAS, on November 30, 2023, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Commissioner Linden, with a vote of 4-0; Vice Chair Pedoeem, Commissioners Bartley, Hedrick and Linden voting in favor. Chair Harris recused himself.

2425 Reedie Drive, Floor 14, Wheaton, MD 20902 | Phone: 301-495-4605
www.montgomeryplanningboard.org | mcp-chair@mncppc.org

Approved as to
Legal Sufficiency: /s/ Matthew T. Mills
M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320230030, MHP-AMHERST. The overall density is 1.61 FAR for a total of maximum density of up to 485,000 square feet 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.

Conditions. This approval is subject to the following conditions:

1. **Density**

The Sketch Plan is limited to a maximum of 485,000 square feet comprised of up to 423,000 square feet of residential uses and up to 62,000 square feet of non-residential uses. Non-residential uses on the site include up to 42,000 square feet for the arts and cultural center and up to 20,000 square feet of office space.

2. **Height**

The development is limited to a maximum average building height of 75 feet, as measured from the building height measuring point to be illustrated on the Certified Site Plan.

3. **Incentive Density**

The development must be constructed with the public benefits listed below unless modifications are made under Section 59.7.3.3.I. The project must provide a minimum of 20 percent MPDUs or it will be required to satisfy other benefit categories under Section 4.5.4.A.2 and Section 4.6.4.A.2, per Section 4.7.3. D.6.e. Final points will be established at Site Plan approval.

4. **Public Open Space**

The Applicant must provide a minimum of 10 percent of the Site Area (267,261 square feet) as Public Open Space and Common Open Space, totaling a minimum of 26,726 square feet of open space. Final open space type will be determined at Site Plan approval.

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.

5. Arts and Cultural Center

The Applicant must provide up to 42,000 square feet of non-residential uses to Montgomery County Department of General Services for an arts and cultural center.

6. Moderately Priced Dwelling Units (MPDUs)

The development must provide a minimum of 25 percent MPDUs in accordance with Chapter 25A with the distribution of MPDUs subject to review and approval by the Department of Housing and Community Affairs (DHCA) at Site Plan.

7. Future Coordination for the 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. Undergrounding of utilities along Elkin Street consistent with the requirements of the Wheaton Streetscape Standards.
- b. Provide methods for keeping non-emergency vehicles from accessing the central pedestrian walkway.
- c. Determine alignment of the pedestrian connection to the northern property line to align with the existing sidewalk on the property to the north.
- d. Determine the midblock connection design in coordination with the property located to the south.
- e. Provide appropriate pedestrian crossing facilities and locations across Elkin Street based on results of a speed study conducted as part of the required LATR study.
- f. The Applicant must submit and receive approval of a Preliminary/Final Forest Conservation Plan.
- g. The Applicant must submit and receive Stormwater Management concept approval consistent with Chapter 19 of the Montgomery County Code.
- h. Noise Analysis will also be required due to the proximity to Georgia Avenue.
- i. Provide Maryland Department of Transportation State Highway Administration (SHA) approval for access on to Georgia Avenue.
- j. Confirm hardscape along streetscape for Georgia Avenue.
- k. Confirm design and usability of all proposed open space.
- l. Confirm final design of pedestrian path/open space along southern property boundaries.
- m. Provide information about project phasing, including tenant relocation, as part of the future preliminary plan application.

8. Validity

A site plan must be submitted within 36 months after the resolution mailing date per Section 59.7.3.3.G.

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.*

Development Standards

The Subject Property includes approximately 6.14 acres zoned CR-2.0, C-1.5, R-1.5, H-75. The data table below demonstrates the Application's conformance to the applicable development standards of the zone.

Table 1: MHP-Amherst, Sketch Plan No. 320230030 Data Table for CR Zone, Optional Method, Section 59.4.5.4

Development Standard	Permitted/ Required	Proposed
Tract Area	<i>n/a</i>	300,917 SF (6.91 AC)
Tract Area - Prior Dedication	<i>n/a</i>	29,515
Tract Area - Proposed Dedication	<i>n/a</i>	4,081
Site Area (tract area minus dedications)	<i>n/a</i>	267,261 (6.14 AC)
Mapped Density CR-2.0, C-1.5, R-1.5, H-75		
Residential (GFA/ FAR)	1.5 (451,376 SF)	1.41 (423,000 SF)
Commercial (GFA/FAR)	1.5 (451,376 SF)	0.21 (62,000 SF)
Total Mapped Density (GFA/FAR)	2.0 (601,834 SF)	1.61 (485,000 SF)
MPDU requirement	12.5%	25%
Building Height, max average	75	75
Public Open Space (min s.f.)	10% (26,726 SF)	21% (57,100 SF)

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

Though this Site is mostly forested and contains existing residential apartment buildings with surface parking. The proposed redevelopment changes the Site into an affordable housing mixed used development that will provide an arts and cultural center and a future community park.

- b) **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 Project provides a maximum of 485,000 square feet comprised of up to 423,000 square feet of residential uses (up to 320 multifamily units and 39 townhouse units) and up to 62,000 square feet of non-residential uses. Non-residential uses on the Site include up to 42,000 square feet for the arts and cultural center and up to 20,000 square feet of office space. Residential uses on the Site represent a net increase of up to 234 mixed-income affordable housing units within one-half mile of the Wheaton Metro Station. The Project will offer multifamily units ranging in size from one to three bedrooms with a healthy number of two- and three-bedroom units to provide needed housing for families. In addition, the Project is expected to offer up to 39 townhouses. The final number of multifamily and townhouse units will be determined at Site Plan. The presence of the arts and cultural center as well as the future community park will provide meaningful public amenities at the doorstep of the new residences.

The Project will not provide any surface parking between the structures and the street; the majority of the parking will be located within the multi-level parking structure lined by Buildings 1 and 2. A total of five surface parking spaces will be provided within the townhouse community for guest parking.

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

The Project height will vary from approximately 35-40 feet for the townhouses up to 75 feet for Buildings 1 and 2. The three different building types transition higher from denser to less dense as you move east from Georgia Avenue to Elkin Street. Building 1 is set back 60 feet from the northern Property line to promote the transition to the lower scale Leesborough community. The heights provide an appropriate transition to the surrounding development. The Project also meets the Height Compatibility requirements per 59.4.1.8.B as stated within the “Height Compatibility” section of the report.

d) Integrate an appropriate balance of employment and housing opportunities.

The Property is part of the Wheaton downtown area and the future residents will be in close proximity to the various commercial employment opportunities within Wheaton. In addition, the Property’s location less than one-half mile to the Wheaton Metrorail Station provides easy access to other commercial centers within the District/Maryland/Virginia

region. Also, the Property will provide employment opportunities within the WACC and MHP offices located onsite.

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 Project will provide the required 100 public benefit points from a minimum of 1 category to achieve the desired incentive density above the standard method limit. At this time, all public benefits points are anticipated to be satisfied by the provision of a minimum of 25% MPDUs. Final determination of public benefit points will be determined at the time of Site Plan.

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

The Property is part of the 2012 *Wheaton CBD and Vicinity Sector Plan*. The Sector Plan recommends that future development in this district should include street-oriented businesses along Georgia Avenue and University Boulevard West, along with housing, professional offices, and neighborhood retail. The Plan also recommends a public open space in the vicinity of Parking Lot 14. The Site is part of the northern gateway to downtown Wheaton, and is within Wheaton's Central Business District, Wheaton Urban District, and Arts and Entertainment District boundaries. The Property was rezoned by the 2012 Sector Plan to encourage mixed-use development and was given the lowest CR density within the district to ensure development scale that would transition adequately to the existing adjacent residential uses. The Sector Plan recommends on these two parcels (referred to as Parcel 920 for the former WMATA, and Parcel A for MHP) should provide appropriate transitions in building heights along the northern edge of Parcel 920 and Parcel A to be compatible with existing townhomes on the adjoining property to the north.

Revitalization Strategy

The Sector Plan's overarching goal is to revitalize Wheaton using public investment in the short-term to reawaken interest in future private redevelopment that delivers needed public benefits. The Sector Plan notes that given the significant amount of existing publicly owned land within the CBD; public investment should be encouraged to spur private investment at other locations. While not a public-private partnership, this application meets this goal by proposing redevelopment on public land that includes a public use as part of mixed-use development. The proposal will provide a mix of housing types that includes affordable units and townhomes, limited office space, and a public arts facility that will bring significant activity to the northern edge of the Central Business District. This development is like other recent public investments along the Georgia Avenue corridor, including the Wheaton Volunteer Rescue Squad, Wheaton

Library and Recreation Center, Glenmont Fire Station 18, and headquarters for M-NCPPC, here in the center of Wheaton. Besides investing on public property, the application furthers the following Sector Plan objectives:

- Creates Mixed Use development that helps improve the balance of residential and commercial uses in the CBD,
- Significantly improves the CBD's public realm,
- Provides better pedestrian connectivity and supports safe, secure, and appealing street level activity,
- Includes uses supportive of nighttime entertainment in walking distance to Metro, beneficial to local restaurant uses.

Public Open Space

The Sector Plan recognizes the lack of public open space in downtown Wheaton and recommends temporary strategies to expand public space availability. This application will provide permanent open spaces, including a plaza along the development's frontage on Georgia Avenue, and other spaces spread through the residential portions of the Project. In addition, the construction of this project and the associated land exchange will make possible the construction of a future Montgomery Parks urban park of approximately 3 acres, on MHP property immediately adjacent, between Elkin Street and Amherst Avenue. A future site plan application must ensure public spaces provided by this application are accessible, and that the Plaza on Georgia Avenue is adequately activated by building uses.

Connectivity

The Sector Plan includes specific connectivity recommendations on this property. A north-south connection is shown on this property (SP Map 17, p.61). The Plan states this connection should "be designed as a safe and pleasant, direct passage, open to the public, with ample width, height and adequate lighting between Blueridge Avenue and future connection provided on the Leesborough development site to the north. Pedestrians should be able to travel from Blueridge Avenue to points north, including any future development at the undeveloped WMATA site, the Leesborough community, the Wheaton Library, and the Wheaton Recreation Center, without obstacles and in an inviting and safe manner. This connection may also be provided as a private street" (SP, p.50). This connection would also allow direct access from communities north to the proposed arts and cultural center, and to the future urban park at Elkin Street and Amherst Avenue. The Application's proposed circulation system supports this recommendation.

Streetscape Standards

The future Site Plan application will address the requirements of the recently approved 2023 Wheaton Streetscape Standards.

- 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 Project adheres to the height and density recommendations contained in the Sector Plan and zoning requirements. The proposed residential use will be compatible with the existing and proposed surrounding uses in the immediate neighborhood and larger Wheaton area. Also, will provide opportunities for enhanced connections to adjacent properties for access to onsite and future offsite amenities.

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

Vehicular access on Georgia Avenue and Elkin Street provides safe and efficient access to the proposed development for vehicles and non-motorized users.

Frontage improvements consistent with the 2018 *Bicycle Master Plan*, 2012 *Wheaton CBD and Vicinity Sector Plan*, and the 2021 *Complete Streets Design Guide* will be implemented as part of the development.

The new private street that connects to Georgia Avenue and Elkin Street, the private drive located along the southeastern corner of the site, and the alleys that provide access to the rear-loaded townhomes will be designed based on the 2021 *Complete Street Design Guide*.

This includes adequate sidewalk and street buffer widths to allow for safe, adequate, and efficient circulation within the site.

Parking will primarily be provided via a central parking garage that serves the Wheaton Arts and Cultural Center and Multifamily Buildings 1 and 2. Townhomes will have rear-loaded garages accessed via alleys. A limited number of on-street parking spaces will be provided along the new private street and along the private drive.

Loading and trash collection is proposed to occur via the private drive located at the southeastern corner of the site via Elkin Street.

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 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. The final determination of public benefit point values will be determined at Site Plan(s).

Table 2: Public Benefit Calculations- Division 59-4.7

Public Benefit	Maximum Points Allowed	Proposed
Transit Proximity	50	30
Diversity of Uses and Activities		
Moderately Price Dwelling Units	n/a	150
Quality Building and Site Design		
Structured Parking	20	8.77
Total Points	100	188.77

Transit Proximity

The entire Property is located between ¼ and ½ -mile from the Wheaton Metro (level 1) Station. The Planning Board supports the **30-point** request based on the Property’s proximity to a Level 1 transit stop.

Diversity of Uses and Activities
Moderately Priced Dwelling Units

The Applicant is requesting points for providing 25 percent MPDUs. Twelve (12) points are allowed for every percentage point over 12.5 percent MPDUs. The Planning Board supports the category based on the following calculation:

*Formula: (P-R)*12 + W*2+T*5*

P (percentage MPDUs provided)

R (percentage MPDUs required)

W (percentage 2-bedroom MPDUs provided, not otherwise required)
T (percentage 3-bedroom MPDUs provided)

$(25 \text{ (percentage of MPDUs provided)} - 12.5 \text{ (percentage required)}) * 12 + 0$
 $\text{(percentage of 2-bedroom MPDUs not required)} * 2 + 15 \text{ (percentage of 3-bedroom}$
 $\text{MPDUs)} * 5 = \mathbf{150 \text{ points}^2}$

Quality Building and Site Design

Structured Parking

The Applicant seeks 8.77 points out of a possible twenty for providing structured parking across the development. The Planning Board supports the request based on the following preliminary calculation:

Formula: $[(A/T)*10]+[(B/T)*20]$

A (above-grade spaces)

B (below-grade spaces)

T (total spaces)

Structured Parking $[(590 \text{ (above grade spaces)}/673 \text{ (total spaces)}) * 10] + [(0 \text{ below grade spaces}/673 \text{ (total spaces)}) * 20 = \mathbf{8.77 \text{ points}}$

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 Applicant stated the anticipated phasing is unclear and will depend on financing for the project. Additional information on project phasing will be available as part of subsequent plan review. Buildings 1 and 2 may be constructed as a single phase or if financing is an issue, as two separate phases. The townhomes will be constructed as a future phase. Amherst tenants will be relocated to Pembridge square or Amherst Apartments on east side of Elkin Street during construction and then relocated to the new project. Final phasing will be determined at site plan. The Project timing for the land exchange is still to be determined, however, it is expected that the land exchange will occur sometime after Building 1 is fully completed and all residents have been relocated. Planning Staff will determine appropriate phasing based on the future applications.

BE IT FURTHER RESOLVED that the Board's approval of a sketch plan is in concept only and subject to further review at the site plan, when, based on detailed review the Board may

² Per Section 4.7.3.D.6.e: A project that provides a minimum of 20% MPDUs does not have to satisfy any other benefit category under Section [4.5.4.A.2](#) and Section [4.6.4.A.2](#).

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 MHP-Amherst, Sketch Plan No. 320230030, received by M-NCPPC as of the date of the Staff Report, 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

December 22, 2023

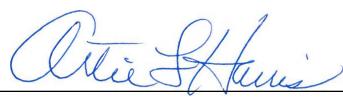
(which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal consistent with the Maryland Rules for the judicial review of administrative agency decisions.

* * * * *

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 Linden, seconded by Vice Chair Pedoeem, with a vote of 3-0-1; Vice Chair Pedoeem, and Commissioners Bartley, and Linden, voting in favor of the motion, Chair Harris abstaining, and Commissioner Hedrick necessarily absent, at its regular meeting held on Thursday, December 14, 2023, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board

Ronnie Warner
101 Monroe Street, 9th Floor
Rockville, Maryland 20850

Patricia Harris
7600 Wisconsin Avenue, Suite 700
Bethesda, MD 20814

Amy Donin
101 Monroe Street, 9th Floor
Rockville, Maryland 20850

John Poyer
12200 Tech Road, Suite 250
Silver Spring, MD 20904-1938

Dylan Macro
9220 Wightman Road, Suite 120
Montgomery Village, MD 20886

Ashish Mayer
11720 Beltsville Drive, Suite 600
Calverton, MD 20705

Dan Thompson
2801 Elnora St
Wheaton, Maryland 20902

Thomas Herndon
2204 Highfly Terrace
Silver Spring, MD 20902

Ellen Lutrey
2218 Highfly Terrace
Silver Spring, MD 20902

Jim Epstein
2603 Weisman Rd
Wheaton MD 20902

Xiang Li
11501 amherst ave,
silver spring md 20902

Dan Thompson
2801 Elnora St
Wheaton MD 20902

John Poyer
46614 Carriage Ct.
Sterling VA 20164

Sarantos Georgopoulos
2020 Franwall Avenue
Wheaton Maryland 20902

Elizabeth Gallauresi
5703 Seminole St
Berwyn Heights Md 20740