

MHP AMHERST
PRELIMINARY PLAN NO. 120250010
SITE PLAN NO. 820250010
FOREST CONSERVATION PLAN NO. F20250080



Description

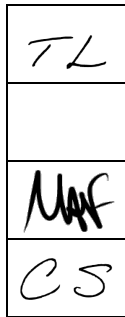
The Applicant proposes to construct a highly affordable mixed-use development containing up to: 272 multifamily units in two buildings, a 42,000 square foot future Wheaton Arts and Cultural Center , 20,000 square feet of office space, a structured parking garage, and 39 townhomes. The Applicant proposes to subdivide the property into: one lot to accommodate both multifamily buildings, one parcel for the private street, 39 townhouse lots and two parcels associated with the townhomes.

COMPLETED: 5/23/2025

PLANNING BOARD HEARING DATE: 6/5/2025

MCPB ITEM NO. 5

Planning Staff



Troy Leftwich, Planner III, Midcounty Planning, Troy.Leftwich@montgomeryplanning.org, 301-495-4553

Erin Fowler, Planner II, Midcounty Planning, Erin.Fowler@montgomeryplanning.org, 301-495-1334

Matthew Folden, Supervisor, Midcounty Planning, Matthew.Folden@montgomeryplanning.org, 301-495-4539

Carrie Sanders, Chief, Midcounty Planning, Carrie.Sanders@montgomeryplanning.org, 301-495-4653

LOCATION/ADDRESS

Wheaton Downtown, north of Blueridge Avenue,
between Georgia Avenue and Elkin Street

MASTER PLAN

2012 Wheaton CBD and Vicinity Sector Plan

ZONE

CR-2.0, C-1.5, R-1.5, H-75

PROPERTY SIZE

6.14 acres

APPLICANT

Montgomery Housing Partnership (MHP)

ACCEPTANCE DATE

October 30, 2024

REVIEW BASIS

Chapters 22A, 50 & 59

Summary:

- Staff recommends approval of the Preliminary, Site, and Forest Conservation Plans with conditions.
- On November 30, 2023, the Planning Board approved Sketch Plan No. 320230030 and Mandatory Referral No. MR2023015 for the review associated with the Wheaton Arts and Cultural Center and the residential development.
- The Applicant proposes up to 423,000 square feet of affordable residential uses (up to 272 multifamily dwelling units), 39 townhomes, and 62,000 square feet of commercial uses.
- The Applicant is requesting Alternative Compliance for two alternate lighting levels along the southern property line. Planning Staff supports this request.
- The Applicant is requesting an APF validity period for eight years and a plan validity period for six years. Planning Staff supports this request.
- Public benefit points are proposed in the diversity of uses and activities category for the project's provision of 25% MPDUs.
- Staff received one letter from a nearby resident with concerns about the lack of recreation space in the plans.

TABLE OF CONTENTS

SECTION 1: EXECUTIVE SUMMARY	3
SECTION 2: RECOMMENDATIONS AND CONDITIONS	4
PRELIMINARY PLAN No. 120250010	4
SITE PLAN No. 820250010.....	9
FOREST CONSERVATION PLAN F20250080.....	15
SECTION 3: SITE DESCRIPTION.....	16
VICINITY.....	16
PROPERTY DESCRIPTION.....	17
SECTION 4: PROJECT DESCRIPTION.....	19
PREVIOUS APPROVALS.....	19
PROPOSAL	19
SECTION 5: COMMUNITY OUTREACH	38
SECTION 6: PRELIMINARY PLAN 120250010 FINDINGS AND ANALYSIS	38
SECTION 7: SITE PLAN 820250010 FINDINGS AND ANALYSIS	51
SECTION 8: FOREST CONSERVATION PLAN F20250080 FINDINGS AND ANALYSIS.....	57
SECTION 9: CONCLUSION	62
ATTACHMENTS	62

SECTION 1: EXECUTIVE SUMMARY

Following Sketch Plan No. 320230030 approval in November 2023, the joint application for MHP Amherst Preliminary Plan No. 120250010 and Site Plan No. 820250010 proposes to transform a large undeveloped parcel fronting onto Georgia Avenue and existing garden-style apartments along Elkin Street in downtown Wheaton into a highly affordable mixed-use community including residential, cultural, and office uses. Given the Property's location within a half-mile of the Wheaton Metro Station, the Project will provide housing in a transit-rich commercial area, furthering the goals envisioned in the 2012 *Wheaton CBD and Vicinity Sector Plan*.

The Project also demonstrates a successful public-private partnership, with extensive coordination between MHP Amherst (the Applicant), Montgomery County's Department of General Services (DGS), and M-NCPPC's Montgomery Parks to address the build out of the future Wheaton Arts and Cultural Center by DGS and a land swap between MHP Amherst and M-NCPPC for a future 3.3-acre urban recreational park, as envisioned in the Sector Plan. Development and design of the future park will be coordinated with the Parks Department through a future Park Facilities Agreement.

This development provides highly affordable housing in multiple typologies, with up to 272 new multifamily units and 39 townhouses fronting onto the new and existing streets. Twenty-five percent of the multifamily units will be MPDUs, well above the 12.5% minimum. The remaining rents will be set to achieve a range of affordability, with many of the units at income levels substantially below those required by the MPDU program. The Project satisfies the rental requirements for a Mixed-Income Housing Community, as outlined in Section 59.3.3.4.A.1., by providing 423,000 square feet of residential development to accommodate 272 multi-family units and will be financed through Maryland tax credits requiring under a binding agreement that at least 50% of the units will be available to households earning less than 60 percent of Area Median Income (AMI) for at least 30 years.

Part of the Subject Property is currently improved with 50 garden-style apartment units (Amherst Square Apartments) owned and operated by the Applicant. Existing residents will be relocated as part of the redevelopment, with a long-term plan for them to reside in the newly constructed multifamily buildings upon completion.

Through the Preliminary Plan application, the Applicant is requesting an Adequate Public Facilities validity period of eight years, subject to the phasing schedule outlined in Condition 2, and a Preliminary Plan validity period of six years, subject to the phasing schedule outlined in Condition 3. Planning Staff supports this request.

Additionally, Sketch Plan No. 320230030 Condition 7.a. stated that the undergrounding of utilities on Elkin Street must be addressed in the Site Plan application, per the 2023 *Wheaton Streetscape Standards*. Due to Pepco's recommendations to not underground the utilities, Planning Staff recommends maintaining the existing overhead utilities along Elkin Street. Finally, the Applicant is seeking Planning Board approval for the Alternative Method of Compliance provisions of Section

59.6.8.1. for two alternate lighting levels that exceed the requirement along the southern property line to provide safe lighting for the pedestrian connection. Planning Staff supports this request for alternative compliance.

SECTION 2: RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN NO. 120250010

Staff recommends approval with conditions of the Preliminary Plan to subdivide one lot to accommodate two multifamily buildings, non-residential uses and structured parking; 39 townhouse lots and two common open space/HOA parcels associated with the townhomes; and one parcel for the private street. All site development elements shown on the latest electronic version of the Preliminary Plan No. 120250010 as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions:

GENERAL APPROVAL

1. This Preliminary Plan is limited to 40 lots for a maximum of 485,000 square feet of total development, up to 272 multifamily units and 39 townhouses, including 25% MPDUs, up to 62,000 square feet of non-residential uses (which includes 42,000 square feet for the Wheaton Arts & Cultural Center and 20,000 square feet of office); and two (2) parcels for common open space and one private road parcel.

ADEQUATE PUBLIC FACILITIES

2. The Adequate Public Facilities (“APF”) review for the Preliminary Plan will remain valid for eight (8) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5), and is subject to the following phasing schedule:
 - a) Phase 1- Applicant must obtain building permits for all of the multifamily units (approved for up to 272 dwelling units) and non-residential uses (approved for up to 62,000 square feet) within five (5) years of the initiation date.
 - b) Phase 2- Applicant must obtain the 39 building permits for the townhouse units within eight (8) years of the initiation date.

PLAN VALIDITY PERIOD

3. The Preliminary Plan will remain valid for six (6) years with the following phasing of plat recordation:
 - a. Phase 1- Plats for multifamily buildings and the private road parcel must be recorded within three (3) years of the initiation date (as defined in Montgomery County Code Section 50.4.2.G) or request for an extension filed.

- b. Phase 2- Plats for the 39 townhouse units and two parcels for common open space must be recorded within six (6) years of the initiation date or request for an extension filed.
- c. The final record plats for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records.

OUTSIDE AGENCIES

- 4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated March 27, 2025, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
- 5. Before recording the first plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
- 6. The Planning Board has reviewed and accepts the recommendations of the Maryland State Highway Administration (“MDOT SHA”) in its letter May 20, 2025 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MDOT SHA if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
- 7. Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration’s requirements for access and improvements.
- 8. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Water Resources Section in its stormwater management concept letter dated March 13, 2025, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
- 9. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Fire Department Access and Water Supply Section in its letter dated May 7, 2025, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.
- 10. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (“DHCA”), in its letter May 21, 2025 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

OTHER APPROVALS

11. Before approval of a record plat or any demolition, clearing, or grading for the Subject Property, the Applicant must receive Staff certification of any subsequent Site Plan(s) associated with this Preliminary Plan. The number and location of site elements, including but not limited to buildings, dwelling units, on-site parking, site circulation, and sidewalks, are determined through site plan review and approval.
12. If an approved site plan amendment for the Subject Property substantially modifies the lot or right-of-way configuration or quantities shown on this Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan amendment before certification of the site plan amendment.

TRANSPORTATION

Frontage Improvements on Existing Roads

13. The Applicant must provide the following dedications and show them on the record plat(s) for the following existing roads:
 - a) All land necessary to accommodate sixty-four and one-half feet (64.5 ft) from the existing pavement centerline along the Subject Property frontage for Georgia Avenue for a total of 4,570 square feet.
14. Before the recordation of plat(s), the Applicant must satisfy all necessary requirements of MCDPS, MCDOT, and MDOT SHA to ensure construction of a sixteen-foot-wide (16 ft) sidewalk and an eight and one-half foot-wide (8.5 ft) street buffer along the Property frontage for Georgia Avenue.
15. Before the recordation of the plat(s), the Applicant must satisfy all necessary requirements of MCDPS and MDOT SHA to ensure construction of a six-foot-wide (6 ft) sidewalk and a six-foot-wide (6 ft) buffer along the Property frontage for Elkin Street.

Private Roads

16. The Applicant must provide Private Road Parcel 1, including any sidewalks, storm drainage facilities, street trees, street lights, private utility systems and other necessary improvements as required by either the Preliminary Plan or the subsequent Site Plan within the delineated private road area (collectively, the "Private Road"), subject to the following conditions:
 - a) The record plat must show the Private Road in a separate parcel.
 - b) The Private Road must be subjected by reference on the plat to the Declaration of Restrictive Covenant for Private Roads recorded among the Land Records of Montgomery County, Maryland in Book 54062 at Page 338, and the terms and conditions in the Montgomery County Code § 50-4.3.E et seq regarding private roads. The Covenant includes, but is not limited to the following requirements/conditions:
 - i) The Applicant, at its expense, shall design, construct, and maintain the Private Road.

- ii) The Applicant, at its sole cost and expense, shall properly and continually maintain (including ordinary and capital maintenance and removal of snow, ice, litter, and other obstructions and hazards as soon as conditions reasonably allow), repair, and replace any portion of the Private Road and all improvements located within the Private Road, in good condition and repair for safe use and operation of the Private Road. The Applicant must maintain a commercially reasonable budget (operating and capital, as applicable) to address both short-term and long-term maintenance, and reserves for capital repairs. The Applicant must provide certification of the reserves to the Planning Board or its Staff every two (2) years (or every five (5) years in the event there are no below-ground parking structures in the Private Road). The reserves must be adequate to cover the costs of needed repairs.
 - iii) The Applicant must post and retain signage to notify the public that the Private Road is not publicly maintained and to provide contact information to handle complaints, concerns or questions regarding the Private Road.
 - iv) Approved subbase for private roads to be six-inch Graded Aggregate Base (GAB).
- c) Before issuance of the first above grade permit, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the Private Road has been designed and the applicable building permits will provide for construction in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified on this Preliminary Plan or a subsequent Site Plan, and that the road has been designed for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access and parking, and all necessary requirements for emergency access, egress, and apparatus as required by the Montgomery County Fire Marshal.
- d) Before approval to release any portion of the site plan performance bond or surety, the Applicant must deliver to the Planning Department and MCDPS inspector certification by a professional engineer licensed in the State of Maryland that the Private Road has been constructed in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified on the Preliminary Plan or Site Plan, including in-place density testing of the roadway soil sub-grade, aggregate base, and asphalt, and that the road has been constructed for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access and parking, and all necessary requirements for emergency access, egress, and apparatus as required by the Montgomery County Fire Marshal.

RECORD PLATS

17. Before approval of the record plat(s), the Applicant must enter into a Land Exchange Agreement with Montgomery Parks/M-NCPPC regarding Parcel 920 and Parcel B in a form approved by the M-NCPPC Office of General Counsel.

18. The record plat must show necessary easements.
19. The record plat must reflect common ingress/egress and utility easements over all shared driveways.

Notes and Labels

20. The record plat must reflect all areas under common ownership.
21. The record plat must reference the Common Open Space Covenant recorded among the Montgomery County Land Records at Book 28045 Page 578 ("Covenant").

CERTIFIED PRELIMINARY PLAN

22. The Certified Preliminary Plan must contain the following notes:
 - a) *Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*
23. Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
 - a) Show resolutions and approval letters on the certified set.
 - b) Show private roadway details and cross sections on the certified set.

SITE PLAN NO. 820250010

Staff recommends approval of Site Plan No. 820250010, for the construction of up to 272 multifamily units, a 42,000-square-foot Wheaton Arts and Cultural Center, up to 20,000 square feet of office space, a structured parking garage, and 39 townhomes. The development must comply with the conditions of approval for Sketch Plan No. 320230030 as listed in MCPB Resolution No. 23-127 dated November 30, 2023, and Preliminary Plan No. 120250010, both as may be amended. All site development elements shown on the latest electronic version of the Site Plan, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions:¹

DENSITY, HEIGHT & HOUSING

1. Density

The Site Plan is limited to a maximum of 485,000 square feet of total development on the Subject Property, including 423,000 square feet of residential uses, for up to 39 townhouses and 272 multifamily dwelling units, and 62,000 square feet of non-residential uses. Nonresidential uses on the site include up to 42,000 square feet for the Wheaton Arts and Cultural Center and up to 20,000 square feet of office space.

2. Height

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

OPEN SPACE, FACILITIES, AND AMENITIES

3. Public and Common Open Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of 33,000 square feet of open space (12.4% of the site area) on-site.
- b) Before the issuance of the final use and occupancy for the multifamily development, all public open space areas on the Subject Property must be completed.
- c) Before the issuance of the final inspection for the residential development for the townhouses associated with Parcel 2, all common open space for Parcel 2 on the Subject Property must be completed.
- d) Before the issuance of the final inspection for the residential development for the townhouses associated with Parcel 3, all common open space for Parcel 3 on the Subject Property must be completed.

4. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and

¹ For the purposes 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.

requirements of the Zoning Ordinance and the *CR Zone Incentive Density Implementation Guidelines* for each one.

a) Diversity of Uses and Activities

i. Affordable Housing/MPDUs

- a. In order to qualify for the Mixed-Income Housing Community (MIHC) use as defined in Section 59.3.3.4.A (which may be relevant for transportation/traffic exemption issues), the development must include at least 150,000 square feet of residential development, 30 dwelling units, and at least 50% of the units must be built under a government regulation or binding agreement that limits the price charged for at least 30 years and affordable to households earning 60 percent or less of Area Median Income (AMI).
- b. The development must provide 25% MPDUs, or MCDHCA-approved equivalent, consistent with the requirements of Chapter 25A and the applicable Master Plan.
- c. Before issuance of any above ground building permit for any residential unit, the MPDU agreement to build between the Applicant and the DHCA must be executed.
- d. The Planning Board has reviewed and accepts the recommendations of DHCA in its letter dated May 21, 2025 and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by DHCA provided that the amendments do not conflict with other conditions of the Site Plan approval.

5. Common Open Space Covenant

The record plat for the townhouses must reference the Common Open Space Covenant recorded at Book 28045 Page 578 (Covenant).

6. Recreation Facilities

The Applicant must provide the required recreation facilities as shown on the Certified Site Plan (CSP).

7. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to the pedestrian walk located between Building 2 and the townhouse, which is used for fire access.

ENVIRONMENT

8. Noise Attenuation

- a. Before the issuance of the first building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatments that the building shell for residential dwelling units affected by exterior noise levels projected at or above 65 dBA Ldn will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b. Before the use and occupancy permit for any residential unit impacted by exterior noise levels projected at or above 65 dBA Ldn, the Applicant must certify to M-NCPPC

Staff that the noise-impacted units have been constructed in accordance with the acoustical treatments specified in the building shell analysis.

TRANSPORTATION & CIRCULATION

9. Transportation

- a) The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated March 20, 2025, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.
- b) Before the issuance of any building permit, the Applicant must obtain approval of a Project-based Transportation Demand Management Plan (TDM) from the Montgomery County Department of Transportation (MCDOT).

10. Pedestrian & Bicycle Circulation

- a) The Applicant must provide a minimum of 134 long-term and 11 short-term bicycle parking spaces.
- b) The long-term spaces must be in a secured, well-lit bicycle room on the ground floor of the multifamily buildings and the short-term spaces must be inverted-U racks (or approved equal) installed along the building frontages in a location convenient to the main entrance. The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.
- c) The Applicant must provide one bicycle repair station.
- d) The Applicant must provide the following master planned pedestrian facilities, the exact location, design, and construction of which must comply with the requirements of the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations, before right-of-way permit.
 - i. Provide Wheaton Streetscape Standards on Georgia Avenue.
 - ii. Georgia Avenue: 16-foot-wide sidewalk with 8.5-foot-wide buffer from traffic.
 - iii. Elkin Street: 6-foot-wide sidewalk with 6-foot-wide buffer from traffic.

11. Fire and Rescue

- a) The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated May 7, 2025, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.
- b) Before approval to release any portion of the site plan performance bond, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the fire access improvements

have been constructed and installed per the recommendations from the Fire Department Access and Water Supply Section, and as shown in the approved MCDPS fire access plan, or as amended.

- c) Before approval to release any portion of the site plan performance bond, the Applicant must deliver to the Planning Department and MCDPS inspector certification by a professional engineer licensed in the State of Maryland that the Private Road has been constructed in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified on the Preliminary Plan or Site Plan, including in-place density testing of the roadway soil sub-grade, aggregate base, and asphalt, and that the road has been designed for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access and parking, and all necessary requirements for emergency access, egress, and apparatus as required by the Montgomery County Fire Marshal.

SITE PLAN

12. Site Design

- d) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet A201-A206 of the submitted architectural drawings, as determined by M-NCPPC Staff.
- e) The exterior architectural character, proportion, materials, and articulation of the townhouse MPDUs must be substantially similar to the exterior architectural character, proportion, materials, and articulation of the market-rate units.

13. Lighting

- f) Before certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- g) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- h) Deflectors will be installed on all fixtures to prevent excess illumination and glare.
- i) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by street lights within the right-of-way and the southern boundary open space lighting approved through the Alternative Compliance provisions of Section 59.6.8.1 of the Zoning Ordinance.
- j) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

14. Site Plan Surety and Maintenance Agreement

Before issuance of any building permit, sediment control permit, or Use and Occupancy Certificate (excluding core and shell), whichever comes first, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements only for facilities located on the Property (not in the public r.o.w.), including, but not limited to plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, mailbox pad sites, retaining walls, fences, railings, private roads and sidewalks, private utilities, paths and associated improvements of development, including sidewalks, storm drainage facilities, street trees and street lights. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

15. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved before the approval of the Certified Site Plan.

16. Certified Site Plan

Before 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 stormwater management concept approval letter, development program, and Site Plan resolution on the approval or cover sheet(s).
- b) Add the following notes:
 - i. "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
 - ii. "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
 - iii. "The Applicant must schedule a preconstruction meeting (pre-con), preferably on-site, with staff from the Department of Permitting Services (DPS) responsible for Certified Site Plan conformance and compliance, upon approval of the Certified Site Plan (CSP). The pre-con must occur before any site development work commencement and before any work that is covered by the site plan surety and maintenance agreement. The Applicant, along with their representatives, must attend the pre-con with DPS CSP

Staff. A copy of the approved Certified Site Plan, along with any subsequent amendments, is required to be on-site at all times.”

- c) Include approved Fire Department Access Plan.
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans.
- f) Show noise-impacted units.
- g) Show all private road sections/profiles including curb and gutter, apron, and handicap ramp details.
- h) Applicant must provide townhouse elevations substantially similar to the precedent images shown on sheet A011Z, as determined by Planning Staff.
- i) Applicant must provide changes associated with the offsite open space on the southern boundary, as determined by Planning Staff.

FOREST CONSERVATION PLAN F20250080

Staff recommends approval of the Final Forest Conservation Plan (“FFCP”) No. F20250080 – MHP Amherst associated with Preliminary Plan No. 120250010 and Site Plan No. 820250010 (the “Accompanying Plans”), subject to the following conditions:

1. Before recordation of the plat and the start of any demolition, clearing, grading, or construction, whichever comes first, for the Accompanying Plans, the Applicant must:
 - a) Record an M-NCPPC-approved Certificate of Compliance in an M-NCPPC-approved off-site forest bank within the Sligo Creek watershed or Priority Area to satisfy the reforestation requirement of 3.26 acres of mitigation credit. If no off-site forest banks exist within the Cabin John watershed or Priority Area, then the off-site requirement may be met by purchasing 4.38 acres of mitigation credits from a mitigation bank within Montgomery County outside of the Cabin John watershed or Priority Area, subject to Staff approval. If forest mitigation bank credits are not available for purchase, a fee-in-lieu payment must be made to M-NCPPC for the appropriate mitigation credits outside of the same watershed or Priority Area.
 - b) Execute a five-year Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of the General Counsel. The MMA is required for all Protected Tree mitigation plantings required to meet the requirements of the FFCP.
 - c) Submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department Inspection Supervisor for the mitigation trees and maintenance credited toward meeting the requirements of the FFCP.
2. Within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the plantings to mitigate for the removal of Protected Trees on the Subject Property, as shown on the approved FFCP. The Protected Tree mitigation plantings must be a minimum size of 3 caliper inches, totaling 33 caliper inches, as shown on the approved FFCP. Adjustments to the planting locations of these trees are permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.
3. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
4. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
5. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.

SECTION 3: SITE DESCRIPTION

VICINITY

The Subject Property (“Subject Property” or “Property” shown in red in Figure 1 below) is located within the Wheaton Downtown Area, north of Blueridge Avenue, and extends from Georgia Avenue on the west to Elkin Street on the east. The Subject Property is surrounded by residential uses to its north, south, and east and confronts a residential community across Elkin Street to the east. West across Georgia Avenue, the Subject Property is parallel to a commercial building and additional residential uses.

To the north is the Leesborough community comprised of a combination of multifamily rental and condominiums, townhomes, and single-family residential units fronting Elkin Street (zoned RT-15); to the south is the 322-unit AVA Wheaton multifamily rental building (zoned CR-4.0, C-3.5, R-3.5, H-100’); and to the east is the remaining portion of Amherst Square and the Pembridge Square Apartments, also owned by MHP (zoned CR-2.0, C-1.5, R-1.5, H-75’). Across Georgia Avenue to the west are single-family homes (zoned R-60); to the south along Georgia Avenue are a variety of commercial uses, including an office building and an auto repair shop (zoned CR-3.0, C-2.5, R-2.5, H-75’). The Wheaton Library is located just over 1/4 mile to the north along Georgia Avenue, and the Wheaton Metrorail Station is located approximately 1/2 mile to the south of the Property.

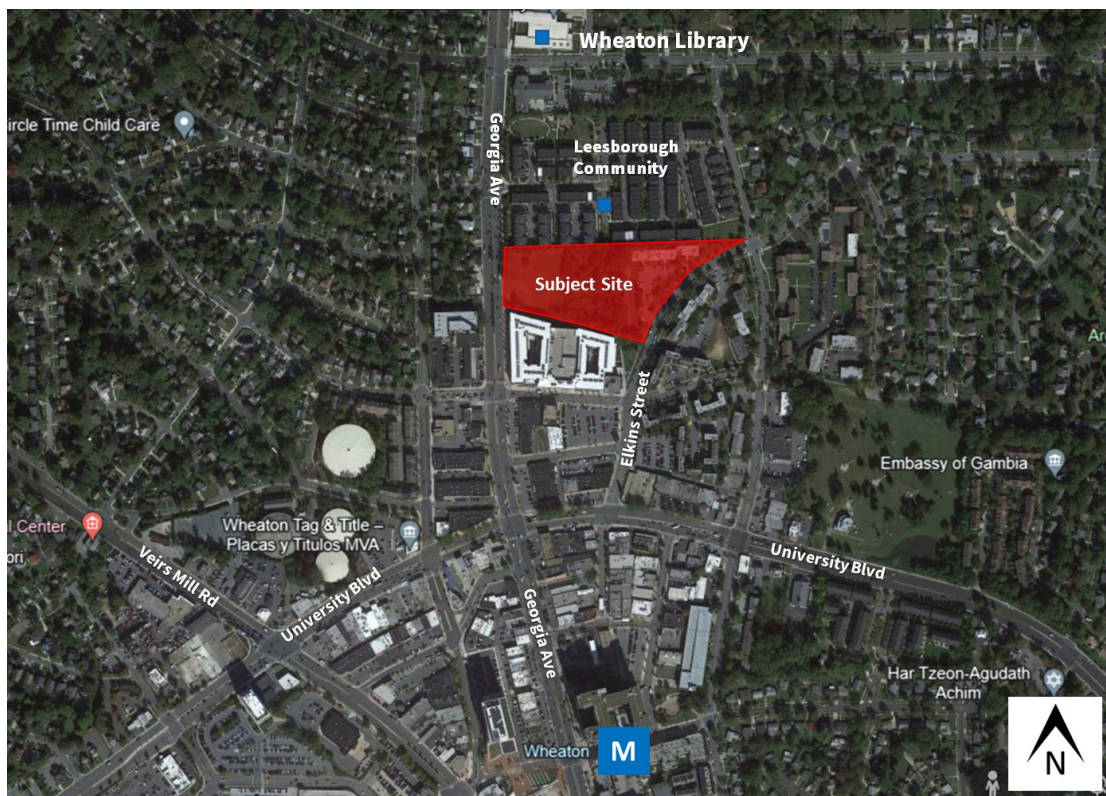


Figure 1 – Vicinity Map

PROPERTY DESCRIPTION

The Subject Property includes two parcels: (1) “Parcel 920,” a 167,152-square-foot (3.84-acre) parcel of land fronting Georgia Avenue, and (2) “Parcel A,” a 104,190-square-foot (2.39-acre) parcel fronting on the west side of Elkin Street.

Parcel B, a 143,864-square-foot (3.3 acres) parcel located on the east side of Elkin Street, will be a part of the agreed-upon land exchange and will become a new future public park in the Montgomery Parks system. Parcel B is not a part of the density calculations or development proposed through the Subject Applications.

The Subject Property has a tract area of 300,917 square feet (6.91 acres) and a site area of 267,261 square feet (6.14 acres). The Subject Property is currently improved with approximately 50 affordable multifamily units located in two separate structures. These units, along with those located on Parcel B, are part of the Applicant’s Amherst Square project.

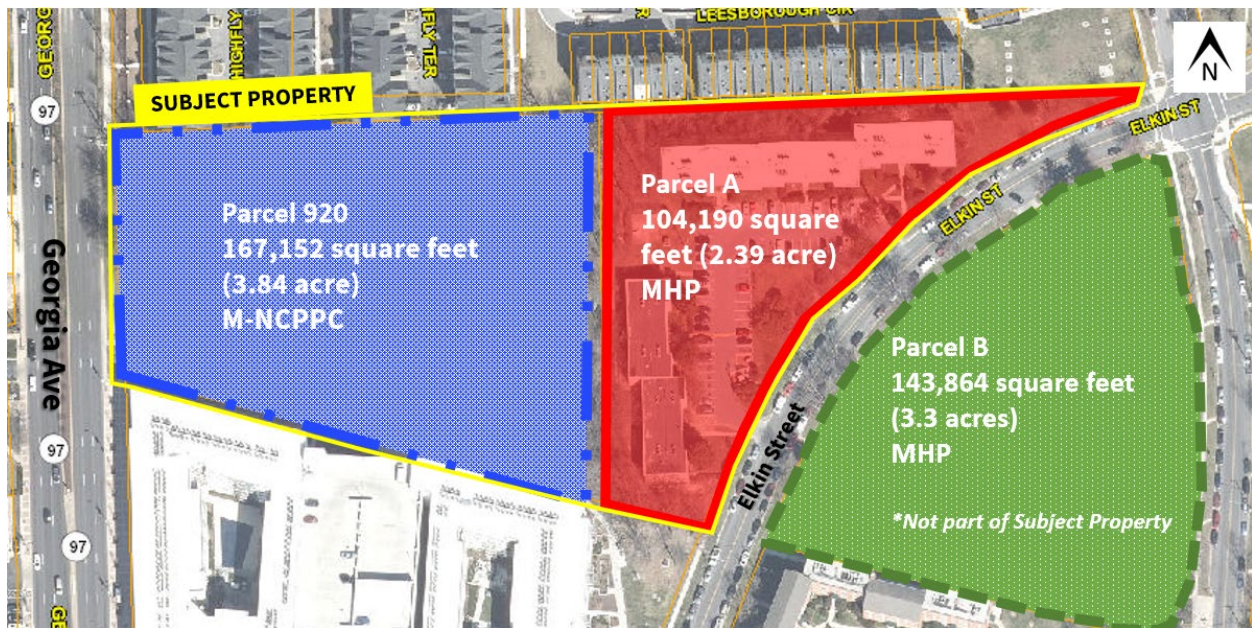


Figure 2 – Parcel Map

The Property has 2.25 acres of forest located on Parcel 920, but no streams, wetlands, or associated buffers. The Property slopes down from Georgia Avenue to Elkin Street, with an approximately 50-foot change in elevation.



Figure 3 – Subject Property

SECTION 4: PROJECT DESCRIPTION

PREVIOUS APPROVALS

SKETCH PLAN NO. 320230030

On November 30, 2023, the Planning Board approved Sketch Plan No. 320230030 to establish a maximum density 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, and a maximum height of 75 feet. The Sketch Plan approval also determined the approximate location of lots and public dedications, the general location and extent of public open space, the general location of vehicular access points, and the public benefit schedule associated with the affordable multifamily housing development.

MANDATORY REFERRAL NO. MR2023015

On November 30, 2023, the Planning Board approved Mandatory Referral No. MR2023015 to allow the site selection, land disposition, and initial project review associated with the future 42,000-square-foot Wheaton Arts and Cultural Center (“Arts Center”).

PROPOSAL

Across the Subject Property (as delineated in Figure 3), the joint application for MHP Amherst Preliminary Plan No. 120250010 and Site Plan No. 820250010 proposes to demolish the existing Amherst Square apartment buildings along Elkin Street and clear the existing forested area to redevelop the Property with a highly affordable mixed-use community including residential, cultural, and office uses.

The Preliminary Plan establishes one lot to accommodate two multifamily buildings, non-residential uses, and structured parking; 39 townhouse lots; two parcels associated with the townhomes; and one parcel for the private street. This totals forty (40) lots and three (3) parcels, as shown in Figure 4.

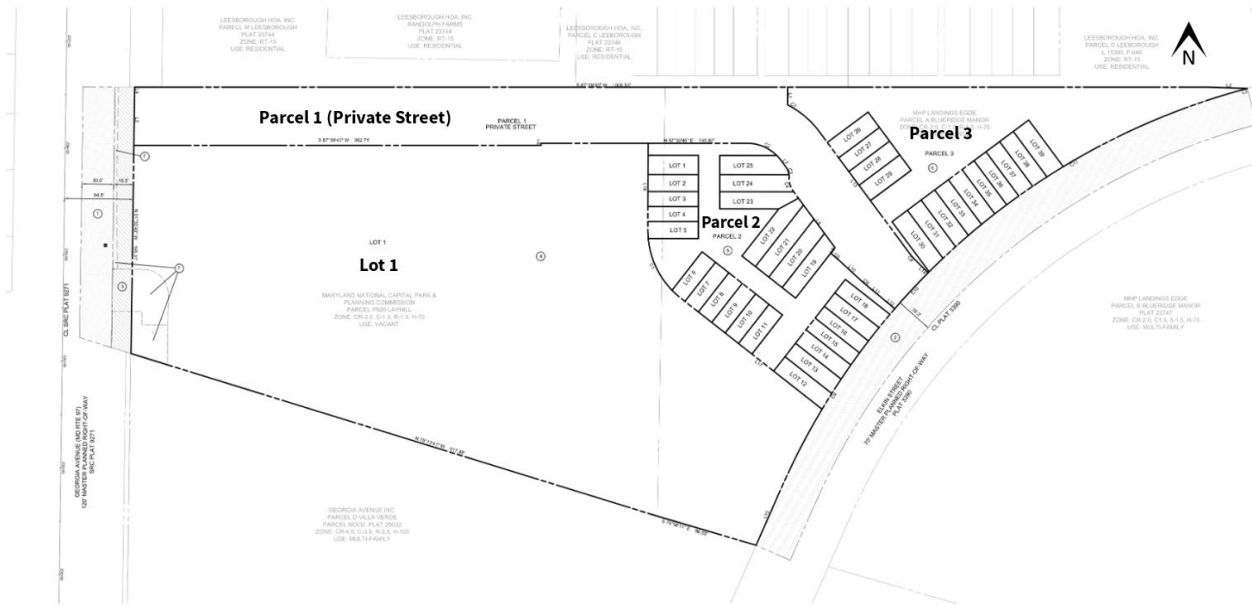


Figure 4 – Lotting Diagram

The proposed Project will be built in two phases and will include up to 485,000 square feet of total development (1.61 FAR) with up to 423,000 square feet (1.41 FAR) of residential space (272 multifamily dwelling units and 39 townhomes) with 25% MPDUs and up to 62,000 square feet (0.21 FAR) of non-residential development. The maximum height of the Project will be 75 feet.

Building 1 will be a mixed-use building fronting along Georgia Avenue and will contain the county-owned Wheaton Arts and Cultural Center located on the ground floor, lower level (up to 42,000 square feet)² and approximately 173 residential units within seven stories plus a mezzanine (a maximum height of 72 feet along Georgia Avenue). Building 1 will be built as part of Phase 1 of the Project. Building 2 is a mixed-use “L” shaped building located central to the Site and is expected to include up to 99 multifamily residential units and up to 20,000 square feet of office space. The proposed office space will allow MHP to relocate its office from the current location in northern Silver Spring. Building 2 has varying heights along each side of the façade, with a maximum height of approximately 75 feet, ranging from seven stories at its tallest point along Elkin Street to five stories along the private street due to grading of the Property. Building 2 will also be built as part of Phase 1 of the Project.

Phase 2 of the Project will include up to 39 townhomes on the northeastern portion of the Property with frontage along Elkin Street. This part of the Project will frame and activate both Elkin Street and the proposed internal private street.

The Project will provide one new private street connecting Georgia Avenue to Elkin Street, and this will be the primary access to the Subject Property. Additionally, a proposed structured parking garage

² For additional information about the Wheaton Arts and Cultural Center, please visit <https://montgomerycountymd.gov/DGS/OPD/WheatonArtsandCulturalCenter.html>.

will front on the private street and have an access drive from Elkin Street to the loading area. The total development is expected to have 528 vehicle parking spaces. The open space will exceed the 10% requirement by providing approximately 43,300 square feet (16.2%) of public and common open space. A land swap between the Applicant and the County/M-NCPPC will enable the creation of a future 3.3-acre public park as well, which will be subject to a subsequent Park Facilities Agreement, Park Construction Permit, and public process.

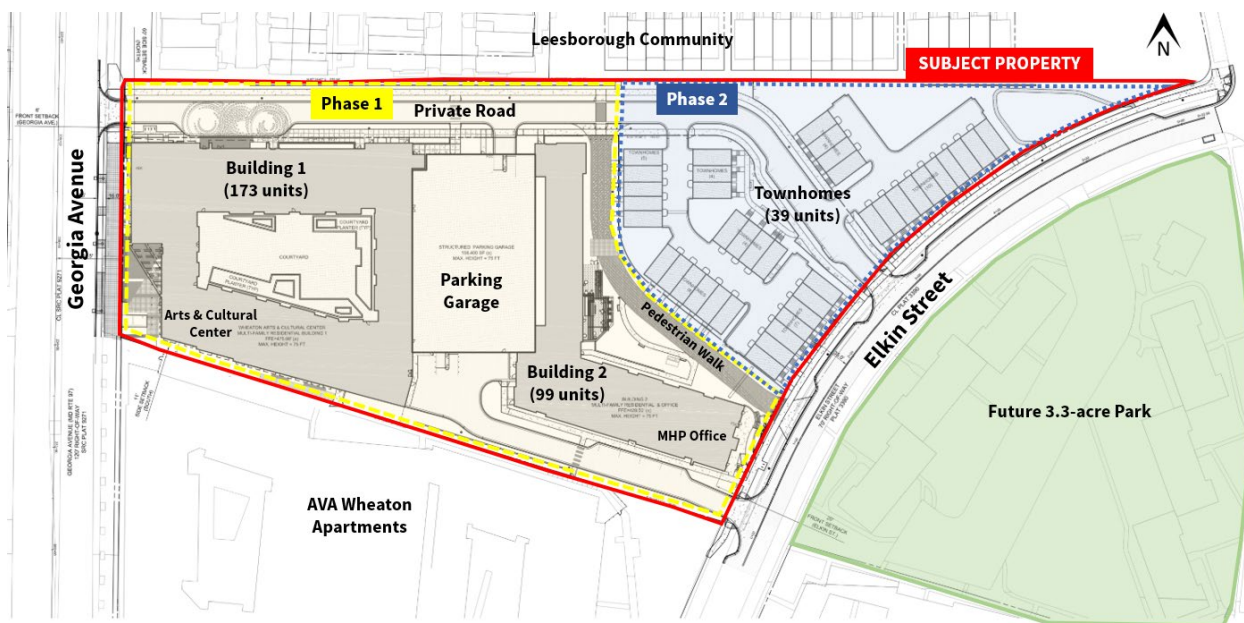


Figure 5 – Site Plan Overview

The Applicant owns and operates the existing Amherst Square apartments on Parcels A and B, as shown in Figure 6. The intent is to first relocate the existing tenants on Parcel A to available units of Amherst Square on Parcel B to allow the Applicant to construct multifamily buildings 1 and 2 and the townhomes. Once constructed, the Applicant will relocate all the Parcel B tenants to the newly completed multifamily buildings. When all the Amherst Square tenants are relocated to the multifamily buildings, Montgomery Parks can begin construction on the future 3.3-acre park on Parcel B.

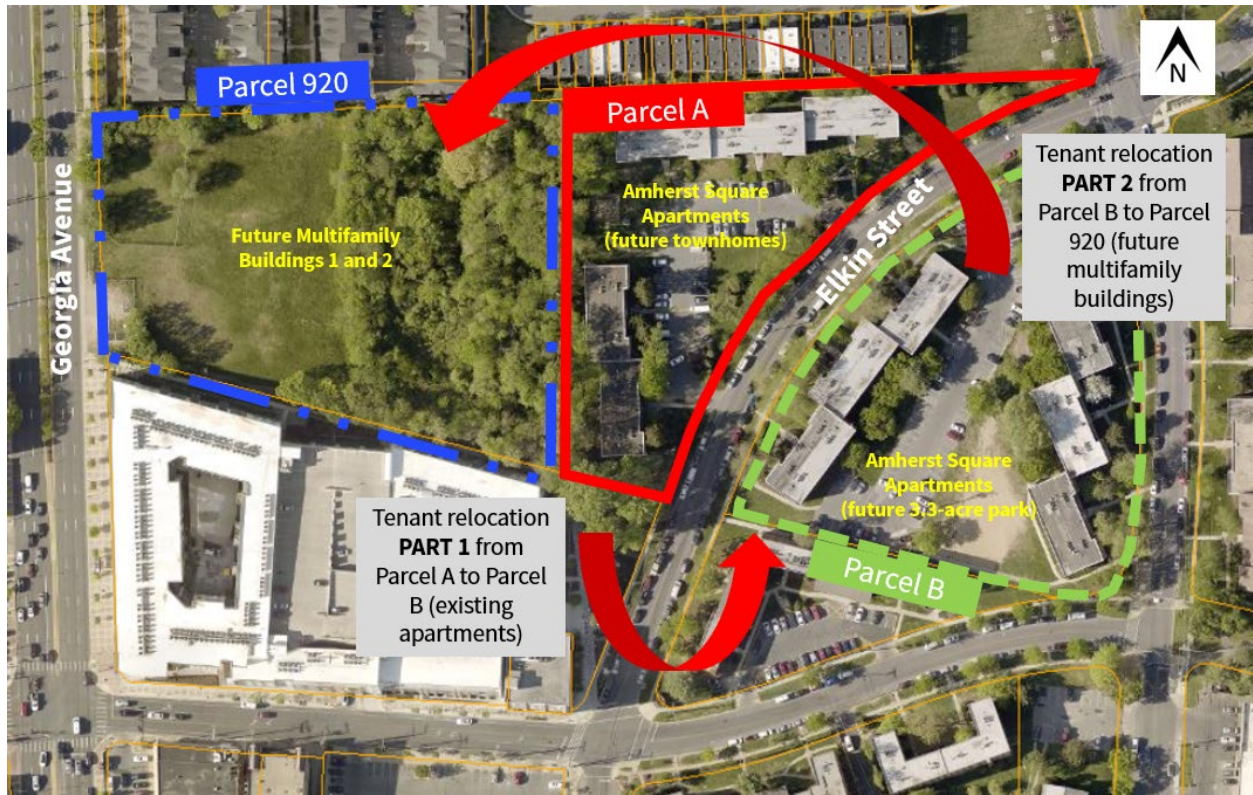


Figure 6 – Tenant Relocation Plan

BUILDING/ARCHITECTURE

The proposed multifamily development consists of two mid-rise buildings wrapped around a central parking structure. Building 1 consists of the Wheaton Arts and Cultural Center (the Arts Center) and the residential lobby and amenities at the ground level, with the multifamily dwelling units above. This building's main façade faces Georgia Avenue and features a combination of warm wood tones, dark-colored fiber cement, and masonry to ground the building, and light-colored fiber cement panels and siding to provide contrast.



Figure 7 – Building 1 with the Ground-Floor Arts Center and Multifamily Above, Looking Northeast from Georgia Avenue

A large, wood-tone building marquee located on Georgia Avenue, framed by a six-story, glassy-looking wall that signifies the Wheaton Arts and Cultural Center is part of the building. The secondary entrance to the Cultural Center, located off Georgia Avenue, sits in the glassy-looking wall, with a secondary wood-tone canopy framing the entrance. In addition to the glass wall highlighting the Arts Center, a tall storefront along Georgia Avenue wrapping around onto the private street helps the building engage pedestrians at the ground level.

The main residential entrance and lobby face Georgia Avenue and are located at the corner of Georgia Avenue and the private street. A wrap-around canopy at this corner helps cover the residential entrance while also drawing attention to the Arts & Cultural Center's main entrance around the corner on the private street. Residents and visitors turning the corner onto the private street see the main entrance with the drop-off area for the Arts & Cultural Center framed with a canopy that echoes the style and finish of the main marquee on Georgia Avenue. This entrance mirrors the marquee on Georgia Avenue, but at a smaller scale to indicate the main entrance while respecting the scale of the adjacent townhomes.

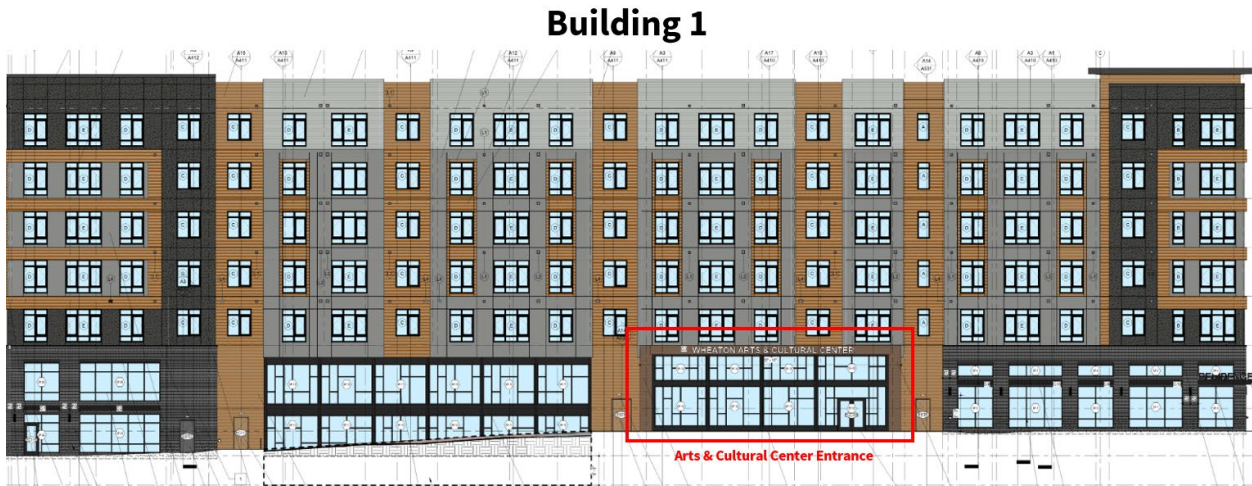
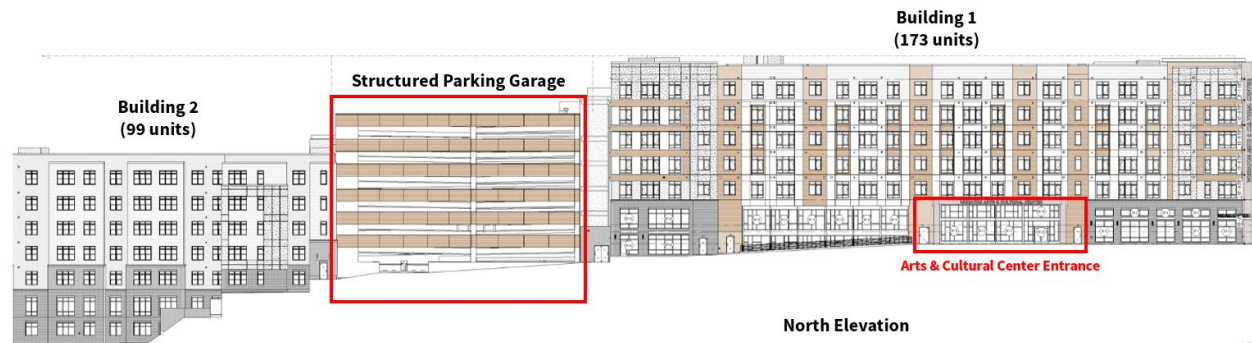


Figure 8 - Building Elevations

Wood-tone elements throughout the façade of Building 1 help frame and add interest to the elevation. The dark masonry base helps ground the building and its corners, while a lighter fiber cement color for the middle and top in the bays helps break down the scale and height.

Building 2 consists of office spaces and the residential lobby at the ground level, with multifamily dwelling units on the top levels. It fronts onto Elkin Street, with direct access to the main residential and office entrance from the sidewalk along Elkin Street. The materials used in this building complement Building 1, with similar materials and a similar color scheme.

Storefront windows on the first floor along Elkin Street and a small plaza outside the two main entrances create a pleasant, pedestrian-friendly environment. Building 2 steps down a story as it approaches Elkin Street, becoming six stories instead of seven stories, to help transition to the adjacent townhomes.



Figure 9 - Building 2's Elevation

The townhomes of this development are located on Elkin Street, the private street, and the pedestrian walk. They are all rear-loaded with garage doors hidden in the alley. The townhomes are planned as four-story structures with a garage, the main entry and foyer on the first floor, and three floors of living above. The townhomes feature a similar color palette to the two main Buildings and a similar material palette to make the site read as a cohesive project.

Height Compatibility 4.1.8.B

The Subject Property abuts a property zoned RT-15 (Residential Townhouse) on the northern property line. Per Section 59.4.1.8.B. Height Compatibility, the proposed building must not protrude beyond a 45-degree angular plane projecting over the Subject Property, measured from a height equal to the height allowed for a detached house in the abutting zone at the setback line. The following illustration shows how the northern side elevation will comply with the height compatibility requirement of the Zoning Ordinance (Figure 10).

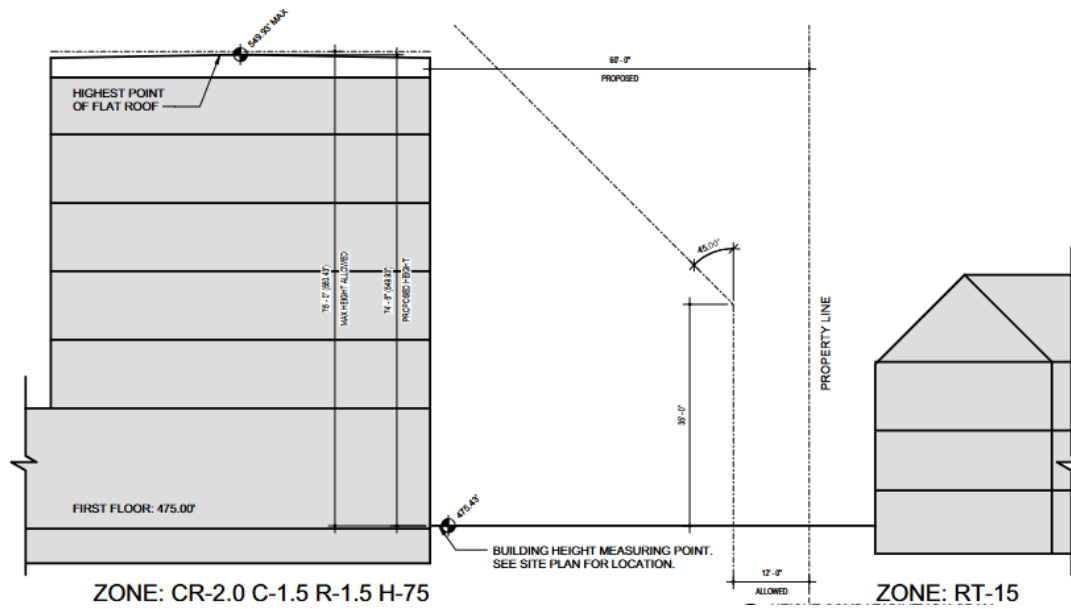


Figure 10 – Height Compatibility

OPEN SPACE

The Project will provide approximately 43,300 square feet (16.2%) of public open space and common space. The two types of open space are required because of the two building types associated with the development (public open space for the multifamily and common open space for the townhouses). The streetscape and urban plaza along Georgia Avenue and the pedestrian walk in the center of the site will function as the public open space focus, as shown in Figure 11. Common open space will be made available more internal to the site, intended to be utilized by future townhome residents, with picnic areas provided for passive outdoor recreation.

The north-south tree-lined pedestrian walk in the center of the site will provide both a connection through the site as well as an activated pathway with picnic and seating areas for future residents and visitors. The walkway will function as a curbsless, multi-modal street that will encourage pedestrian activity on the site. Bollards will be installed at both ends to prevent vehicles from accessing the walkway. The bollards will be collapsible for emergency vehicle access.

The 4,500-square-foot urban plaza along Georgia Avenue will provide passive open space for future residents and particularly visitors to the Arts Center. The plaza frames the pedestrian entrance to the Arts Center and will be prominently visible to those walking, biking, or rolling from the Wheaton Metro Station or driving north on Georgia Avenue. This aligns with the vision in the 2023 *Wheaton Streetscape Standards*, which states that the placement of buildings and the relationship of development to open space will help create an identifiable center in Wheaton. The plaza's activation of Georgia Avenue will help promote it as one of Wheaton's three major boulevards.

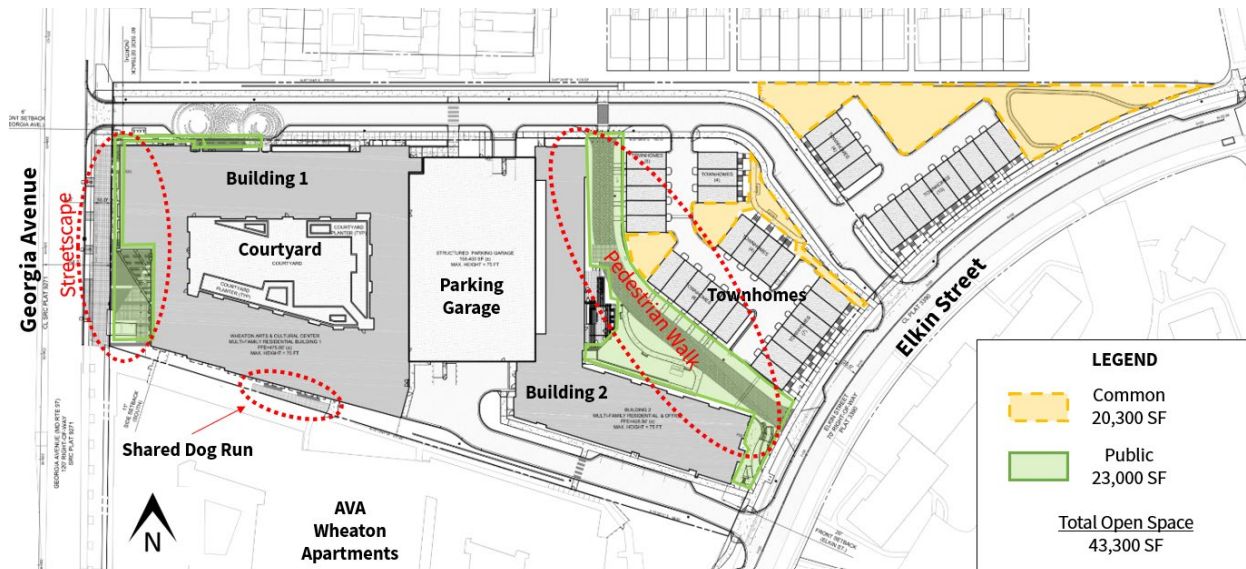


Figure 11 – Open Space Plan

The Project is also proposing a 15,000-square-foot exterior courtyard for use by the multifamily residents. Although this space does not qualify as public use space, it will provide a meaningful amenity with outdoor space for future residents.

Alternative Compliance – Lighting Plan

Section 59.6.4.4.D of the Zoning Code limits lighting illumination to 0.5 footcandles or less at any lot line. The Project complies with this requirement, except in two areas along the southern lot line. This increased lighting is deliberately provided to discourage illegal activities in this area and increase safety. As shown in Figure 12, along the western area where the light levels exceed the 0.5 footcandle requirement, lighting is provided at 0.8 footcandles. This lighting is provided by a three-foot-high bollard light. Along the eastern area of the mid-block connection where the 0.5 footcandles are exceeded, the lighting is provided by a pedestrian light pole that provides house side shields, and the levels exceed the 0.5 footcandles minimally (0.7 footcandles). Importantly, the light levels at both residential building walls for the most part read at 0.0 footcandles, suggesting that the lighting is safely lighting the pedestrian connection without interfering with the adjacent residential uses. For these reasons, the Applicant requests the Alternative Method of Compliance for lighting. Planning Staff supports this request for alternative compliance given that the enhanced lighting will increase safety for the future and existing residents and is therefore in the public interest.

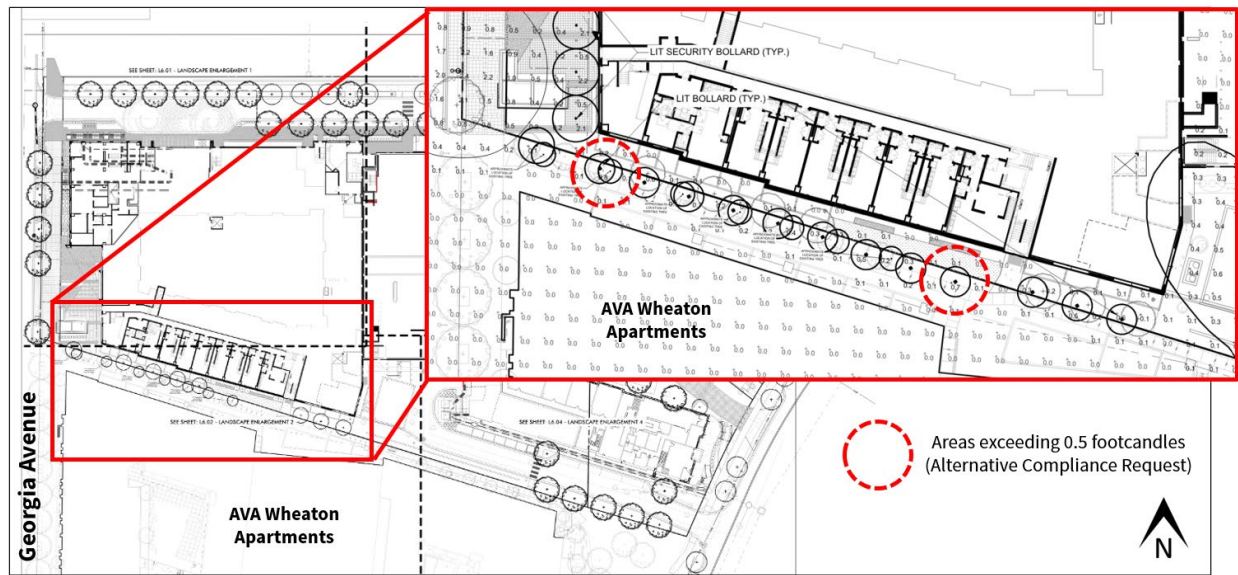


Figure 12 – Alternative Compliance Lighting Diagram

Along the northern site boundary, the Applicant will provide a crosswalk between the on-site pedestrian walk across the private road as a future connection to the Leesborough community, as shown in Figure 13. At this time, it is not planned for the Applicant to provide an off-site connection to the Leesborough community. However, Figure 14 illustratively demonstrates how this connection could be made in the future, in coordination with the Leesborough community.

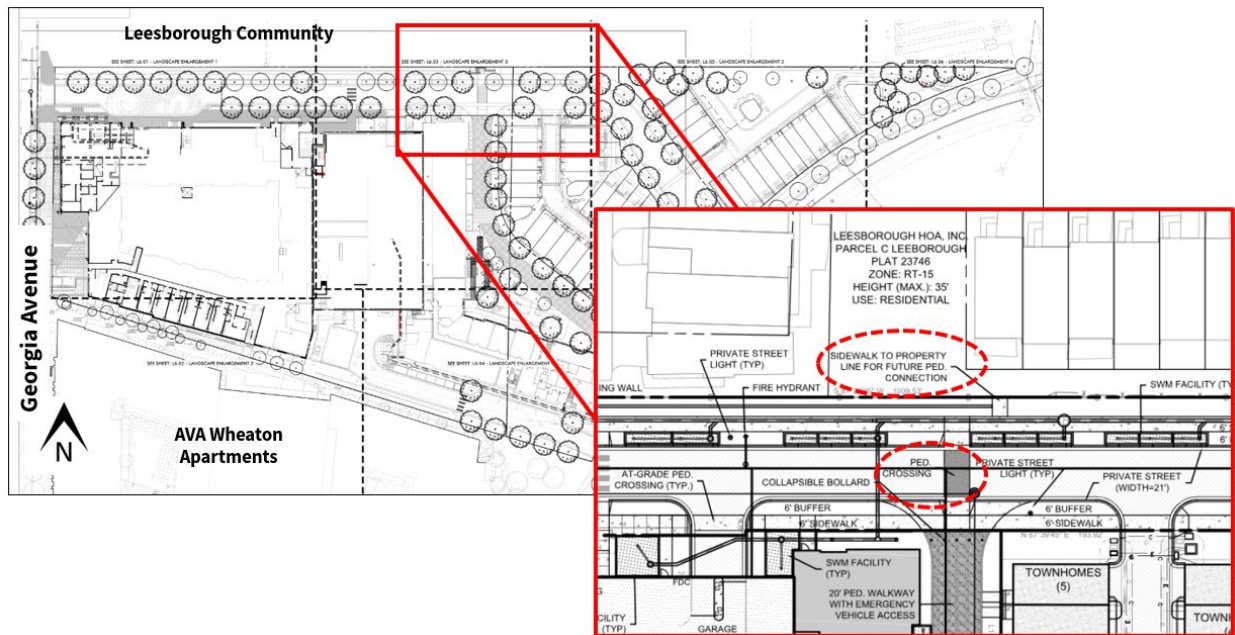


Figure 13 – Future Potential Connection along the Northern Property Line

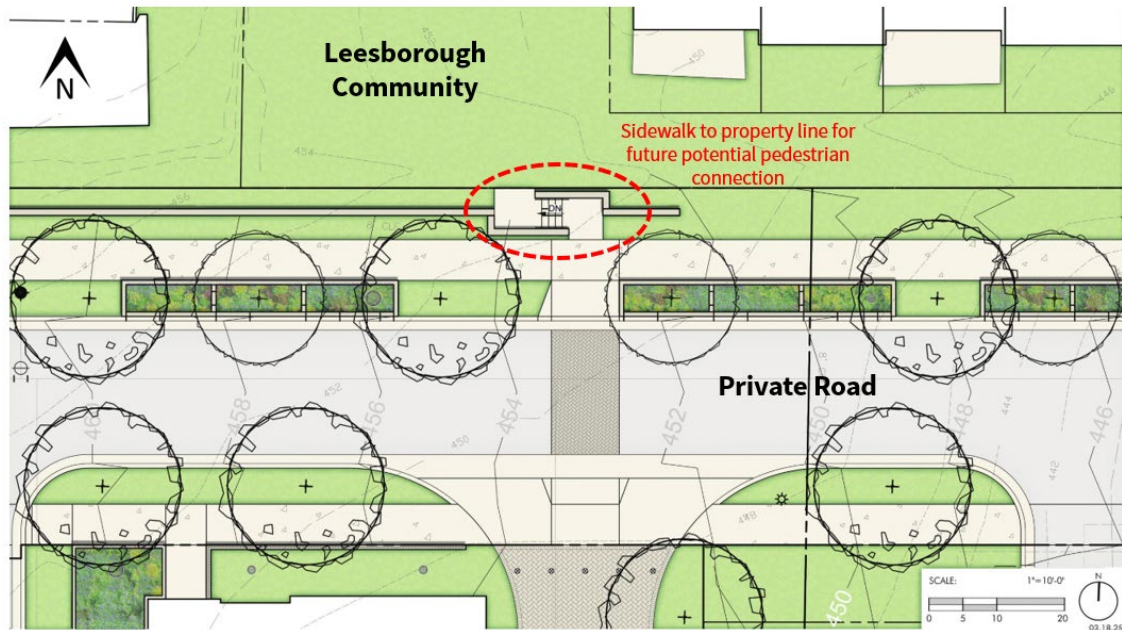


Figure 14 – Future Potential Northern Property Line Connection Rendering

Overall, the open space of the Project will positively contribute and connect to the broader open space and community facilities of the surrounding area. Wheaton Local Park and the Wheaton Public Library are approximately a ½ mile north of the Property; Wheaton Regional Park is just over one mile northeast of the Property; Arcola Local Park and the Sligo Creek Trail are approximately 0.6-miles east of the Property; and the Wheaton Metro Station is less than a ½ mile north south of the Property. The future 3.3-acre park adjacent to the Subject Property will help complete this robust greenway network of the area and connect future residents and visitors to the amenities of the area.

PARKS

At this time, there are no plans, timelines, or design details regarding the future 3.3-acre park. The following steps would need to occur (not necessarily in this order) before construction of the park can commence:

- Relocation of existing tenants of the Amherst apartments on future park land
- Land swap from MHP to the Parks Department
- Demolition of existing Amherst Square apartments
- Development/design of the future park through a Park Facilities Agreement, which will be a public process

Planning Staff expects the future park to have a pedestrian connection across Elkin Street to the Subject Project. It is highly likely that the connection would occur at the Private Street access point or the pedestrian walk. This pedestrian connection could happen at the right-of-way permit stage of

Elkin Street. The improvements and location will be determined by the Applicant, Parks, MCDOT, and DPS-Right-of-Way.

TRANSPORTATION

Vehicular Circulation

Vehicular access to the Property is proposed via Georgia Avenue (MD 97) and Elkin Street. Georgia Avenue is a north-to-south running roadway located on the Property's western boundary and is classified as a Downtown Boulevard with six travel lanes and a center median. Elkin Street is a north-to-south running roadway located on the Property's eastern boundary and is classified as a Neighborhood Connector with two travel lanes and on-street parking located on both sides of the roadway.

The Project proposes a new east-to-west running road along the Property's northern boundary that connects to Georgia Avenue and Elkin Street. It is envisioned as a private street. Justification for this private street can be found in the Preliminary Plan findings section of this report. Access on this road is limited to right-in-right-out access at Georgia Avenue. The road design includes a layby located approximately 70 feet east of the intersection with Georgia Avenue, adjacent to the proposed Wheaton Arts and Cultural Center. It also includes a limited amount of on-street parking located approximately 40 feet west of the intersection with Elkin Street. The intersection at Elkin Street will be full movement.

This private street will be the primary route used to access a proposed parking garage located at the center of the Site that serves the Wheaton Arts and Cultural Center and proposed multifamily buildings. A series of alleys that provide access to rear-loaded townhomes will also be accessed via this private street.

A private driveway is proposed along the southeastern corner of the Subject Property off Elkin Street. This driveway will be primarily used for loading and trash collection, but will also serve as a secondary access to the proposed parking garage. A limited number of on-street parking spaces are also proposed approximately 130 feet west of the intersection with Elkin Street.

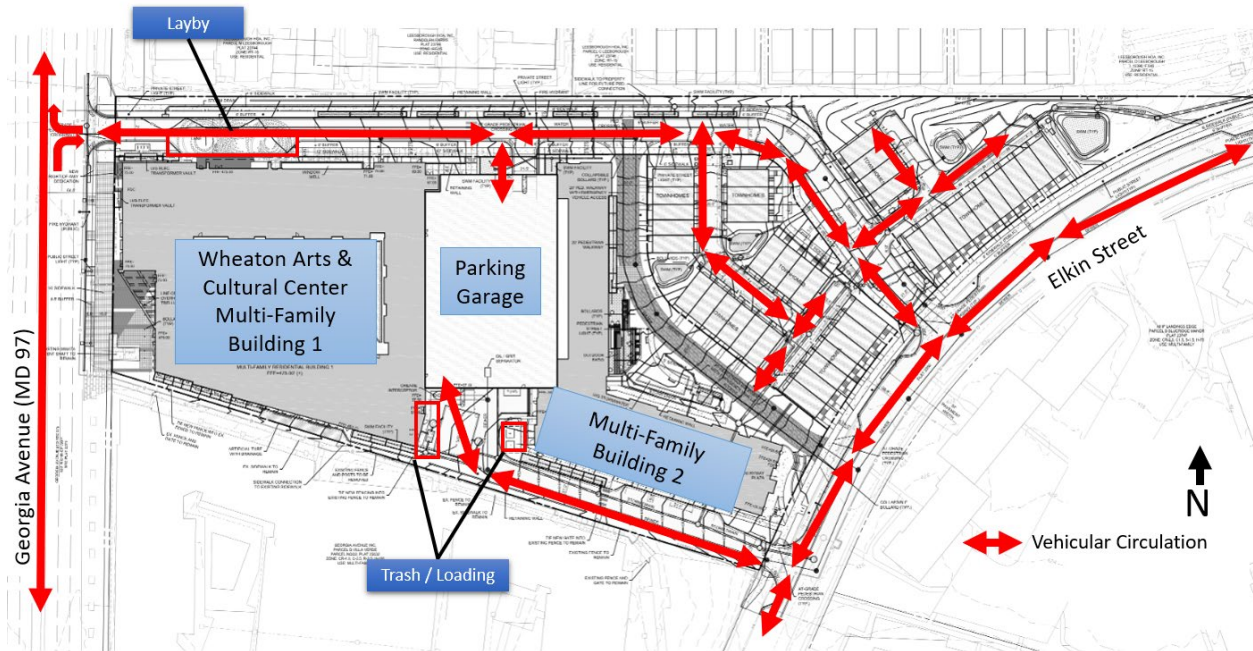


Figure 15 – Proposed Vehicular Circulation

Nonmotorized Circulation

Non-motorized access to the Site is proposed off Georgia Avenue and Elkin Street via frontage improvements along these roadways.

A sidepath is recommended along Georgia Avenue in the 2018 *Bicycle Master Plan* and 2012 *Wheaton CBD and Vicinity Sector Plan* to serve both bicyclists and pedestrians. The sidepath will be 15 feet wide and will be buffered from the roadway with an eight-foot-wide (8 ft) street buffer. The ultimate conditions of Georgia Avenue will incorporate a Bus Rapid Transit (BRT) lane in lieu of the current third travel lane. Figure 16 shows the roadway before BRT and Figure 17 shows the roadway with BRT.

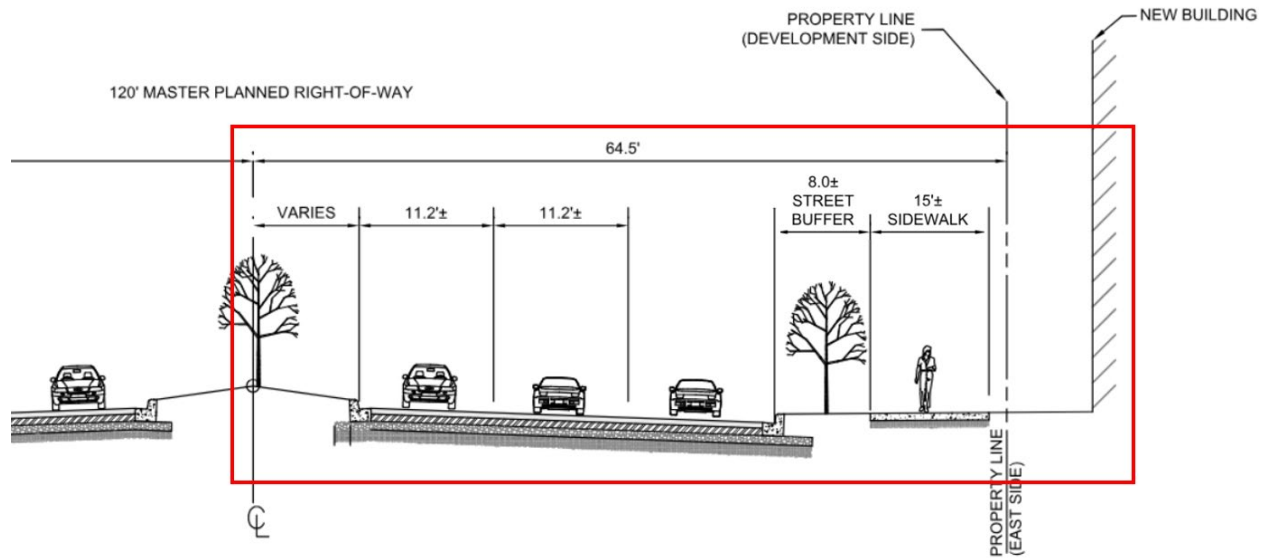


Figure 16 – Georgia Avenue (MD 97) Interim Cross-Section

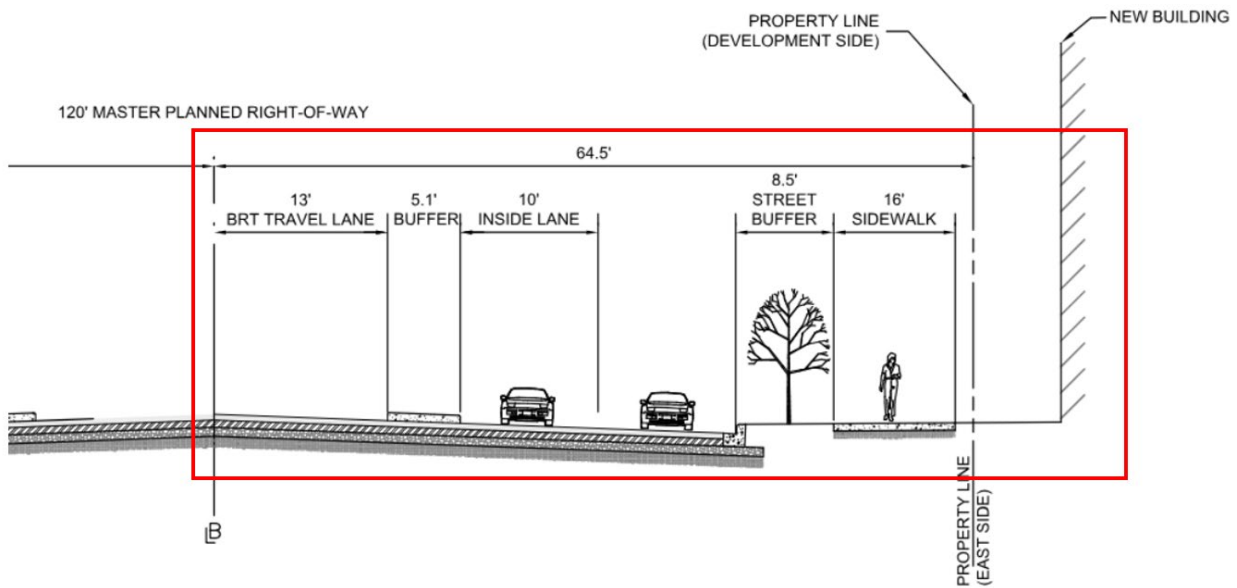


Figure 17 – Georgia Avenue (MD 97) Ultimate Condition

Elkin Street will have a six-foot-wide (6 ft) sidewalk separated from the roadway with a six-foot-wide (6 ft) street buffer, consistent with the 2021 *Complete Streets Design Guide* (see Figure 18).

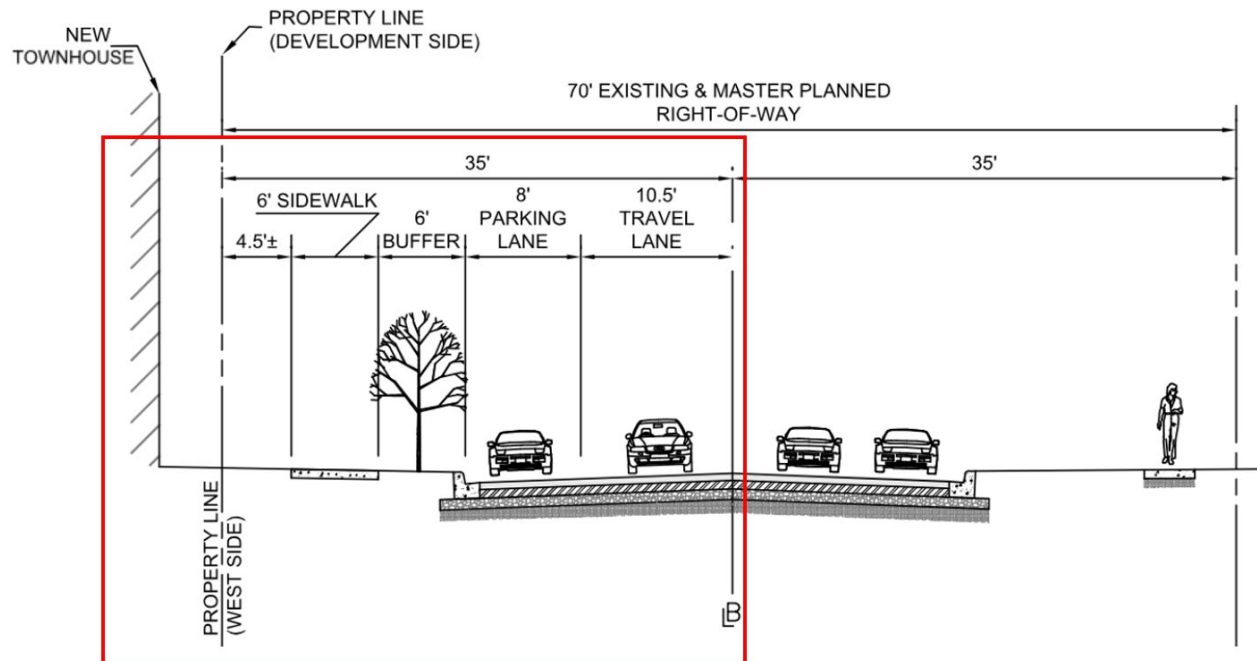
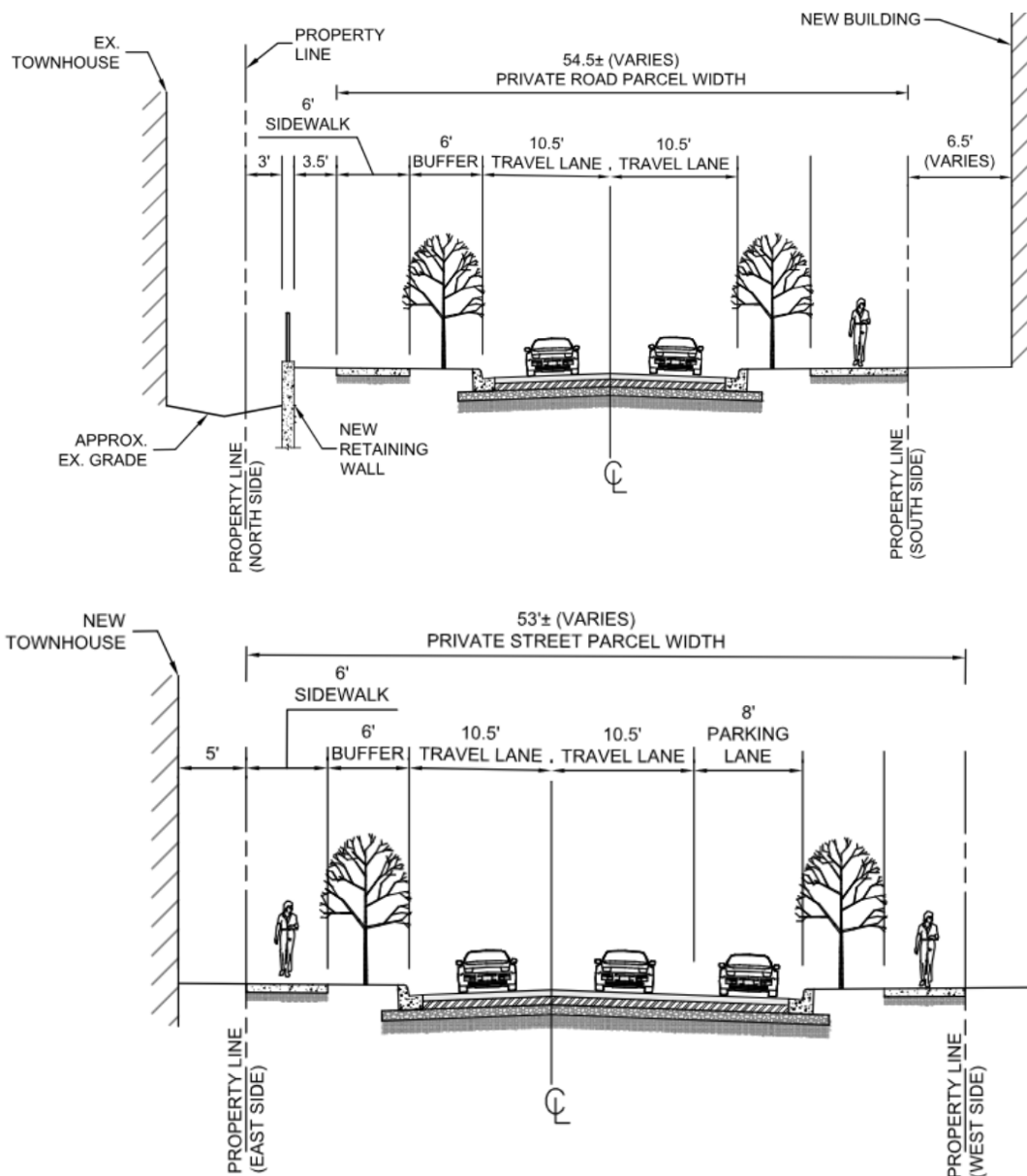


Figure 18 – Elkin Street Cross-Section



Figures 19 – Private Street Cross-Sections

The Private Road proposed along the north side of the Property to extend from Georgia Avenue to Elkin Street is not a Master-Planned Road. The Private Road will have a six-foot-wide (6 ft) sidewalk separated from the roadway with a six-foot-wide (6 ft) street buffer.

Pedestrian Connection

The 2012 *Wheaton CBD and Vicinity Sector Plan* identifies a proposed pedestrian connection to the Leesborough community directly north. To allow for this future potential connection, the Applicant

will provide a crosswalk from the pedestrian walk across the private road, as shown in Figure 20 below. At this time, there are no plans to construct the connection.

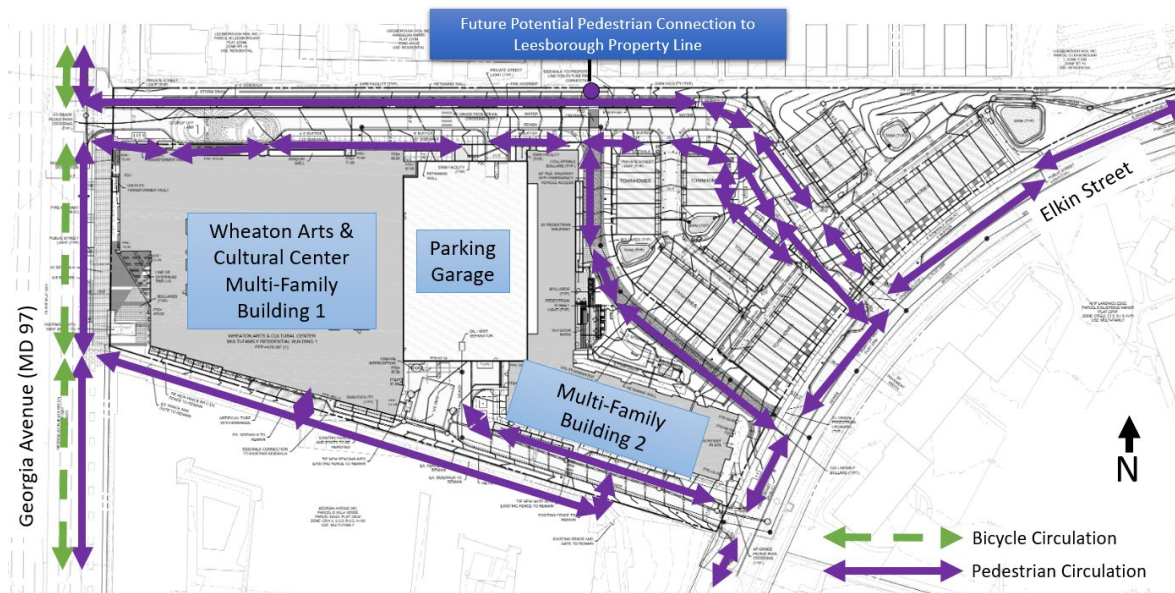


Figure 20 – Proposed Nonmotorized Circulation

The property on the opposite side of Elkin Street is proposed to be redeveloped into a park. Therefore, providing adequate and safe pedestrian crossings will be essential for providing safe circulation in the area. Speed study information and further coordination with the Montgomery County Department of Transportation (MCDOT) and Montgomery Parks will be conducted once more detailed park site design is established. At that time, the appropriate location for pedestrian crossings and the type of facility that should be utilized as well as the need for any traffic calming features will be determined.

Transit Connectivity

The Subject Property is well served by transit. Bus stops are located along Georgia Avenue to the north and south of the Site. The bus stops are served by the following routes:

- Metrobus Route Y2 which operates from the Silver Spring Metro Station to the MedStar Montgomery Medical Center.
- Metrobus Route Y7 which operates from the Silver Spring Metro Station to the ICC Park and Ride Lot via Leisure World.
- Metrobus Route Y8 which operates from the Silver Spring Metro Station to the MedStar Montgomery Medical Center.

Bus stops are also located near the intersection of Elkin Street and Amherst Avenue just east of the site. The bus stops are served by the following routes:

- Ride On Route 9 which operates from the Silver Spring Metro Station to the Wheaton Metro Station.
- Ride On Route 31 which operates from the Westfield Wheaton Plaza to the Glenmont Metro Station.

A future Bus Rapid Transit (BRT) route is planned along Georgia Avenue at this location that will provide service between the Montgomery College – Silver Spring Takoma Park Campus and MedStar Montgomery Medical Center. The additional dedication of sixty-four and one-half feet (64.5ft) totaling 4,570 square feet will accommodate the future BRT.

ENVIRONMENT AND SUSTAINABILITY

While the proposed development requires the clearing of 2.25 acres of forest designated as Priority Urban Forest (PUF), it does allow for the development of a mixed-income, affordable, multi-family development containing 272 dwelling units, a 42,000-square-foot Wheaton Arts and Cultural Center, up to 20,000 square feet of office space and a structured parking garage (Phase 1) and 39 townhomes (Phase 2) within 0.4 miles of the WMATA Wheaton Metro Station. High-density residential development in close walking proximity of a major mass transit facility and other commercial development creates a lower carbon footprint by reducing automobile reliance.

The Property is impacted by transportation noise from Georgia Avenue and the Applicant has provided a noise analysis. The exterior recreation areas are protected from the noise by the proposed buildings and the building construction materials will mitigate internal noise levels to 45 dBA Ldn for indoor residential spaces.

The proposed development includes a partial green roof on the structured parking garage. Additionally, a 3.3-acre community park will be created in the future as part of a land swap with Montgomery County.

UTILITIES

Sketch Plan No. 320230030 Condition 7.a. states that the undergrounding of utilities on Elkin Street must be addressed in the Site Plan application, per the 2023 *Wheaton Streetscape Standards* recommendation that all new development projects in downtown Wheaton place utilities to and around their properties underground (p. 61). The Property's main frontage along Georgia Avenue already has underground utilities, and the Applicant is making additional public realm and streetscape improvements along that frontage to further address the 2023 *Wheaton Streetscape Standards*. The Property's Elkin Street frontage currently has overhead utilities.

The Applicant provided a cost breakdown for undergrounding all utilities along Elkin Street estimated at approximately \$3 million (full cost breakdown provided in Attachment E). Planning Staff also coordinated with Pepco to request their review of the feasibility and effectiveness of undergrounding

utilities at this location. Pepco's analysis concluded that the total length of relocated facilities (approximately 700 feet of existing overhead utilities) fails to meet their minimum length requirements for undergrounding. Pepco stated that relocating overhead facilities to underground in smaller stretches can have a negative impact on the performance of the electrical system due to the additional terminations and breaks that are introduced leading to diminished performance, per Attachment F.

Due to Pepco's recommendations, the highly affordable nature of this Project and the associated cost burden that undergrounding would present, Planning Staff recommends maintaining the existing overhead utilities along Elkin Street.

SECTION 5: COMMUNITY OUTREACH

The Applicant has complied with all submittal and noticing requirements, and a pre-submittal public meeting was held on April 17, 2024. At the pre-submittal public meeting, attendees asked questions about parking, the southern pedestrian connection, the Wheaton Arts & Cultural Center, and buildout timing. Full meeting minutes are available in Attachment H.

As of the date of this Staff Report, staff received one letter from a resident of the adjoining Leesborough Community expressing concerns about the available amenity areas for children to play. Staff responded with an email dated December 2, 2024, explaining the available amenity spaces on-site and mentioning a future 3.3-acre park will be established by Montgomery Parks (see Attachment D).

Staff has not received any additional correspondence.

SECTION 6: PRELIMINARY PLAN 120250010 FINDINGS AND ANALYSIS

The Preliminary Plan would create forty (40) lots and three (3) parcels for a maximum density of up to 423,000 square feet of residential uses and up to 62,000 square feet of commercial uses. This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. The Application has been reviewed by other applicable State, County and City agencies.

- 1. *The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.***
 - a) *The block design is appropriate for the development or use contemplated***
 - b) *The lot design is appropriate for the development or use contemplated***
 - c) *The Preliminary Plan provides for required public sites and adequate open areas***
 - i. *Master Planned Sites***
 - ii. *Local Recreation***
 - iii. *Transportation and Utilities***
 - d) *The Lot(s) and Use comply with the basic requirements of Chapter 59***

The 272 multifamily dwelling units provided between two (2) buildings and 39 townhouse lots, one (1) private road parcel, open spaces, and HOA parcels are appropriate for the

location of the subdivision, considering the recommendations in the 2012 *Wheaton CBD and Vicinity Sector Plan* and the type of development and use contemplated. The lots are appropriately sized and located, considering the amount of density and height and the infill development envisioned by the Sector Plan. The lots comply with all applicable dimensional requirements of the CR zone as specified in the Zoning Ordinance as demonstrated in Table 6 in Site Plan finding 2d. Block design is appropriate and efficient for infill development on the Property. The Private Street parcel allows for a new connection to the east and west from Georgia Avenue and Elkin Street.

2. *The Preliminary Plan substantially conforms to the Master 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 Sector 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 (CBD), 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 that 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, in the center of Wheaton. Besides investing in 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 3.3 acres, on MHP property immediately adjacent to the Site, between Elkin Street and Amherst Avenue. The Project will provide accessible public spaces and activate the Plaza on Georgia Avenue with a ground floor lobby for the residents and Arts Center entrance ways.

Connectivity

The Sector Plan includes specific connectivity recommendations on this property. A north-south pedestrian 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 pedestrian 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 Center, and to the future Urban Park at Elkin Street and Amherst Avenue. The Application's proposed circulation system supports this recommendation.

As stated in the Open Spaces section, the Project will provide a pedestrian walk from the future park through the Subject Property and will allow for the Leesborough community to connect with pedestrian connection. Furthermore, the Applicant provided an exhibit showing how this connection could be enhanced in the future with better alignment to the green area located on Leesborough property.

Streetscape Standards

The Application adheres to the 2023 *Wheaton Streetscape Standards* by incorporating streetscape designed to accommodate pedestrians in a safe and attractive environment, while tying into the existing streetscape north and south of the Subject Project. The Project aligns with Montgomery County's Vision Zero policies and ensuring the integration of Wheaton's unique character into the urban design framework.

Noise

The Property is impacted by mixed automotive transportation noise from Georgia Avenue. The Montgomery County “Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development” is used to review traffic noise impact on residential developments. In this area of the County, the Guidelines recommend a maximum value of 65 dBA Ldn for exterior recreation areas and 45 dBA Ldn for indoor residential spaces.

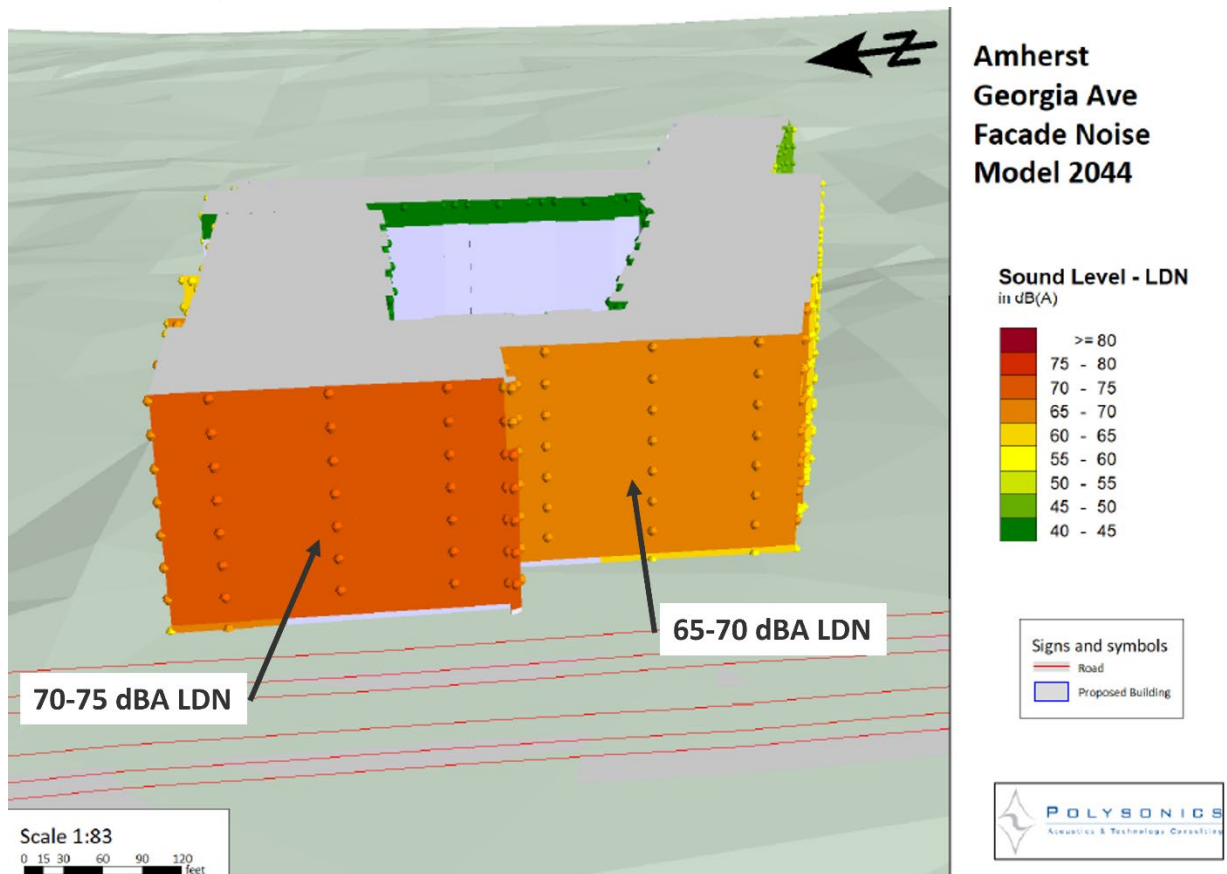


Figure 21 - Future Noise Levels - West Facade

The Applicant submitted a noise study, analyzing existing noise impacts from current traffic and future traffic volumes. The proposed multi-family building will be impacted

primarily on the west side (facing Georgia Avenue) but wrapping around the corners to impact parts of the north and south facades. All external recreation areas will be shielded from the noise by the proposed development, but architectural methods will be required to meet the 45 dBA Ldn requirement for indoor residential spaces. A Building Shell Analysis will be performed with the final architectural details and architectural noise mitigation measures included as necessary.

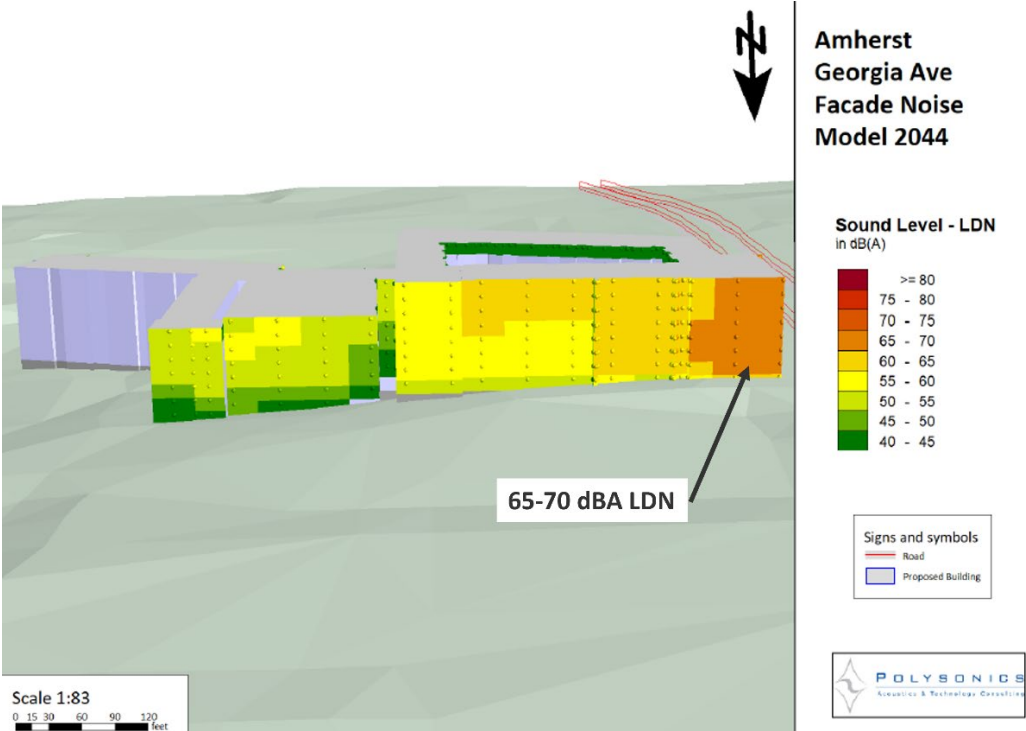


Figure 22 - Future Noise Levels - North Facade

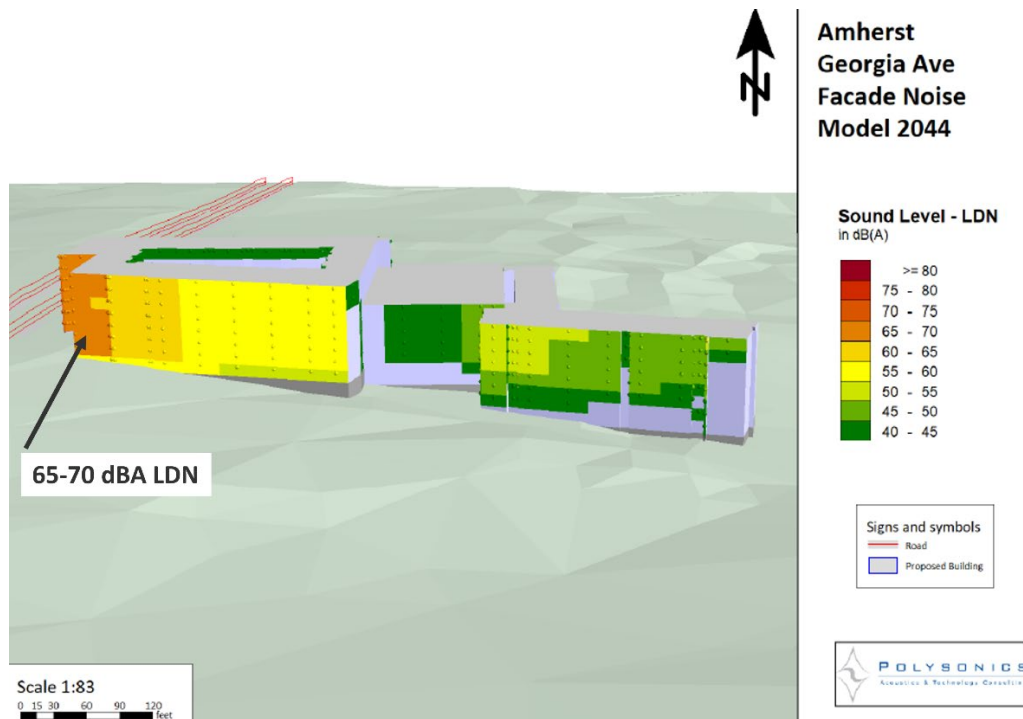


Figure 23 - Future Noise Levels - South Facade

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

Adequate Public Facilities (APF) and Plan Validity

Section 50.4.3.J.5.c.iv allows for the Planning Board to make a determination of adequate public facilities for no less than 5 and no more than 10 years after the preliminary plan is approved.

Staff recommends approval of an 8-year APF Validity Period as requested by the Applicant. To approve an 8-year APF validity period under Section 50.4.3.J.5.d, the Planning Board must (i) approve a development schedule or phasing plan for completion of the Project that shows the minimum percentage of the Project that the Applicant expects to complete in the first 5 years; and (ii) find that the size or complexity of the subdivision warrant the extended validity period and would not be adverse to the public interest; to provide 272 multifamily dwelling units between two (2) buildings and 39 townhouses on forty (40) lots.

The additional three years is requested to accommodate the development of the townhouse phase of the Project. The Applicant has not yet identified a townhouse developer, and that phase of the Project is more complex than a standard townhome development given that it involves for-sale units at affordable price points. Because of the affordable component of the townhomes, more time will be required to both identify a developer and secure the necessary financing. The requested extended validity period will eliminate uncertainty and cost associated with having to file a potential future extension.

Planning Staff supports the request to extend the APF Validity Period approval to eight (8)-years subject to the following phasing schedule below.

- a) Phase 1- Applicant must obtain building permits for all of the 272 multifamily units and 62,000 square feet of non-residential uses within five (5) years of the initiation date.
- b) Phase 2- Applicant must obtain the remaining 39 building permits for the townhouse units within eight (8) years of the initiation date.

Preliminary Plan Validity

Correspondingly, due to the anticipated delay in identifying the townhouse developer, there will be a delay in the recordation of the plat for the townhouse portion of the Project. The Applicant requests, in accordance with Subdivision Ordinance Section 50.4.2.G.2.b, for multi-phased projects, a six (6) year plan validity period, such that the record plats for the townhouse phase will be recorded within six years of the approval of the Preliminary Plan.

The Applicant proposes validly for six (6) years with the following phasing of plat recordation:

- a. Phase 1- Plats for multifamily buildings and the private road parcel must be recorded within three (3) years of the initiation date (as defined in Montgomery County Code Section 50.4.2.G) or request for an extension filed.
- b. Phase 2- Plats for the 39 townhouse units and two parcels for common open space must be recorded within six (6) years of the initiation date or request for an extension filed.

Staff recommends approval of the six (6) year Preliminary Plan validity period as condition.

a) Roads and other Transportation Facilities

i. Existing Facilities

Georgia Avenue is a Downtown Boulevard with six travel lanes and has a master planned width of 120 feet. Elkin Street is a Neighborhood Connector with two travel lanes, on-street parking and a master planned width of 70 feet.

Transit Facilities

The Subject Property is well served by transit. Bus stops are located along Georgia Avenue to the north and south of the Site. The bus stops are served by the following routes:

- Metrobus Route Y2 which operates from the Silver Spring Metro Station to the Montgomery Medical Center.

- Metrobus Route Y7 which operates from the Silver Spring Metro Station to the ICC Park and Ride via Leisure World.
- Metrobus Route Y8 which operates from the Silver Spring Metro Station to the Montgomery Medical Center.

Bus stops are also located near the intersection of Elkin Street and Amherst Avenue just east of the site. The bus stops are served by the following routes:

- Ride On Route 9, which operates from the Silver Spring Metro Station to the Wheaton Metro Station.
- Ride On Route 31, which operates from the Westfield Wheaton Plaza to the Glenmont Metro Station.

ii. ***Proposed public transportation infrastructure***

Georgia Avenue in the 2018 *Bicycle Master Plan* and 2012 *Wheaton Central Business District and Vicinity Sector Plan* is stated to serve both bicyclists and pedestrians. The proposed sidewalk width of 16 feet will accommodate both bicyclists and pedestrians. An 8.5-foot-wide street buffer will also be provided.

Elkin Street will have a six-foot-wide sidewalk separated from the roadway with a six-foot-wide street buffer, consistent with the 2024 *Complete Streets Design Guide*.

iii. ***Proposed private transportation infrastructure***

Private Road Justification

The Applicant is proposing to provide the Private Road proposed along the north side of the Property to extend from Georgia Avenue to Elkin Street, and it is not a Master-Planned Road, under Section 50-4.3.E.4. The Applicant proposed the road to improve the Project's vehicular circulation and promote the efficiency of the Property and its operations, particularly as it relates to the drop-off and pick-up in connection with the Arts Center. The Property's configuration with frontage on Georgia Avenue and Elkin Street calls for a through connection.

It is anticipated that the majority of users of the private road will be the residents, employees, and visitors of the Property, given the nature and location of the road and the surrounding uses; however, it may also be used by drivers who are neither residents, employees, nor visitors of the Property. The proposed Private Road will promote safe and efficient internal circulation that is focused on all modes of transportation but allows for enhanced pedestrian circulation. The Private Road will provide a vehicular connection to accommodate local traffic circulation.

Compliance with the Road Code would require construction of an urban minor arterial (Road Code Section 2004.2). As indicated below, the standard for the proposed private road deviates from the Road Code standards as follows:

Table 1: Compare Road Code Standard

	Urban Minor Arterial	Proposed Private Road
ROW Width	70 ft	Variable 45 – 54.5 ft
Paving Section	22 ft	21 ft
Maximum Grade	8%	10%
Landscape Buffer	7 ft	6 ft
Sidewalk	7 ft	6 ft
Horizontal Alignment	300 ft radii	less than 300 ft radii

Additional features proposed as part of the private road that would not be permitted in a public road are the structural planter boxes to accommodate stormwater management and the layby located along the entrance to Building 1, which is intended primarily to accommodate the Arts Center. It was the future operations of the Wheaton Art and Cultural Center and the need for a drop-off/pick-up zone, and the State Highway Administration's determination that such a zone could not be provided on Georgia Avenue, that necessitated the proposed road along the northern property line.

In addition, compliance with the Urban Minor Arterial Road standard would require widening the private road by a minimum of 16 feet and a corresponding reduction in the building footprint by at least 16 feet. This decrease in building footprint would make accommodating the Arts Center much more difficult and limit the number of affordable housing units for the Project. Finally, it is not possible to construct the road in accordance with the public standards, given the Property's topography and the significant grade change. The proposed private road includes a curve and a slope that exceeds the standard 8% for a public road.

For all of these reasons, the Applicant requests that the road be established as a private road. Staff supports the Applicant's request that the proposed road be designated as a private road.

b) Local Area Transportation Review (LATR)

The existing use on the Site was low-rise multifamily with 50 residential units. The proposed mid-rise 272 multifamily units, 39 townhomes, 20,000 square feet of office, and 42,000 square feet of Arts Center are estimated to generate a net increase in vehicle trips in the morning peak hour of 175 and a net increase in vehicle trips of 196 in the evening peak hour.

The 2024-2028 *Growth and Infrastructure Policy* requires a transportation impact study for any project that is estimated to generate a net increase of 30 or more vehicle trips in either the morning or evening peak hours. However, a project that satisfies the requirements set forth under Section 59.3.3.4., “Mixed-Income Housing Community,” and elects to be reviewed under the normal Site Plan regulatory review established in Section 59.7.3.4., “Site Plan” rather than the expedited Mixed-Income Housing Community Plan established in Section 59.7.3.7., is eligible for the Mixed-Income Housing Community LATR exemption established in the 2024-2028 *Growth and Infrastructure Policy* TL3.5 “Mixed Income Housing Communities.”

Therefore, the LATR review is satisfied with a transportation exemption statement. A summary of the trip generation analysis is provided in Table 1 below.

Table 2: Trip Generation Analysis

		ITE Trip Generation Vehicle Rates		Adjusted Vehicle Rates Wheaton CBD Policy Area	
		AM	PM	AM	PM
Proposed	272 Residential Units (Multi-family, Mid-Rise))	108	106	92	90
Proposed	39 Residential Units (Attached Single-Family)	15	19	13	16
Proposed	20,000 square feet office	42	44	36	37
Proposed	42,000 square feet cultural center	80	105	67	88
Existing (Credit)	50 Residential Units (Multi-Family, Low-Rise)	-38	-42	-32	-36
TOTAL NET NEW VEHICLE TRIPS		207	232	176	195

Source: Transportation Adequacy Form from The Traffic Group, April 25, 2025, modified by staff

c) Schools

School Impact Area Classification

The proposed Project is located within the Wheaton CBD Policy Area, which is categorized as an Infill Impact Area by the 2024-2028 Growth and Infrastructure Policy.

Enrollment Impact Estimate

Based on the School Impact Area classification and net residential units proposed, this Project is estimated to generate an additional 14 elementary school students, 6 middle school students, and 7 high school students during an average year throughout its life, as shown in Table 3.

Table 3. Student Enrollment Impact Estimate (reflects Updated FY2025 Student Generation Rates)

Type of Unit		Net Number of Units	Infill ES Student Generation Rate	ES Student Estimate	Infill MS Student Generation Rate	MS Student Estimate	Infill HS Student Generation Rate	HS Student Estimate
SF Detached		0	0.206	0.000	0.103	0.000	0.156	0.000
SF Attached		39	0.176	6.864	0.095	3.705	0.133	5.187
MF Low-rise		-50	0.073	-3.650	0.033	-1.650	0.049	-2.450
MF High-rise		272	0.041	11.152	0.017	4.624	0.019	5.168
TOTALS		261		14		6		7

Annual School Test Results

The results of the Updated FY2025 Annual School Test, approved by the Planning Board on December 19, 2024, and effective since January 1, 2025, are applicable.

The Project is served by Arcola Elementary School, Odessa Shannon Middle School, and Northwood High School. The student enrollment and capacity projections of these schools in the Updated FY2025 Annual School Test, which evaluates adequacy for the 2028-2029 school year, are noted in Table 4.

Table 4. Updated FY2025 Annual School Test Projections (2028-2029 School Year)

	Program Capacity	Enrollment	% Utilization	Seat Surplus or Deficit
Arcola ES	638	769	120.5%	-131
Odessa Shannon MS	881	804	91.3%	+77
Northwood HS ³	2,260	2,138	94.6%	+122

Under the Updated FY2025 Annual School Test results, as shown in Table 4, Arcola Elementary School is placed in a Tier 2 UPP. Odessa Shannon Middle School and Northwood High School are not placed in Utilization Premium Payment (UPP) tiers. The estimated number of students generated (see Table 3) do not exceed the adequacy ceilings identified in Table 5, so no higher payment tiers are triggered.

Table 5. Updated FY2025 Annual School Test Results

	Adequacy Status	Tier 1 Adequacy Ceiling	Tier 2 Adequacy Ceiling	Tier 3 Adequacy Ceiling
Arcola ES	Tier 2 UPP	N/A	N/A	93
Odessa Shannon MS	No UPP	197	254	386
Northwood HS	No UPP	282	574	913

Per Section 52-59.f.2, the Utilization Premium Payment must not be imposed on any:

(2) other dwelling unit built under a government regulation or binding agreement that limits for at least 15 years the price or rent charged for the unit in order to make the unit affordable to households earning equal to or less than 60% of the area median income, adjusted for family size;

This Project is a MIHC and will not be required to make a Tier 2 elementary school Utilization Premium Payment.

³ Projected enrollment is modified to estimate the impact of the Charles W. Woodward High School Reopening (CIP P651908) and the Northwood HS Addition/Facility Upgrades (CIP P651907), reflecting the scope of the boundary study approved by the Board of Education on March 28, 2023.

d) Other Public Facilities and Services

The Property is served by public water and sewer and is classified in the W-1 and S-1 categories. Public water and sewer mains currently serve the Property, which will be adequate to serve the proposed subdivision. Dry utilities, including electricity, gas, and telephone, are also available to the Property. Other utilities, public facilities, and services, such as electric, telecommunications, police stations, firehouses, and health services, are currently operating within the standards set by the current Growth and Infrastructure Policy.

4. All Forest Conservation Law, Chapter 22A requirements are satisfied.

The Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A, and is in compliance with the Montgomery County Planning Department's Environmental Guidelines as further discussed in the findings for Forest Conservation Plan F20250080.

5. All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.

DPS approved a Stormwater Management Concept on March 13, 2025. The plan proposes to meet required stormwater management goals via the use of micro-bioretenment, green roof, Modular Wetlands, and a Storm Filter for volume unable to be treated in a Chapter 5 practice. A partial Stormwater Management Waiver was requested and is hereby granted for some roadways due to the lack of available space.

6. Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M.

Not applicable to this Property.

7. Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.

No other provisions apply to the Subdivision.

SECTION 7: SITE PLAN 820250010 FINDINGS AND ANALYSIS

Section 59.4.5.4.A.1 requires that Optional Method projects in the CR zone receive an approved Site Plan under Section 59.7.3.4 for any development on a property with an approved Sketch Plan.

- 1. *When reviewing an application, the approval findings apply only to the site covered by the application.***

The findings herein apply only to the Subject Property.

- 2. *To approve a Site Plan, the Planning Board must find that the proposed development:***

- a) satisfies any previous approval that applies to the site;***

The Project complies with the previous approval for Sketch Plan No. 320230030.

- b) satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;***

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

- c) satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;***

This section is not applicable as the Subject Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

- d) satisfies applicable use standards, development standards, and general requirements under this Chapter;***

- i. Division 4.5.4 CR Zone***

Table 6: MHP Amherst Site Plan Data Table for CR-2.0, C-1.5, R-1.5, H-75 Zone, Optional Method, Section 59.4.5

Development Standard	Permitted/ Required	Proposed
Tract Area	n/a	300,917 SF (6.91 acres)
Tract Area - Prior Dedication	n/a	29,575 SF
Tract Area - Proposed Dedication	n/a	4,570 SF
Site Area	n/a	266,772 SF (6.12 acres)
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% ⁴⁵
Building Height	75 ft	75 ft ⁶
Public Open Space (min s.f.)	10% (26,678 SF)	16.2% (43,300 SF)
Minimum Setbacks (ft) - Front	0	0
Minimum Setbacks (ft) – Front Side	0	0

Table 7: Parking Requirements, Section 59.6.2.4

Type of Parking	Required /Allowed	Proposed
Vehicle (Section 59.6.2.4.B) Multifamily (# dus) Townhomes (# dus) Office Cultural Institution Total⁷	199 min/410 max 39 min/78 max 32 min/60 max 67.20 min/210 max 338 min/758 max	528 spaces
Bicycle (Section 59.6.2.4.C)	134 long-term, 11 short-term	135 long-term, 12 short-term

ii. **Division 4.7 Optional Method Public Benefits**

In accordance with the Zoning Ordinance, Section 59.4.7.1, the Site Plan proposes 150 public benefit points in 1 category to satisfy the requirements:

⁴ DHCA will determine location and distribution of MPDUs.

⁵ Per Section 59.3.3.4.A, the Subject Property must meet the qualification for a MIHC.

⁶ Per Section 59.4.1.8.B. Height Compatibility, the Subject Property abuts a property zoned RT-15 (Residential Townhouse) on the northern property line and must meet height compatibility.

⁷ Per Section 59.6.2.3.I, Vehicle parking minimums reduced by 50% for MPDUs and 20% for NADMS. Final unit count and parking to be determined at building permit.

Table 8: Public Benefit Calculations- Division 59-4.7

Public Benefit	Maximum Points Allowed	Proposed
Diversity of Uses and Activities		
Moderately Priced Dwelling Units	N/A	150
Total Points		150

Diversity of Uses and Activities

Moderately Priced Dwelling Units

Planning Staff recommends approval of the requested points for providing 25 percent MPDUs. Twelve (12) points are allowed for every percentage point over 12.5 percent MPDUs. Staff 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)

$(25 \text{ (percentage of MPDUs provided)} - 12.5 \text{ (percentage required)}) * 12 + 0 \text{ (percentage of 2-bedroom MPDUs not required)} * 2 + 15 \text{ (percentage of 3-bedroom MPDUs)} * 5 = \mathbf{150 \text{ points}^8}$

iii. **Division 59-6 General Development Standards**

(1) Division 6.1 Site Access

The Property features an east-west private street, enhancing vehicular and pedestrian circulation and connecting the Project to the neighborhood. This street, consistent with the *2018 Complete Streets Design Guide*, includes a lay-by at Building 1 for drop-offs for the Wheaton Art and Cultural Center, a 21-foot-wide paving section, and a six-foot wide sidewalk with a landscape buffer.

The existing mid-block connection to the south is narrow, poorly lit, and prone to illegal activities. AVA (property to the south) added gates to restrict access after hours. This Project aims to improve safety by removing fences, adding lighting, landscaping, windows, and balconies. Additionally, a “Pedestrian Walk” between Building 2 and the townhouses will provide a north-south crosswalk that will cross the private street and enhance

⁸ 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](#).

pedestrian activity and allow for a future connection to the Leesborough community.

The overall streetscape improvements include wide sidewalks and landscape buffers along Georgia Avenue and Elkin Street, with a painted crosswalk to a future park (location is TBD). The Project will have vehicular access along Georgia Avenue and Elkin Street.

(2) Division 6.2 Parking, Queuing and Loading

Section 6.2.4 of the Zoning Ordinance requires a minimum of 338 parking spaces and allows for a maximum of 759 parking spaces. The Project will provide 528 parking spaces, with 441 of the spaces located in the structured parking garage, two spaces provided at each townhouse (for a total of 78 spaces), five (5) surface spaces provided on-site along the private road adjacent to the townhouses and an additional four (4) surface spaces provided along the drive aisle leading to the loading dock along the southeastern portion of the Property.

Section 6.2.4.C of the Zoning Ordinance requires that 0.5 bicycle spaces be provided per multi-family dwelling unit, up to a maximum of 100 spaces per building. Of the residential bicycle parking spaces required, 95 percent must be provided as long-term spaces. Building 1 with 173 units requires 83 long-term parking spaces, and 83 spaces will be provided. Building 2 with 99 units requires 51 long-term spaces, and 52 spaces will be provided. The Project will provide 12 short-term bicycle spaces with eight (8) spaces provided at the entrance along the northern façade to Building 1 adjacent to the private street, and four (4) spaces provided at the entrance along the eastern façade of Building 2.

The loading and service operations for the Project will be accessed from the southern curb cut along Elkin Street that will lead to the loading dock service area for Buildings 1 and 2.

(3) Division 6.3 Open Space and Recreation

As discussed in the Staff report, the Project will meet the Open Space and Recreation requirement by providing onsite public and common open space a total of 16 percent, exceeding the 10 percent requirement. The Recreation requirements are being met by providing onsite rooftop amenity, urban plaza, interior courtyard, fitness room, community spaces, and resident lounges.

(4) Division 6.4 General Landscaping and Outdoor lighting

There are no particular screening and landscaping requirements per Chapter 59 for this Project. The Project provides adequate landscaping and lighting (through alternative compliance), as well as other site amenities, to ensure that the development will be safe, adequate, and efficient for residents and visitors.

e) Satisfies the applicable requirements of:

i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and

DPS approved a Combined Stormwater Management Concept/ Site Development Stormwater Management Plan on March 13, 2025. The plan proposes to meet required stormwater management goals via the use of micro-bioretenention, green roof, Modular Wetlands, and a Storm Filter for volume unable to be treated in a Chapter 5 practice. A partial Stormwater Management Waiver was requested and granted by DPS for some roadways due to the lack of available space.

ii. Chapter 22A, Forest Conservation

The Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines as further discussed in the findings for Forest Conservation Plan F20250080.

f) Provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;

As discussed, the Project well-integrates parking through a structured garage, townhouse garages, and street parking. The circulation patterns are safe and efficient to service the multifamily, townhouse residents, and visitors of the Wheaton Arts and Cultural Center. The massing of the proposed multi-family buildings adheres to *Height Compatibility* requirements, per Section 4.1.8.B and aligns with the street wall established on Georgia Avenue. The open spaces and site amenities allow for safe use away from vehicular operations on the site and provide connections to adjacent green areas.

g) Substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;

As discussed in the Preliminary Plan findings, the Project substantially conforms with the 2012 Wheaton CBD and Vicinity Sector Plan, the 2018 Bicycle Master Plan, the 2021 Complete Streets Design Guide master-planned transportation facilities, and 2023 Wheaton

Streetscape Standards.

- h) will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;***

The proposed development will be served by public water and sewer systems. Fire and Rescue has reviewed the application and has determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services, including police stations and health care, will continue to be sufficient following the construction of the Project. Electric, gas, and telecommunications services will also be available. Schools and roads will be adequate as well.

The Preliminary Plan will provide adequate public facilities. The Project is a MIHC and will not be required to make a Tier 2 elementary school Utilization Premium Payment. The LATR review is satisfied with a transportation exemption statement. Planning Staff supports the request to extend the APF Validity Period approval to eight (8)-years and a six (6) years plan validity with the following phasing of plat recordation.

- i) on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and***

This requirement is not applicable, as the Subject Property is not located in a Rural Residential or Residential zone.

on a property in all other zones, is compatible with existing, approved or pending adjacent development.

The Property is compatible with adjacent properties to the north and south by providing frontage along Georgia Avenue and Elkin Street East. It will improve the presence along Georgia Avenue by locating the highest density near the corridor and scaling the density down to the townhouse phase as the development reaches Elkin Street. The new private street serves a dual purpose by providing a Sector Plan connection and a buffer between the existing Leesborough Community, which ensures the project meets its height compatibility, per Section 4.1.8.B.

SECTION 8: FOREST CONSERVATION PLAN F20250080 FINDINGS AND ANALYSIS

All Forest Conservation Law, Chapter 22A requirements are satisfied.

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and requires a Forest Conservation Plan. The Forest Conservation Plan complies with the Montgomery County Environmental Guidelines and the Forest Conservation Law, as conditioned and described below.

NATURAL RESOURCE INVENTORY/FOREST STAND DELINEATION PLAN

The Property has a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) No. 420231710 approved on June 26, 2023. The Site is 6.23 acres and contains no streams, wetlands, or associated buffers. There are 2.25 acres of forest on the Property. The forest is considered a high priority for retention because the Property is located within an area designated as containing Priority Urban Forest by the State of Maryland Department of Natural Resources (DNR). The Subject Property is in the Sligo Creek watershed (a Use Class 1-P stream), which is a subwatershed of the Anacostia River watershed.

FOREST CONSERVATION PLAN



Figure 24 - Proposed Final Forest Conservation Plan

The Subject Property has a Net Tract Area of 7.11 acres. Based on the site zoning, the reforestation requirement is 3.26 acres if met within the Anacostia River watershed or a Priority watershed, Special Protection Area (SPA) or Patuxent Management Area (PMA). The reforestation requirement is 4.38 acres if met outside of the Anacostia River watershed or a Priority watershed, SPA or PMA.

Priority Forest Removal

The Subject Property includes 2.25 acres of forest designated as a high priority for retention, as the Property is located within a Priority Urban Forest area⁹, as mapped by the Maryland Department of Natural Resources. FCP No. F20250080 proposes clearing 2.25 acres of forest and meeting Forest Conservation requirements off-site. Per Sec. 22A-12(b) of Forest Conservation Law, the FCP must retain certain vegetation and specific areas in an undisturbed condition unless specific findings are made.

Priority Forest Removal Findings

The following determinations are based on the required findings for the removal of priority forest:

1. *The development would make maximum use of any available planning and zoning options that would result in the greatest possible forest retention.*

The Property is zoned CR-2.0, C-1.5, R-1.5, H-75 and located within 0.4 miles of the WMATA Wheaton Metro Station. The Property is in the 2012 *Wheaton CBD and Vicinity Sector Plan* which recommends using public investment to accelerate private investment and highlights the development of cultural facilities. Additionally, the Sector Plan addresses the need for a connection between Georgia Avenue and Elkin Street, as well as pedestrian improvements. The forest is located in the middle of the Property, extending from the southern property line to the northern property line. There are no planning and zoning options available that meet the requirements of the Zoning Ordinance and Sector Plan and allow for increased forest retention due to the location of the forest and the proposed development.

2. *Reasonable efforts have been made to protect the specific areas and vegetation listed in the plan.*

Impacts to forest and trees can be minimized through site design techniques that includes locating buildings and circulation in open areas and minimizing grading by working with the site's topography. However, in this case, the existing forest bisects the Property from north to south, across the midpoint of the Property, effectively dividing the eastern and western portions of the Property. Additionally, there is a 50-foot elevation difference between the Georgia Avenue frontage and the Elkin Street frontage. Disturbance has been minimized but the location of the forest and the grading required for the topography, in conjunction with the Sector Plan goals, have created a scenario in which the existing forest cannot be reasonably protected.

⁹ Natural Resources Article, Section 5-1607.

3. *The development proposal cannot be reasonably altered.*

The proposed development responds to the requirements associated with the Wheaton Arts and Cultural Center and the need to provide affordable housing on the Property, while meeting the other goals of the Sector Plan and the regulatory requirements associated with the zone. There are no opportunities to save the existing forest by altering the development proposal by increasing building heights or rearranging circulation or buildings.

Recommendation on Removal of Priority Forest

Staff recommends approval of the request to remove 2.25 acres of priority forest as the Applicant cannot avoid or minimize the forest loss while still meeting the goals of the Sector Plan and the requirements of the zone.

Variance Request

Section 22A-12(b)(3) of the Forest Conservation Law identifies certain individual trees as high priority for retention and protection (“Protected Trees”). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree’s critical root zone (“CRZ”), requires a variance under Section 22A-21 (“Variance”). Otherwise, such resources as defined under Section 22A-12(b)(3) must be left in an undisturbed condition.

This Application will require the removal of four (4) Protected Trees as identified in Table 9 and shown in Figure 25. Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made for a Variance to be granted.

Table 9: Removed Protected Trees

Tree #	Species (Scientific Name)	Species (Common Name)	D.B.H (inches)	Impact (%)	Tree Condition	Status
4	<i>Liriodendron tulipifera</i>	Tulip Poplar	34”	100%	Good	Remove
5	<i>Liriodendron tulipifera</i>	Tulip Poplar	36”	100%	Good	Remove
6	<i>Acer saccharinum</i>	Silver Maple	32”	100%	Good	Remove
9	<i>Ulmus pumila</i>	Siberian Elm	30”	100%	Poor	Remove



Figure 25 - Protected Trees Proposed for Removal

Unwarranted Hardship

In accordance with Section 22A-21(a), the Applicant requested a Variance (Attachment G). The requested variance is necessary due to the need to accommodate construction of 272 dwelling units, a 42,000 square foot Wheaton Arts and Cultural Center, up to 20,000 square feet of office space, a structured parking garage, and 39 townhouses. Staff agrees that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use for the redevelopment of the Subject Property in accordance with the recommendations of the Sector Plan and Zoning Ordinance without the Variance for the proposed Project.

Variance Findings

The following determinations are based on the required findings for granting of the requested variance:

1. Will not confer on the applicant a special privilege that would be denied to other applicants.

Granting the variance will not confer a special privilege on the Applicant as the disturbance is unavoidable to construct the proposed multiuse development. If the Applicant were not able to impact the Protected Trees, the Applicant would not be able to construct 272 dwelling units, a 42,000 square foot Wheaton Arts and Cultural Center, up to 20,000 square feet of office space, a structured parking garage, and 39 townhouses.

2. Is not based on conditions or circumstances which are the result of the actions by the applicant.

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant but is based upon the existing site conditions and the locations of the

Protected Trees. The four (4) trees to be removed are located throughout the site. One Protected Tree (#6) is in the middle of the existing developed area and cannot be avoided if the Property is to be redeveloped. The other three Protected Trees are on the edge of the Property. Tree #9 is on the western side of the Property along Georgia Avenue, is in poor condition, and will be removed to accommodate the streetscape improvements. Trees #4 and #5 are Tulip Poplars along the southern property line. The southern entrance/exit to the parking garage follows this property line, keeping traffic separated between the Wheaton Arts and Cultural Center from the residential section of the Property and is necessary for traffic flow. These trees will be removed, with 100% impact to the critical root zones.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the location of the Protected Trees and the proposed construction and not a result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The proposed development includes Environmental Site Design to the maximum extent practicable. Additionally, eleven (11) new 3-inch caliper native trees will be planted in mitigation for the removal of the four (4) variance sized trees to replace the water quality functions of the trees being removed. Given this, granting the variance will not adversely impact water quality.

Mitigation for Protected Trees

The trees proposed for removal will be mitigated at a rate that approximates the form and function of trees being removed. Variance trees will be replaced at a ratio of approximately 1-inch caliper for every 4 inches removed using trees that are a minimum of 3-inch caliper in size. This results in a mitigation of forty-two (42) inches, with a minimum at installation of fourteen (14) 3-inch caliper trees.

Recommendation on the Variance

Staff recommends approval of the variance for the removal of four (4) Protected Trees associated with Forest Conservation Plan No. F20250080.

SECTION 9: CONCLUSION

As conditioned, the Preliminary Plan No. 120250010, Site Plan No. 820250010, and Forest Conservation Plan No. F20250080 applications each satisfy the relevant findings and the applicable standards of the Zoning Ordinance (Chapter 59), Subdivision Ordinance (Chapter 50), and the Forest Conservation Law (Chapter 22A), including those associated with the Alternative Compliance request, and substantially conform to the recommendations of the 2012 *Wheaton CBD and Vicinity Sector Plan*. Therefore, Staff recommends approval of the Preliminary Plan No. 120250010, Site Plan No. 820250010, and Forest Conservation Plan No. F20250080 with the conditions specified at the beginning of this report.

ATTACHMENTS

Attachment A: Preliminary/Site/FCP Plan

Attachment B: Prior Approvals

Attachment C: Agency Letters

Attachment D: Community Correspondence

Attachment E: Utilities Cost Estimate

Attachment F: Pepco Utilities Recommendations

Attachment G: Variance Request

Attachment H: Affidavit Regarding Community Meeting and Meeting Minutes