

# **Montgomery County Planning Board**

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED:

7/10/2025

MCPB No. 25-070  
Preliminary Plan No. 120250010  
MHP Amherst  
Date of Hearing: June 5, 2025

## **RESOLUTION**

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on October 30, 2024, Montgomery Housing Partnership (“MHP” or “Applicant”) filed an application for approval of a preliminary plan of subdivision of property that would create 40 lots including up to 272 multifamily units and 39 townhouses units, and 2 parcels on 6.14 acres of land in the CR-2.0, C-1.5, R-1.5, H-75 zone, located in Wheaton Downtown, north of Blueridge Avenue, between Georgia Avenue and Elkin Street (“Subject Property”), in the 2012 *Wheaton CBD and Vicinity Sector Plan* (“Sector Plan”) area; and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No. 120250010, MHP Amherst (“Preliminary Plan” or “Application”); and

WHEREAS, the Application was submitted for concurrent review and approval with Forest Conservation Plan No. F20250080 and Site Plan No. 820250010; and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated May 23, 2025, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on June 5, 2025, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Commissioner Linden, with a vote of 4-0; Vice Chair Pedoeem, and Commissioners Bartley, Hedrick, and Linden voting in favor; Chair Harris recused himself.

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Approved as to  
Legal Sufficiency: /s/ Allison Myers  
M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120250010 to create 40 lots, including up to 272 multifamily units and 39 townhouses units, and 2 parcels on the Subject Property, subject to the following conditions:<sup>1</sup>

### **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: The 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: The 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.

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

## **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 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. The approved subbase for private roads must be a minimum of six inches of 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.

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

1. *The 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.*

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* ("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 further detailed in Site Plan No. 820250010. 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 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, which is south of the Property. 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 based upon the recommendations of the Sector Plan to encourage mixed-use development and was given the lowest Commercial Residential (CR) density within the district to ensure development scale that would transition adequately to the existing adjacent residential uses. The Sector Plan recommends that the two parcels that make up the Property

(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; and
- 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 (Map 17, p.61). The Sector 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” (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 recommended in the Sector Plan, the Application 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 on Georgia Avenue 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 for both Georgia Avenue and Elkin Street.

#### 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.

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.

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

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

The Planning Board approves 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.

The Board finds that the 8-year APF validity period would 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.

The APF Validity Period is subject to the following phasing schedule:

- a) Phase 1: The 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: The 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 Planning Board approves a six (6) year validity period 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.

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

In the 2018 *Bicycle Master Plan* and 2012 *Wheaton Central Business District and Vicinity Sector Plan*, Georgia Avenue is intended to serve both bicyclists and pedestrians. The proposed sidewalk width of 16 feet will accommodate both bicyclists and pedestrians. The Application also provides an 8.5-foot-wide street buffer.

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***

Under Section 50-4.3.E.4 and as conditioned, the Planning Board approves the Applicant's request to provide a Private Road along the north side of the Property to extend from Georgia Avenue to Elkin Street, although no road is master-planned. 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 Chapter 49 of Montgomery County Code ("Road Code") would require construction of an urban minor arterial (Road Code Section 2004.20). As indicated below, the standard for the proposed private road deviates from the Road Code standards as follows:

*Table 1: Compare Road Code Standard*

	<b>Urban Minor Arterial</b>	<b>Proposed Private Road</b>
<b>ROW Width</b>	70 ft	Variable 45 – 54.5 ft
<b>Paving Section</b>	22 ft	21 ft
<b>Maximum Grade</b>	8%	10%
<b>Landscape Buffer</b>	7 ft	6 ft
<b>Sidewalk</b>	7 ft	6 ft
<b>Horizontal Alignment</b>	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 Planning Board approved 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 Subject Property is low-rise multifamily with 50 residential units. The proposed mid-rise 272 multifamily units, 39 townhomes, 20,000 square feet of office use, and a 42,000-square-foot 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 as a Site Plan under Section 59.7.3.4., rather than the expedited Mixed-Income Housing Community Plan established in Section 59.7.3.7., is nonetheless eligible for the Mixed-Income Housing Community LATR exemption established in the 2024-2028 *Growth and Infrastructure Policy* (TL3.5 "Mixed Income Housing Communities").

This Application meets the standards of a Mixed-Income Housing Community under Section 59.3.3.4 because it provides 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. Therefore, the LATR review is satisfied with a transportation exemption statement. A summary of the trip generation analysis is provided in Table 2 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*

***a) 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		Infill		Infill	
		ES Student Generation Rate	ES Student Estimate	MS Student Generation Rate	MS Student Estimate	HS Student Generation Rate	HS Student Estimate
SF Detached	0	0.206	0	0.103	0	0.156	0
SF Attached	39	0.176	6.864	0.095	3.705	0.133	5.187
MF Low-rise	-50	0.073	-3.65	0.033	-165	0.049	-2.45
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 to this Application.

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 <sup>2</sup>	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) does 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	<b>Tier 2 UPP</b>	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;*

As established above, this Application meets the definition of a Mixed-Income Housing Community as provided in the Zoning Ordinance, and therefore, will not be required to make a Tier 2 elementary school Utilization Premium Payment.

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<sup>2</sup> 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.



***b) 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. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

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 No. F20250010, which are included in a separately approved resolution and are incorporated herein.

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

MCDPS approved the Stormwater Management Concept Plan on March 13, 2025. The plan will meet stormwater management requirements using of micro-bioretenction, 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 4.3.M*

This finding is not applicable to this Application, as the Applicant does not have any actual or constructive knowledge of a burial site on the Property.

7. *Any other applicable provision specific to the property and necessary for approval of the Administrative Subdivision is satisfied.*

No other provisions apply to the Subdivision.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is

7/10/2025

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

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

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Hedrick, seconded by Commissioner Linden, with a vote of 3-0-1; Commissioners Bartley, Hedrick, and Linden, voting in favor of the motion, Chair Harris abstaining and Vice Chair Pedoeem being necessarily absent at its regular meeting held on Thursday, June 26, 2025, in Wheaton, Maryland and via video conference. Vice Chair Pedoeem reviewed the video recording of the June 26 public meeting in order to certify the resolution.

*Mitra Pedoeem*

Mitra Pedoeem, Vice Chair/Presiding Officer  
Montgomery County Planning Board