

Montgomery Planning
WHEATON GATEWAY

**PRELIMINARY PLAN NO. 120240120,
SKETCH PLAN AMENDMENT AND SITE PLAN NO. 820240150, &
FOREST CONSERVATION PLAN NO. F20240810**



The Applicant proposes to construct a highly affordable mixed-use development creating two lots containing up to 800 multifamily dwelling units, underground and structured parking garage, up to 55,000 square feet of non-residential uses, and up to 897,222 square feet of residential, including 40% MPDUs, for a total of 952,222 square feet.

COMPLETED: 11/10/2025

PLANNING BOARD HEARING DATE: 11/20/2025

MCPB ITEM NO. XX

Planning Staff

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LOCATION/ADDRESS

Southwest corner of Veirs Mill Road and University Boulevard.

MASTER PLAN

2012 Wheaton CBD and Vicinity Sector Plan

ZONE

Zoned CR- 5.0, C-4.5, R-4.5, H-130; CR- 3.0, C-2.5, R-2.5, H-100; CRN- 1.5, C-.25, R-1.5, H-45, R-60

PROPERTY SIZE

5.16 acres

APPLICANT

HOC at 11250 Veirs Mill Road, LLC.

ACCEPTANCE DATE

February 19, 2025

REVIEW BASIS

Chapters 22A, 50 & 59

Summary:

- In accordance with Section 59.7.3.3.I., the Site Plan will amend the conditions and binding elements of Sketch Plan No. 320210060 to increase the density and height and reduce the extent of the Public Open Space.
- Planning Staff recommends approval of the Preliminary, Forest Conservation, and Site Plans and Sketch Plan Amendment.
- The Subject Application includes one Site Plan for three buildings with two construction phases.
- The Project includes a minimum of 40% MPDUs.
- The Applicant is requesting an APF validity period for seven years.
- Proposed development brings significant improvements to Wheaton’s Central Business District, including new housing and commercial opportunities and enhanced streetscape design.
- The Applicant is seeking approval from the Planning Board for a waiver in association with the Preliminary Plan for reduced right-of-way truncation as part of the proposed record lot.

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SECTION 1: EXECUTIVE SUMMARY

The proposed development will combine 10 lots and one parcel into two new lots to build three multifamily buildings with retail and community uses, plus an underground parking garage. The project will be built in two phases and will include up to 800 residential units and 55,000 square feet of non-residential space. The project proposes a mix of 1-, 2-, and 3-bedroom units, with 40% designated as affordable (Moderately Price Dwelling Units), which is more than the minimum required by County regulations.

Forest conservation requirements will be met offsite, as there are no forested or priority planting areas on the property. The total afforestation requirement is 0.90 acres. The Site is currently zoned for mixed-use and high-density residential development.

Phase 1 will redevelop the Lindsay Ford site with two buildings: one mixed-use building with a daycare and apartments, and another residential building designed to fit in with nearby single-family homes. Phase 2 will include a signature mixed-use building at the northern gateway to Wheaton, with an open grass field used temporarily for community events.

To support the full build-out of the project, the Applicant is requesting a seven-year Adequate Public Facilities (APF) Validity Period. This extended timeline will help secure financing and allow time for permitting and construction. Phase 1 will deliver up to 400 units within five years, and Phase 2 will complete the remaining 400 units within seven years. Planning staff supports the request and finds it consistent with the goals of the 2012 *Wheaton CBD and Vicinity Sector Plan*.

SECTION 2: RECOMMENDATIONS AND CONDITIONS

SKETCH PLAN AMENDMENT

Staff recommends approval of the Wheaton Gateway Sketch Plan Amendment included with Site Plan No. 820240150¹, for up to 952,222 square feet of density on 5.16 acres, zoned CR-5.0, C-4.5, R-4.5, H-130; CR-3.0, C-2.5, R2.5, H-100; CRN-1.5, C-.25, R-1.5, H-45; R-60, in the 2012 Wheaton CBD and Vicinity Sector Plan. This approval is subject to the following conditions². Condition Nos. 1-3 and 5 are modified from the previously approved conditions. All other previously approved conditions remain in full force and effect.

1. Density

The Sketch Plan is limited to a maximum of ~~910,223~~ 952,222 square feet of total development, comprised of up to ~~65,000~~ 55,000 square feet of non-residential uses and up to ~~845,223~~ 897,222 square feet of residential density. Residential density includes up to 603,729 square feet of mapped density and ~~241,494~~ 293,492 square feet of MPDU Bonus Density.

2. Height and Building Massing

The development is limited to a maximum building height as set forth below for each portion of the Project based on the mapped zone and for the potential the additional height allowed by Section 59-4.5.2.C.7 for providing more than 12.5% MPDUs.

- a. The CRN-1.5, C-0.25, R-1.5, H-45 Zone Standard Method- the height is limited to 45 feet and up to 2 additional floors of height, a maximum of ~~69~~ 71 feet, if the requirements of Section 59-4.5.2.C.7 are satisfied.
- b. The CR-3.0, C-2.5, R-2.5, H-100 Zone Optional Method- the height is limited to 100 feet and up to ~~2~~ 3 additional floors of height, a maximum of ~~124~~ 136 feet, if the requirements of Section 59-4.5.2.C.7 are satisfied.
- c. The CR-5.0, C-4.5, R-4.5, H-130 Zone Optional Method- the height is limited to 130 feet and up to ~~2~~ 3 additional floors of height, a maximum of ~~154~~ 166 feet, if the requirements of 59-4.5.2.C.7 are satisfied.

3. Moderately Priced Dwelling Units (MPDUs)

The Applicant must provide a minimum of ~~30%~~ 40% of the total units as Moderately Priced Dwelling Units. The development must provide MPDUs in accordance with Chapter 25A.

5. Public Open Space

The Applicant must provide a minimum of ~~12%~~ 10% of the Site Area (204,727 square feet) as Public Open Space, totaling 20,472 square feet.

¹ Section 59-7.3.3.I. permits amendment of a sketch plan during site plan review.

² 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.

PRELIMINARY PLAN 120240120

Staff recommends approval with conditions of the Preliminary Plan to construct an affordable mixed-use development creating two 2 lots containing up to 800 multifamily dwelling units, up to 55,000 square feet of non-residential uses, and up to 897,222 square feet of residential, including 40% MPDUs, for a total of 952,222 square feet. All site development elements shown on the latest electronic version of the Preliminary Plan No. 120240120 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

GENERAL APPROVAL

1. This Preliminary Plan is limited to two (2) lots for a maximum of 952,222 square feet of total development, up to 800 multifamily units, including 40% MPDUs, and up to 55,000 square feet of non-residential uses (which includes daycare, coworking, and retail uses).²
 - a. Phase 1- Applicant must obtain building permits for up to 400 multifamily units within five (5) years of the initiation date.
 - b. Phase 2- Applicant must obtain building permit for up to 400 multifamily units within seven (7) years of the initiation date.

PLAN VALIDITY PERIOD

2. The Preliminary Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and before the expiration date of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

OUTSIDE AGENCIES

3. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated November 4, 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.
4. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
5. The Planning Board has reviewed and accepts the recommendations of the Maryland State Highway Administration (“MDOT SHA”) in its letter dated October 7, 2025, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of

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.

² The non-residential uses space can be changed to other non-residential uses if there is no adverse impact on the Preliminary Plan and the APF findings and it is approved by Staff.

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.

6. Before the issuance of access permits, the Applicant must satisfy MDOT SHA's requirements for access and improvements.
7. 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 October 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.
8. The Planning Board has reviewed and accepts the recommendations of the MCDPS Fire Department Access and Water Supply Section in its letter dated October 17, 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.
9. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Housing and Community Affairs ("DHCA"), in its letter dated October 9, 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

10. Before approval of a record plat or any demolition, clearing or grading for the Subject Property, the Applicant must receive Staff certification of this Preliminary Plan.
11. 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

12. 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 seventy-two and one-half feet (72.5 ft) from the existing pavement centerline along the Subject Property frontage for Veirs Mill Road along the length of the planned Bus Rapid Transit (BRT) station, and sixty-five and one-half feet (65.5 ft) for the rest of the Veirs Mill Road frontage.
 - b. All land necessary to accommodate sixty-five and one-half feet (65.5 ft) from the existing pavement centerline along the Subject Property frontage for University Boulevard.

- c. All land necessary to accommodate fifty-four feet (54 ft) from the existing pavement centerline along the Subject Property frontage for Upton Drive.
- 13. Before the recordation of plat(s), the Applicant must satisfy all necessary requirements of MDOT SHA to ensure construction of the following frontage improvements:
 - a. a ten-foot wide (10 ft) minimum sidewalk two-foot-wide (2ft) pedestrian/bicycle buffer, an eleven-foot-wide (11 ft) two-way separated bike lane, and a six-foot-wide (6 ft) wide street buffer along the property frontage on Veirs Mill Road. The 11-foot-wide (11ft) bike lane width decreases to minimum behind the planned Bus Rapid Transit (BRT) stop.
- 14. a ten-foot wide minimum (10 ft) sidewalk, two-foot-wide (2ft) pedestrian/bicycle buffer, an eleven-foot-wide (11 ft) two-way separated bike lane, and a six-foot-wide (6 ft) wide street buffer along the property frontage on University Boulevard.
- 15. Before the recordation of plat(s), the Applicant must satisfy all necessary requirements of MCDOT to ensure construction of the following frontage improvements:
 - a. a six-foot-wide (6 ft) sidewalk with an eight-and-one-half-foot-wide (8.5ft) street buffer alternating with an eight-and-one-half-foot-wide (8.5ft) on-street parking lane on the east side and an eight-foot-wide sidewalk (8 ft) and a six-foot-wide (6 ft) street buffer along the west side along the proposed public park on East Avenue.
 - b. a six-foot-wide (6 ft) sidewalk and six-foot-wide (6 ft) wide street buffer on Upton Drive.
- 16. The Applicant must either remove the right-turn slip lane and reconstruct the frontage at the intersection of Veirs Mill Road and University Boulevard or reimburse MCDOT for the cost to remove the right-turn slip lane and reconstruct the frontage at the time of the first above grade building permit.

Private Roads

- 17. The Applicant must provide the Private Road A bifurcating the Site between Veirs Mill Road and East Avenue as shown on the plans including any sidewalks, bikeways, 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 requirements:
- 18. The record plat must clearly delineate the Private Road and include a metes and bounds description of the boundaries of the Private Road.
- 19. 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:
 - a. The Applicant, at its expense, shall design, construct and maintain the Private Road.
 - b. 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.

- c. 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 direct complaints, concerns or questions regarding the Private Road.
 - d. Approved sub-grade for private roads to be six-inch Graded Aggregate Base (GAB).
20. Before issuance of the first building 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.

RECORD PLATS

- 21. There shall be no clearing or grading of the site before recordation of plat(s). Except for demolition of existing structures and associated grading.
- 22. The record plat must show necessary easements.
- 23. The record plat must reflect common ingress/egress and utility easements over all shared driveways.

Notes and Labels

- 24. The record plat must reflect all areas under common ownership.

DEVELOPMENTS WITH MPDUS

- 25. The final number of MPDUs as required by Preliminary Condition No. 1 above will be determined at the time of site plan approval.

CERTIFIED PRELIMINARY PLAN

- 26. 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 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.*
27. Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
- a. Show resolutions and approval letters on the certified set.

SITE PLAN 820240150

Staff recommends approval of Site Plan No. 820240150, for the construction of 800 multifamily units, 55,000 square feet of non-residential uses (which includes daycare, coworking, and retail uses) and an underground parking garage. The development must comply with the binding elements and conditions of approval for Sketch Plan No. 320210060, as listed in MCPB Resolution No. 22-052 dated July 19, 2022, and Preliminary Plan No. 120240120, 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 952,222 square feet of total development on the Subject Property, including 897,222 square feet of residential uses, for up to 800 multi-family dwelling units, and 55,000 square feet of daycare, coworking, and retail/service, or other non-residential uses.²

2. Height

The development is limited to a maximum building height as set forth below for each portion of the Project based on the mapped zone and the additional height allowed by Section 59-4.5.2.C.7 for providing more than 12.5% MPDUs.

- a. The CRN-1.5, C-0.25, R-1.5, H-45 Zone Standard Method, the height is limited to 45 feet and up to two(2) additional floors of height, a maximum of 71 feet, if the requirements of Section 59-4.5.2.C.7 are satisfied.
- b. The CR-3.0, C-2.5, R-2.5, H-100 Zone Optional Method, the height is limited to 100 feet and up to three (3) additional floors of height, a maximum of 136 feet, if the requirements of Section 59-4.5.2.C.7 are satisfied.
- c. The CR-5.0, C-4.5, R-4.5, H-130 Zone Optional Method, the height is limited to 130 feet and up to three (3) additional floors of height, a maximum of 166 feet, if the requirements of 59-4.5.2.C.7 are satisfied.

3. Density Averaging

Before certification of the Site Plan, the Applicant must record an instrument among the County Land records reflecting the density transfer for this project as required under Section 59-4.5.2.B of the Zoning Ordinance.

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.

² The non-residential uses space can be changed to other non-residential uses if there is no adverse impact on the Site Plan and the APF findings and it is approved by Staff.

OPEN SPACE, FACILITIES AND AMENITIES

Public Open Space, Facilities, and Amenities

4. The Applicant must provide a minimum of 20,472 square feet of public open space, 10% of net lot area on-site.
5. Before release of the surety bond, the Applicant must construct the streetscape improvements, including the undergrounding of utilities, along the property's frontage on Veirs Mill Road.
6. Before issuance of the first use and occupancy certificates for residential development Phase 1 for Sections 1 and 2, all public open space improvements in the R-60 zoned must be completed.
7. Before issuance of the first use and occupancy certificates for the residential development Phase 2 - Sections 3, all public open space on the Subject Property must be completed.
8. Before issuance of the final use and occupancy certificates for the residential development of Phase 1 - Section 1 and Section 2, and before the first below grade permit for Phase 2 - Section 3, all interim open space located in the Phase 2 areas on the Subject Property must be completed.
9. Before issuance of the first below grade permit, the Applicant must address all requirements from WSSC associated with easements located on Kensington Boulevard , per letter dated October 2, 2025, to be confirmed by WSSC and Planning Staff.

10. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the *CR Zone Incentive Density Implementation Guidelines* for each one.

a. Affordable Housing/MPDUs

- i. 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 40% of the units as MPDUs, or MCDHCA-approved equivalent, consistent with the requirements of Chapter 25A and the applicable Master Plan, with at least 20% of total units, in both construction phase 1 and site-wide, affordable to households earning at or below 50% Area Median Income (AMI).
- ii. 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.
- iii. The Planning Board has reviewed and accepts the recommendations of DHCA in its letter dated October 9, 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.

11. Recreation Facilities

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

12. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including but not limited to the private drive between Phase 1 and Phase 2, and pedestrian connection from Kensington Boulevard to Veirs Mill Road.

TRANSPORTATION & Circulation

Transportation

13. 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 August 6, 2025, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.
14. Before release of the first above-grade building permit, the Applicant must either remove the right-turn slip lane and reconstruct the frontage at the intersection of Veirs Mill Road and University Boulevard or reimburse MCDOT for the cost to remove the right-turn slip lane and reconstruct the frontage.
15. Before the first above-grade building permit, the Applicant must reimburse MCDOT for the costs of the acquisition of land for the right-of-way associated with the Veirs Mill Road BRT project, unless such land is conveyed to the County by the owner pursuant to a deed of dedication.
16. Before issuance of the first right-of-way permit for East Avenue the Applicant must reinstalling the bus shelter on University Boulevard (MD 193).

Pedestrian & Bicycle Circulation

17. The Applicant must provide 264 long-term and 56 short-term bicycle parking spaces.
18. The long-term spaces must be in secured, well-lit bicycle rooms in the parking garages, and the short-term spaces must be inverted-U racks (or approved equal) installed as shown on the Site Plan (weather protected preferred). The specific locations of the short-term bicycle racks must be identified on the Certified Site Plan.
19. The Applicant must provide one bicycle repair station.
20. The Applicant must provide the following master planned pedestrian and bicycle facilities, the exact location, design and construction of which must comply with requirements of the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations, before right-of-way bond:
 - a. Veirs Mill Road: a ten-foot wide minimum (10 ft) sidewalk, two-foot-wide (2ft) pedestrian/bicycle buffer, an eleven-foot-wide (11 ft) two-way separated bike lane, and a six-foot-wide (6 ft) wide street buffer. The 11-foot-wide (11ft) bike lane width decreases to nine-feet-wide (9ft) minimum behind the planned Bus Rapid Transit (BRT) stop.

- b. University Boulevard: a ten-foot wide minimum (10 ft) sidewalk, two-foot-wide (2ft) pedestrian/bicycle buffer, an eleven-foot-wide (11 ft) two-way separated bike lane, and a six-foot-wide (6 ft) wide street buffer.
- 21. East Avenue: a six-foot-wide (6 ft) minimum sidewalk with an eight-and-one-half-foot-wide (8.5ft) street buffer alternating with an eight-and-one-half-foot-wide (8.5ft) on-street parking lane on the east side and an eight-foot-wide sidewalk (8 ft) and a six-foot-wide (6 ft) street buffer along the west side along the proposed public park.
 - a. Upton Drive: a six-foot-wide (6 ft) sidewalk and six-foot-wide (6 ft) wide street buffer on Upton Drive.
 - b. Protected intersection at the northwest, southwest and northeast corners of the intersection of Veirs Mill Road and University Boulevard subject to MDOT SHA approval.

ENVIRONMENT

22. 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 issuance of 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.

23. Stormwater Management

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) Water Resources Section in its stormwater management concept letter dated October 20, 2025, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

AGENCY COORDINATION

24. Fire and Rescue

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 October 17, 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.

25. 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 August 6, 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.
26. 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).

SITE PLAN

27. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet A501-A504 of the submitted architectural drawings, as determined by M-NCPPC Staff.

28. Lighting

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).

29. All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
30. Deflectors will be installed on proposed fixtures to prevent excess illumination and glare.
31. 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.
32. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

Public Art

33. The Applicant must include an artistic mural in the location shown on the site plan for Phase 2 on the southwest facade of the Section 3.

34. 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.

The cost estimate must include applicable Site Plan elements only for facilities located on the Property (not in the public right-of-way, or in stormwater facilities), including, but not limited to plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, retaining walls, railings, paths and associated improvements of development, including sidewalks, bikeways, private 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.

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.

35. 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.

36. 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. 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 during development.”
- b. Include the stormwater management concept approval letter, development program, and Site Plan resolution on the approval or cover sheet(s).
- 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 & gutter, apron, and handicap ramp details.

- h. Include a Recreation Plan delineating location and detail of the recreation facilities, where appropriate, in a manner that is clear and corresponds to the posted surety and maintenance agreement.

FOREST CONSERVATION PLAN F20240810

Staff recommends approval of the Final Forest Conservation Plan (“FFCP”) No. F20240810 – Wheaton Gateway associated with Preliminary Plan No. 120240120 and Site Plan No. 820240150 (the “Accompanying Plans”). FFCP No. F20240180 replaces FCP No. SC2019004, which allowed the demolition of the Ambassador Apartments in 2018. FFCP No. F20240810 is recommended for approval, 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 Rock Creek watershed or Priority Area to satisfy the afforestation requirement of 0.90 acres of mitigation credit. If no off-site forest banks exist within the Rock Creek watershed or Priority Area, then the off-site requirement may be met by purchasing 0.90 acres of mitigation credits from a mitigation bank within Montgomery County outside of the Rock Creek 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”) for the mitigation trees 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.
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 35 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.
6. Before certification of the Final Forest Conservation Plan, the plan must be revised to relocate mitigation trees to areas outside of private street parcels.

SECTION 2: SITE DESCRIPTION

VICINITY

The 5.16-acre Property (“Subject Property” or “Property” or “Site”), outlined in red in Figure 1, is located at the intersection of Veirs Mill Road and University Boulevard. The Property is 1/3 mile northwest from the Wheaton Metro Station and confronts the Westfield Wheaton Mall to the south, across University Boulevard. The Property is approximately one mile from Brookside Gardens to the northeast and ½ mile from Albert Einstein High School to the northwest. There are a number of residential neighborhoods surrounding the Project comprised of mostly single-family detached homes, within the neighborhoods of Kensington View, Wheaton Hills College View, and Monterrey Village. The Wheaton Triangle district is east of the project and provides several commercial, retail, and restaurant services within the Wheaton Central Business District. The Property is within the boundaries of the 2012 *Wheaton CBD and Vicinity Sector Plan* (Sector Plan). The Sector Plan delineates five districts based on character and development potential; the Subject Property is within the Kensington View/Wheaton Hills district.

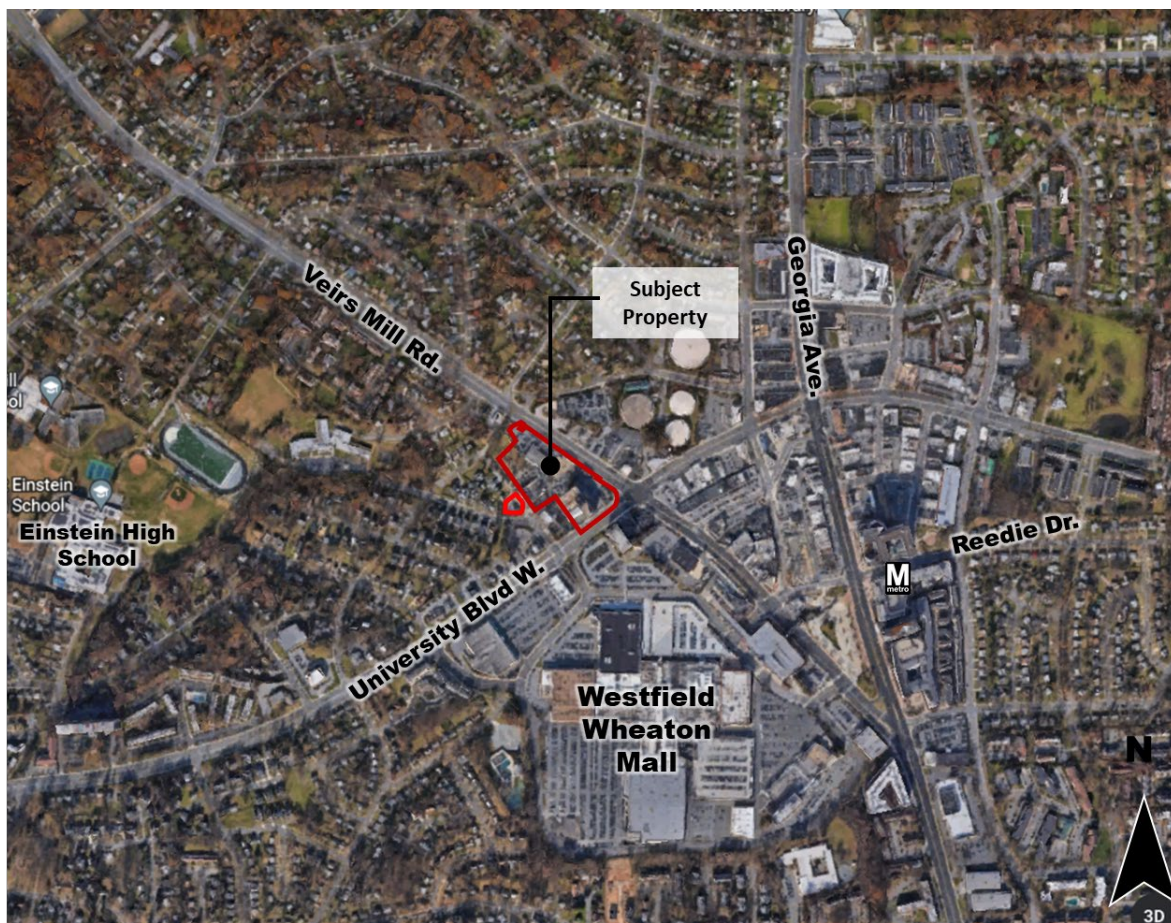


Figure 1 – Vicinity Map

PROPERTY DESCRIPTION

The Property is comprised of approximately 5.16 acres of tract area and ten lots and one parcel:

- Lot P1, Block C, Triangle Park subdivision (“11200 Veirs Mill Road”);
- Lot 2, Block C, Triangle Park subdivision (“2715 University Boulevard”);
- Parcel P282, Hermitage subdivision (“11250 Veirs Mill Road”);
- Lots 7-13 , Block F, Kensington View subdivision (“11217 - 11227 East Avenue”); and
- Lot 1, Block J, Kensington View subdivision (“Lot 1 Upton Drive”).

The Property is zoned CR-5.0, C-4.5, R-4.5, H-130 and CR-3.0, C-2.5, R-2.5, H-100 along Veirs Mill Road and University Boulevard. The rear of the Property is zoned CRN-1.5, C-0.25, R-1.5, H-45 and fronts along East Avenue, which is adjacent to single-family homes in the R-60 zone. Also, the Site includes of a 9,606 square foot lot zoned R-60 located at the intersection of Upton Drive and East Avenue (Figure 4).

The Property is currently a Lindsay Ford used car lot and repair shop. It is also the former location of the Ambassador (former Western Ambassador Inn that was converted into the Ambassador Apartments, providing 162 affordable rental units) and Mattress Firm. The Property slopes down from Veirs Mill Road to East Avenue. The grade at the intersection of Veirs Mill Road is approximately 40 feet above the grade at the intersection of East Avenue and Kensington Boulevard. The grade from Veirs Mill Road to East Avenue along University Boulevard slopes down approximately 20 feet. The Subject Property is located in the 2012 *Wheaton CBD and Vicinity Sector Plan* boundary and within the Kensington View Civic Association (KVCA) community.



Figure 2 – Subject Property



Figure 3 –Photos of the Existing Property and Neighborhood



Figure 4 – Zoning Map

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

SKETCH PLAN NO. 320210060

On July 19, 2022, the Planning Board approved Sketch Plan No. 320210060 to establish a maximum density of up to 910,223 square feet of total development, including up to 65,000 square feet of non-residential uses and up to 845,223 square feet of residential uses with 30% Moderately Priced Dwelling Units (MPDUs), and a minimum of 12% public open space and public benefits on 5.16 acres.

PROPOSAL

The proposed development seeks to provide a sustainable mixed-use community featuring mixed-income multifamily housing and non-residential spaces.

The Preliminary Plan proposes to consolidate 10 lots and 1 parcel into two lots to accommodate three multifamily buildings with non-residential uses, and an underground parking garage, as shown in Figure 5.



Figure 5 - Lotting Plan

Legend

- Level 1 Property - The Project is between 1st and 2nd St. at the Mill Road Station. Level 2 Property - The Project extends the West Mill Road Station.
- Purpose - The proposed October 2018 Construction and Development Review Application Submittal, the number of public hearing points available for providing more than 10% of residential units as affordable or required under Chapter 26 of the Montgomery County Code is not limited. 10 points are in the general for every 1% of affordable greater than 10%, and no fraction of 1 percent increases an AFFH unit the Applicant to an equal fraction of 10 points.
- The Project is providing a minimum of 40% Affordable and, therefore, qualifies for 10 points based on the following formula: $(40\% \times 10) = 40$ points.
- The Project is providing all of the parking in either above or below grade structures and is therefore eligible for all 10 possible points.
- Parking Issuance Points have been divided by phase. 50% in Phase 1, 50% in Phase 2.

- Phase 1 of the Project will redevelop the Lindsay Ford portion of the site in two sections. Section 1 will feature a mixed-use building fronting on Veirs Mill Road providing a daycare on the ground floor with residential units above, while Section 2 will include a residential building designed to transition in scale and character to the adjacent single-family homes along East Avenue. Section 2 will feature a lower building height and a more residential

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façade, and a 36-foot setback from East Avenue to enhance compatibility with the neighborhood.

- Phase 2 will deliver Section 3, an iconic mixed-use building at the northern gateway to Wheaton's Core District. Prior to Phase 2, the interim condition will include an open grass field to allow for activation and programming for the community.

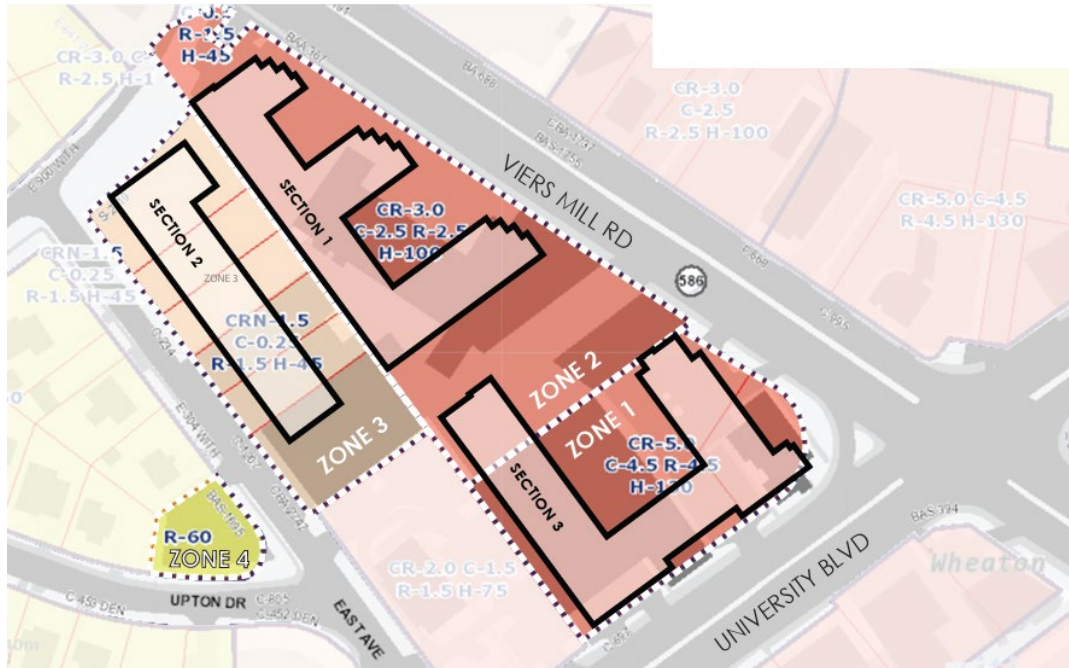


Figure 7 – Zoning and Section Map

The Project proposes a stepped building height strategy, transitioning from the densest zoning at the corner of Veirs Mill Road and University Boulevard (CR-5.0, C-4.5, R-4.5, H-130) to the lower-density residential edge along East Avenue (CRN-1.5, C-0.25, R-1.5, H-45). The maximum height provided in each Section are as follows:

- Section 1: 136'
- Section 2: 71'
- Section 3: 166'

The Project is required to meet the Height Compatibility requirement, per Section 59.4.1.8.B, for Sections 1 and 2 due to the detached houses in the R-60 zone to the north and west.

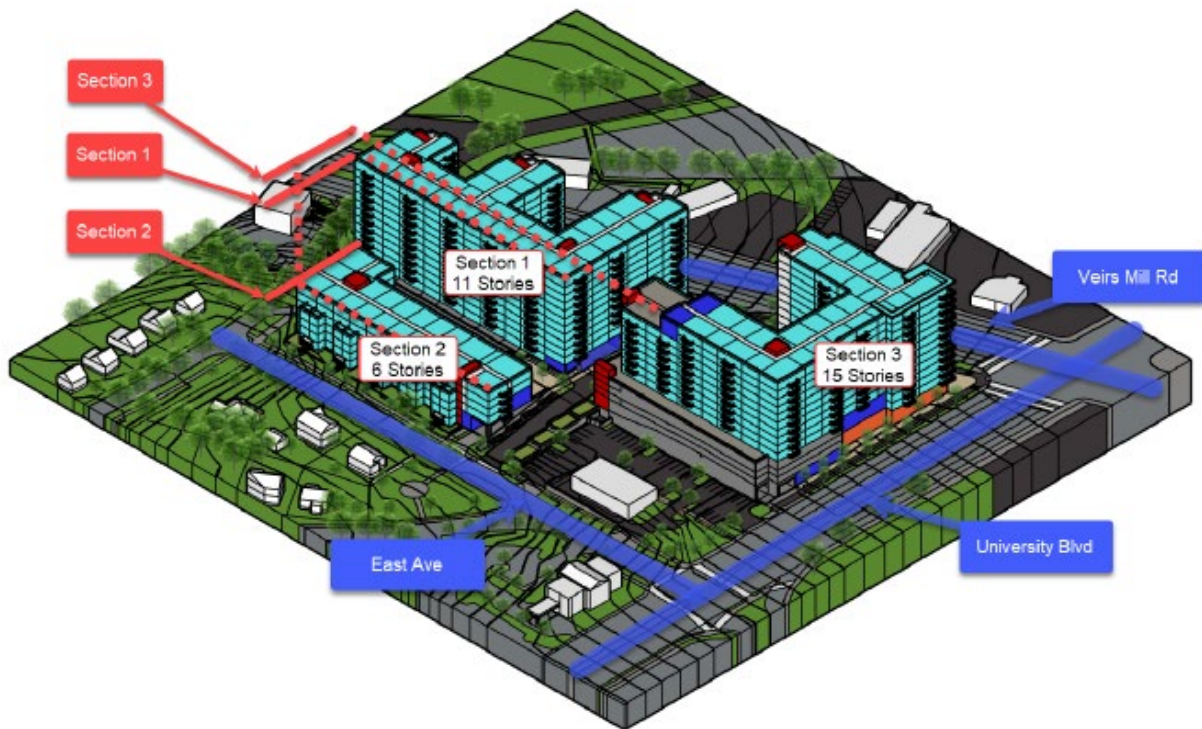


Figure 8 – Section 3D Model

To address site circulation and access challenges, the Applicant will construct an internal street connecting Veirs Mill Road and East Avenue, featuring a speed table to calm traffic and enhance pedestrian safety.

Pickup and drop-off areas will be strategically located central to the Site and near residential and commercial entrances facility through a new through-block connection along a private drive between Veirs Mill Road and East Avenue.

The Project will also include 10% public open space, walkable sidewalks, landscaping, and streetscape improvements to foster community interaction and support a high-quality urban environment.

BUILDING/ARCHITECTURE

The proposed development consists of two phases and the first phase of the Project will redevelop the site with Sections 1 and 2.

Section 1 - will feature an eleven-story mixed-use building at the Project's northern boundary along Veirs Mill Road. A children's daycare facility on the ground floor features a well-designed outdoor play area within the building courtyard, visible along the Veirs Mill Road sidewalks. This mid-rise residential building offers massing articulations through a series of courtyards along Veirs Mills Road. The tall, well-articulated base of this building helps activate the streetscape along Veirs Mill Road. A

series of residential balconies in the middle of the building create vertical elements and visual interest in the architectural façade while providing private outdoor space for residents.

Section 2 - includes a six-story residential building that fronts the existing single-family homes along East Avenue. The building in Section 2 is significantly lower than the buildings within Sections 1 and 3 which complies with the Sector Plan. In addition to the shorter height, the design of the building in Section 2 will be in character with the nearby residential neighborhoods, with building entrances and human-scaled architectural elements to articulate the East Avenue frontage further and transition down in height from east to west. The reduction in height, massing, and incorporation of "residential" design features were intentionally implemented to ensure compatibility with the existing single-family homes along East Avenue.



Figure 9 – Section 2 East Avenue Elevation

Section 3, which is Phase 2 of the project, will create an iconic building on the northern gateway to Wheaton's Core District.

The area boasts the highest height and density but is also the farthest from the lower-density residential community to the west. This fifteen-story mixed-use building contains ground-floor commercial space that will activate the adjacent public open space. The tall tower element at the intersection of Viers Mill Road and University Boulevard creates a gateway feature visible from afar, characterized by a deep overhang roofline. At the same time, the building's base is articulated with various durable materials, tall storefront windows, and artworks, which help activate the streetscape along these two major corridors.



Figure 10 – Section 3 Rendered View Corner of Veirs Mill and University Boulevard looking northwest

Parking Garage

The development contains a combination of below-grade and above-grade structured parking throughout the entire site. The parking garage facade includes several façade treatments, such as decorative architectural panels, screening elements, and murals. The blank walls of the garage facing the existing McDonald’s site at the southeast corner of the Site offer excellent visibility to the community, making it the perfect canvas for portraying Wheaton's love of arts and the Project's focus on sustainability. As conditioned, the Applicant will provide an art mural in this location.



Figure 11: Section 3 Rendered View of East Avenue and University Boulevard

OPEN SPACE

The 10% open space will feature two accessible areas for public use, which are well connected via a through-block connection known as Main Street connecting Viers Mill Road to East Avenue. The first public open space is located along the Project's Viers Mill Road frontage in the form of an Urban Plaza shown in Figure 12. The Urban Plaza is adjacent to the first-floor commercial space in both Phase 1 and Phase 2 and is readily accessible to both public rights-of-way of Viers Mill Road and the Project's Main Street. This Urban Plaza will feature an open lawn and other plantings, café tables and chairs, and art installations, which will complement the surrounding uses.

The second public use open space is a pocket park located at the intersection of the Project's Main Street and East Avenue, situated within the residential neighborhood west of the Project. This open space features a playground for children of different ages with seating areas, shade structures, plantings, and rain gardens.

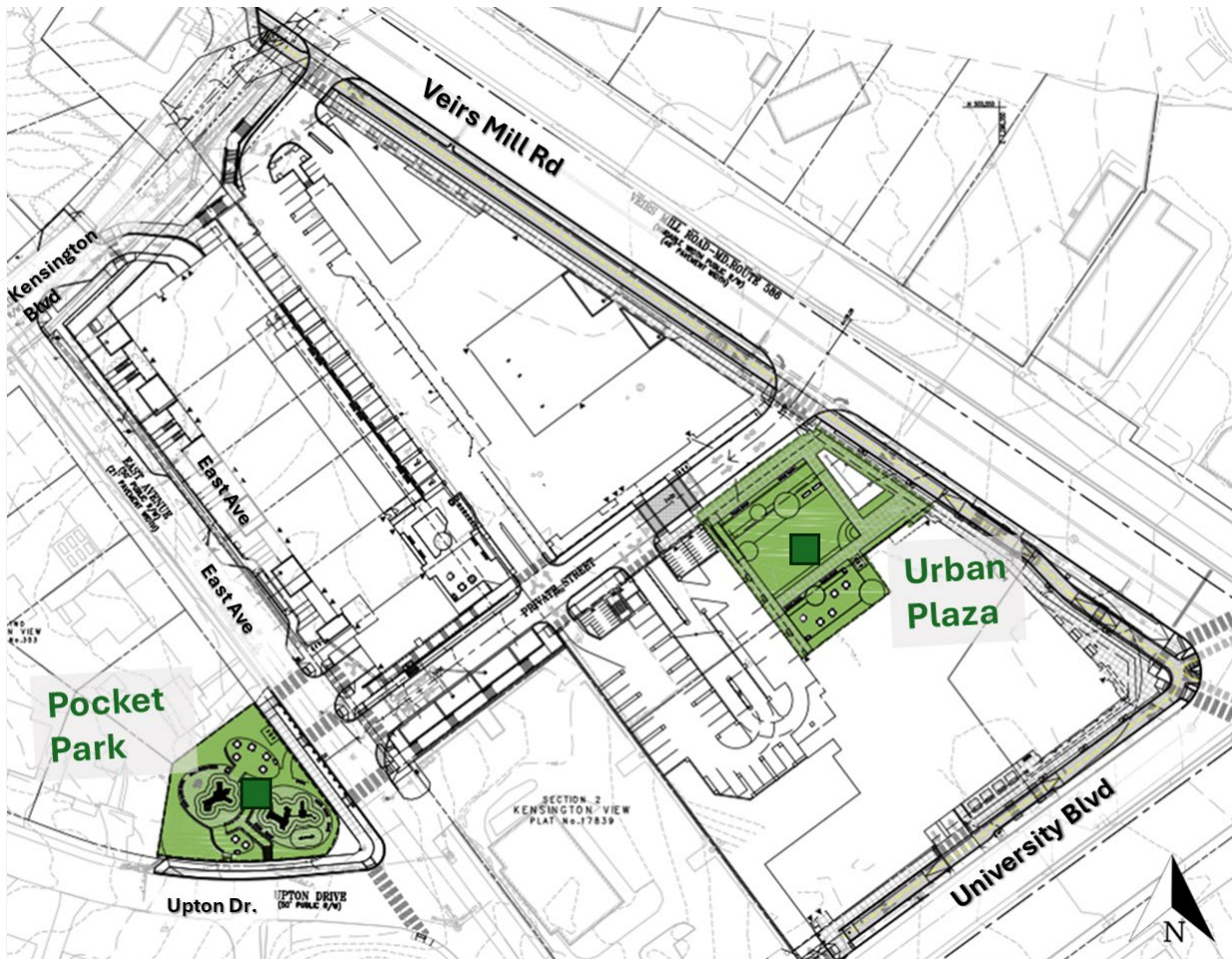


Figure 12: Open Space

Interim Open Space

Following the completion of Phase 1, an interim open space is planned before the commencement of Phase 2. This space will be activated through programming to serve as a community asset until Phase 2 is ready to start. The space will feature a large, seeded lawn with pedestrian paths, a small area for visitor parking, and food trucks. This temporary open space will be activated through special events, such as a farmers' market or festivals, and will be a great asset to the community.

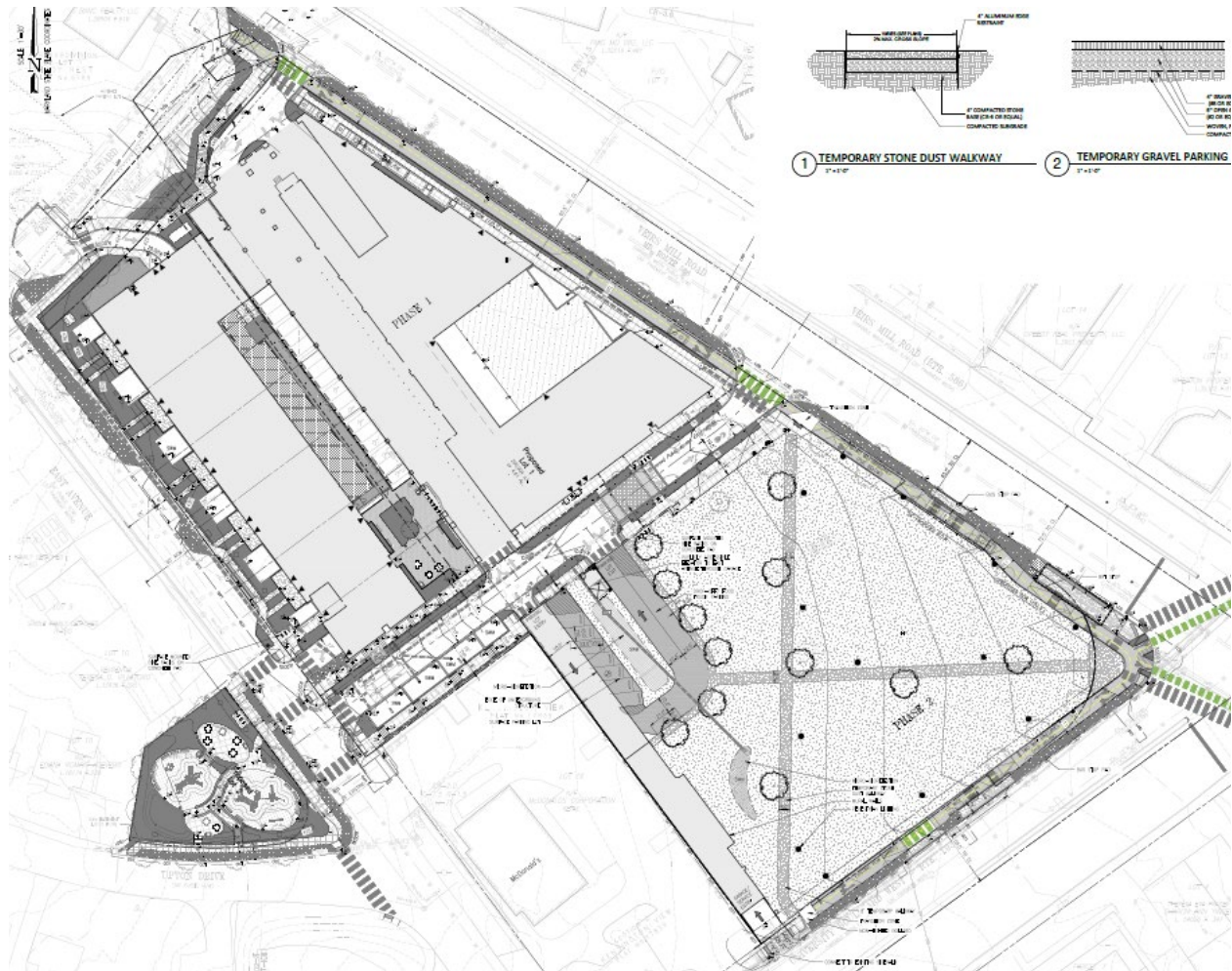


Figure 13: Interim Open Space



Figure 14: Rendering of interim space for located at the Northwest Corner of Viers Mill or University.

TRANSPORTATION

Access and Circulation

The Project aims to strengthen the Property's connection to nearby communities by facilitating both internal and external multimodal circulation. The development includes a new private street connection between Veirs Mill Road (MD 586) and East Avenue, facilitating the use of internal points of access and reducing the amount of existing curb cuts from each respective public right-of-way.

The proposed private street bifurcates the Site into two halves and connects to an underground garage, which proposes to shift all loading, parking, and deliveries out of the public right-of-way. The Private Street consists of two travel lanes with tree-lined, buffered sidewalks, which, per the *Complete Streets Design Guide*, will encourage slower vehicle speeds.

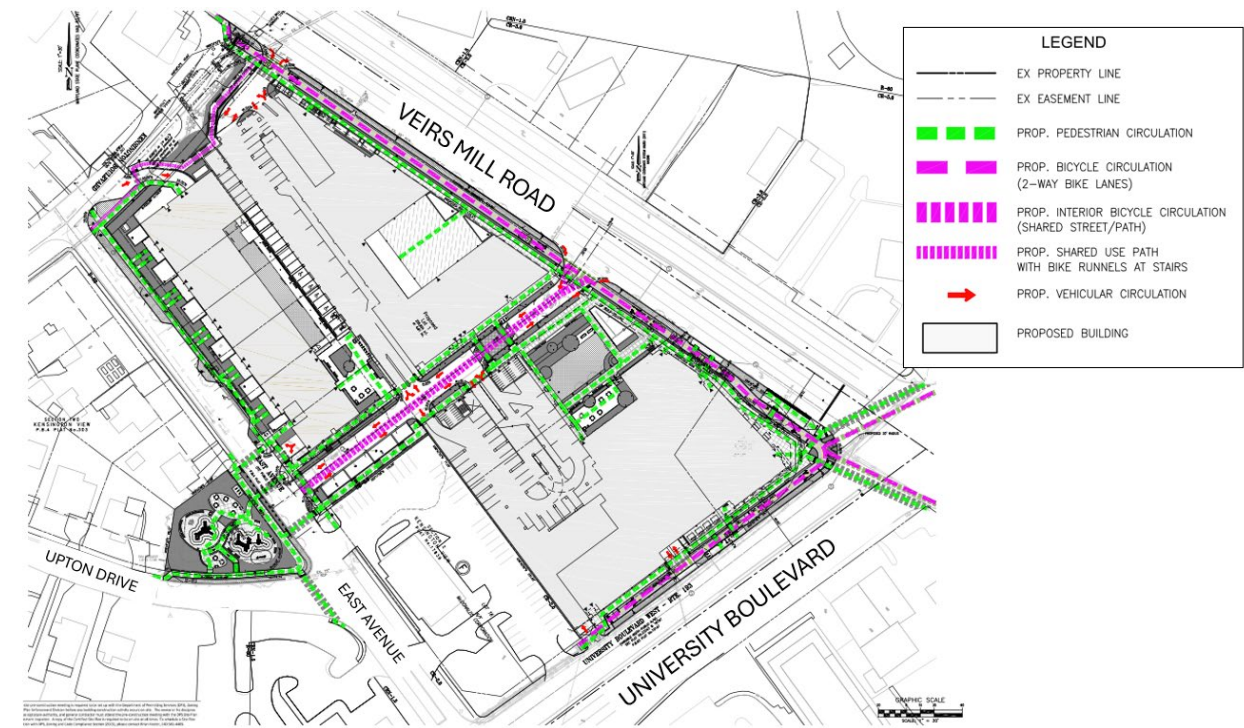


Figure 15: Bicycle and Pedestrian Circulation

Parking and Loading

The Project proposes construction of three levels of below-grade garage parking within each mixed-use building, in addition to at-grade and one level of above-grade parking. A total of 1,027 vehicular parking spaces are proposed across all buildings and phases. This results in an overall parking program that is 75% of the maximum parking allowed for the uses proposed. Additional detail on the required parking rates for the density proposed is included in the Site Plan findings section of this report. A minimum of four loading spaces are required and four are proposed with the Project. Access to the designated loading spaces within the underground parking garage for both the residential and commercial uses is primarily provided via University Boulevard. As secondary entrance to the underground loading facilities is provided from Kensington Boulevard. All loading vehicles will exit the Site onto East Avenue.

The Project includes a total of 264 long-term bicycle parking spaces that are provided across all three buildings in accordance with Section 59-6.2.6 of the Zoning Code. Over 50 short-term bicycle parking spaces are provided throughout the Site. This exceeds the minimum 244 long-term and 17 short-term spaces required based on the densities proposed.

An extension of Kensington Boulevard, planned to connect existing segments to the south and north across Veirs Mill Road is identified along the Property's northern edge. However, a vehicular connection, as recommended in the Sector Plan, is infeasible at this location due to topography and

easement constraints¹. Furthermore, the construction of an internal street is supported, which helps to meet the intent of the planned Kensington Boulevard extension. This extension is included in the Sector Plan and the *Master Plan of Highways and Transitways* as a private street.



Figure 16: Internal Loading Circulation Pattern (via connected underground parking garage)

Pedestrian and Bicycle Facilities

Pedestrian access to the Property is proposed directly from the existing sidewalks along the public rights-of-way, which are each proposed to be enhanced in accordance with the *Complete Street Design Guide*. On the internal private street, the proposed streetscape includes buffered sidewalks on both sides and marked crossings across all driveway entrances and intersections. A speed table is also proposed along the private street to reduce traffic speeds and improve visibility of pedestrians queuing to cross the street.

People riding bicycles will access the Property via proposed two-way separated bicycle lanes along Veirs Mill Road and University Boulevard. The separated bikeways along Veirs Mill Road provide an important connection along the Veirs Mill Road North Breezeway², which will ultimately connect

¹ During review of the Sketch Plan, Abandonment 770 - Kensington Boulevard was filed by the adjacent property owner proposing to abandon the existing public right-of-way and conveying the public right-of-way between their property and the Subject Property. Since then, the Applicant relocated all proposed pathways and other conflicts outside of the public right-of-way; therefore, abandonment is not necessary for approval of the Subject Application.

² The 2018 *Bicycle Master Plan* recommended a network of Breezeways, which are envisioned to be walking and bicycling routes that connect activity centers, but are removed from fast-moving cars, trucks, and buses. The design of the routes will ensure bicyclists experience less delay and all uses can safely and comfortably coexist.

Rockville to Wheaton. Additionally, a new asphalt sidepath is proposed along the northwest property line, adjacent to Kensington Boulevard, to facilitate active mobility from existing neighborhoods to the Veirs Mill Road BRT corridor. As shown on the Preliminary and Site Plans, the Applicant will construct three new protected intersections at the northwest, southwest, and northeast corners to provide intuitive connections for the two-way separated bike lanes from all roadway approaches to the Site, subject to final approval by MDOT SHA.

Transit Connectivity

The immediate area is well served by transit that includes the Wheaton Metrorail Station (located within a ¼ mile of the Site), Ride On, Metrobus, and the future Veirs Mill Road and University Boulevard Bus Rapid Transit (BRT) stations. The Applicant is committed to constructing and/or funding the implementation of a BRT stop along the Veirs Mill Road Property frontage as identified within the 2013 *Countywide Transit Corridors Functional Master Plan*.

ENVIRONMENT AND CLIMATE

This development will create a major source of housing without creating additional environmental impacts. The Property is located approximately ¼ mile from the Wheaton Metro Station and bus lines, in addition to the future Veirs Mill Road and University Boulevard BRT lines. The Property is already developed and is predominantly paved, so the redevelopment will not require forest removal and increased amounts of impervious cover.

SECTION 4: COMMUNITY OUTREACH

The Applicant has complied with all submittal and noticing requirements. A pre-submittal public meeting was held on February 26, 2025, and a Sketch Plan Amendment pre-submittal meeting took place on August 1, 2025. During the early stages of the current application review, the project generated community concerns. Planning Staff met with members of the Kensington View Civic Association on March 27, 2025, to discuss issues related to traffic and access improvements, Sector Plan and zoning compliance, traffic flow and safety, design and infrastructure details, and complete streets compliance.

Staff received one piece of written correspondence prior to the posting of the staff report. The letter expressed support for the site's redevelopment but raised concerns about adding over 700 residential units to an older neighborhood characterized by narrow, dead-end streets, and congested roads, citing safety and traffic implications.

The Preliminary Plan Findings section of this report explains that the Project is exempt from Local Area Transportation Review, in accordance with the 2024–2028 *Growth and Infrastructure Policy*. Throughout the review process, the Applicant made efforts to keep the community informed and responded to Staff comments in a timely and constructive manner. The Findings section of this report shows how the proposal meets applicable requirements and complies with relevant review standards.

SECTION 5: SKETCH PLAN AMENDMENT FINDINGS AND ANALYSIS

Section 59-7.3.3.I. allows an amendment to a binding element or condition of an approved sketch plan during site plan review if the changes are recommended by Planning Board Staff and agreed to by the Applicant. Notice of the site plan hearing must include any proposed amendment to a binding element or condition of approval, and the Planning Board must also make applicable sketch plan findings in addition to the findings necessary to approve the site plan. Staff recommends the amendments included in this staff report, and the Applicant has agreed to the changes. The Sketch Plan Amendment does not substantially modify the development approved through Sketch Plan No. 320190040. Proposed changes do not alter the substance or intent of prior findings and all prior findings of approval remain in full force and effect except as modified below.

1. Meet the objectives, general requirements, and standards of this Chapter;

The Sketch Plan has been updated to increase the MPDU bonus density percentage to 40%. Additionally, the proposed commercial space has been reduced from 65,000 square feet to 55,000 square feet. As a result of the increase in the percentage of MPDUs, the Project is eligible for additional height. These changes are reflected in the redline data table (see Table 1).

Table 1: Overall Wheaton Gateway Project Data Table

Overall Project Data Table (Section 59.4.5) ¹		
Development Standard	Permitted/ Required	Proposed
Tract Area (Square Feet/ Acres)		
CR-5.0, C-4.5, R-4.5, H-130'		60,885 SF (1.40)
CR-3.0, C-2.5, R-2.5, H-100'		98,407 SF (2.26)
CRN-1.5, C-0.25, R-1.5, H-45'		55,820 SF (1.28)
R-60		9,605 SF (0.22)
	n/a	
Optional Method Tract Area		159,292 SF (3.66)
Standard Method Tract Area		65,425 SF (1.50)
Tract Area²		224,717 SF (5.16)
Site Area (Square Feet/ Acres)		
Prior Dedication		n/a
Proposed Dedication		17,082 SF (0.39)
Site Area	n/a	207,635 SF (4.77)
Mapped Optional Method Density (CR FAR)		
Residential Density	519,999 SF (3.26)	519,999 SF (3.26)
Commercial Density	519,999 SF (3.26)	65,000 SF (0.35) 55,000 SF
Total Optional Method Density	599,646 SF (3.76)	584,999 SF (3.62) 573,999 SF

Mapped Standard Method Density (CRN FAR)		
Residential Density	83,730 SF (1.5)	83,730 SF (1.5)
Commercial Density	13,955 SF (0.25)	0 SF (0.0)
Total Standard Method Density	83,730 SF (1.5)	83,730 SF (1.5)
Total Mapped Density (Total Tract FAR)		
Residential Density	603,729 SF (2.69)	603,729 SF (2.69)
Commercial Density	533,954 SF (2.38)	65,000 55,000 SF
Total Mapped Density	767,106 SF (3.41)	668,729 SF (2.98) 658,729 SF
MPDU Bonus Density³ (Total Tract FAR)		
Optional Method MPDU Density	n/a	208,002 SF (0.93) 260,000 SF
Standard Method MPDU Density		33,492 SF (0.15)
Maximum Total Project MPDU Density		241,494 SF (1.07) 293,492 SF
Total Project Density¹	n/a	910,223 SF (4.05) 952,222 SF
Public Open Space (min)	10% (20,764 SF)	12% (24,655 SF) 10% (20,472 SF)
Building Height (4.5.2.C)³		
CR-5.0, C-4.5, R-4.5, H-130'	130 ft	154 ft 166 ft
CR-3.0, C-2.5, R-2.5, H-100'	100 ft	124 ft 136 ft
CRN-1.5, C-0.25, R-1.5, H-45'	45 ft	69 ft 71 ft

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

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

³ 293,492 square feet is the maximum MPDU bonus density based on the satisfaction of the MPDU bonus density provisions set forth in Section 59.4.5.2.C.7. MPDU Bonus Density to be finalized at Site Plan.

4. Achieve compatible internal and external relationships between existing and pending nearby development

The Sketch Plan Amendment continues to achieve compatibility with the residential uses located to the north and west of the adjacent properties. The proposed increase in height and density remains consistent with the intent of the Sector Plan and complies with the requirements of the CR, CRN, and R-60 zoning classifications. It maintains compatibility with both existing and newer developments in the area, while also establishing a precedent for future growth and redevelopment in Wheaton.

SECTION 6: PRELIMINARY PLAN 120240120 FINDINGS AND ANALYSIS

The Preliminary Plan would create 2 lots, totaling approximately 224,717 square feet or 5.16 acres of Site area, for a maximum density of up to 897,222 square feet of residential uses and up to 55,000 square feet of commercial uses. This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. The Application has also 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 800-unit mixed-use multifamily buildings 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 5 in Site Plan finding 2d. The block design is appropriate and efficient for infill development on the Property.

Section 50.4.3.E.2.f.iii of the Montgomery County Subdivision Regulations indicate that corner lots at an intersection must be truncated by straight lines joining points 25 feet back from the theoretical property line intersection in each quadrant, which would require a 25-foot truncation at three the corners of the Project: Veirs Mill Road at University Boulevard, East Avenue at Kensington Boulevard, and East Avenue at Upton Drive. The purpose of truncating the right-of-way is to ensure adequate sightlines at roadway intersections and to provide ample space for pedestrian and bicycle facilities within the public streetscape. The Project is achieving 28 feet of truncation, exceeding the minimum required, at the intersection of Veirs Mill Road at University Boulevard. The

Applicant is seeking waivers for reduced truncations at the other two corners: East Avenue at Kensington Boulevard and East Avenue at Upton Drive.

Historically, Planning and MCDOT have not required full truncations to accommodate building and structure placement as long as sight distance and traffic functions are not impeded. Kensington Boulevard has a fully dedicated 70-foot right-of-way; however, the topography and existing easements, such as the WSSC easements, create challenges that make it unlikely that Kensington Boulevard will ever fully extend to connect with Veirs Mill Road. As proposed, Kensington Avenue will be improved with a vehicular turnaround that will provide limited access to the surface parking lot associated with the adjacent property to the north of the Site and the right-turn ingress only access point into the residential garage. Furthermore, the proposed pedestrian through zones from building face to edge of curb fronting on East Avenue and Kensington Boulevard will allow for clear visibility for different movements (e.g., vehicular, pedestrian, and bicycle) within the intersection. Therefore, truncation is unnecessary for operations and safety at the intersection of East Avenue at Kensington Boulevard.

The intersection of East Avenue and Upton Drive has a unique acute angle making the full truncation of the right-of-way impossible to achieve while providing the public playground. The Project achieves 15 feet of truncation at this corner and permanent play equipment and furnishings will be installed at least 40 feet from the crest of the curve at the intersection.

The Applicant is seeking approval from the Planning Board for a reduced right-of-way truncation at these two corners as part of the proposed record lot. As stated in their approval letter MCDOT supports the reduced truncation at both corners as additional right-of-way is not needed to accommodate the streetscapes as recommended in *the Complete Streets Design Guide* at either location. The Applicant has also committed to keeping these areas free and clear of permanent items that could obstruct motorists view of the adjacent roadway network. Therefore, Planning Staff supports the Applicant's request for a waiver of reduced truncations at the corners of East Avenue at Kensington Boulevard and East Avenue at Upton Drive in accordance with Section 50.4.3.E.2.f.iii of the Montgomery County Subdivision Regulations.

The layout of the subdivision will facilitate new dedications of public rights of way to achieve the Sector Plan's recommended right-of-way widths along all public street frontages, as well as the provision of a new private street that will enhance neighborhood connectivity in accordance with the Sector Plan.

2. The Preliminary Plan substantially conforms to the Master Plan.

The Subject Property is located within the boundaries of *the 2012 Wheaton Central Business District (CBD) and Vicinity Sector Plan*, specifically within the Kensington View/Wheaton Hills District. This district encompasses properties along the north side of University Boulevard and both sides of Veirs Mill Road, transitioning into residential neighborhoods to the north. The Sector Plan identifies five districts based on character and development potential, and the Subject Application aligns with several of its key goals and recommendations.

Public Open Space: The proposed development will deliver a prominent public open space fronting Veirs Mill Road, fully framed by the new buildings and accessible via enhanced sidewalks and community connections. An additional open space is also planned within the adjacent neighborhood. This supports the Sector Plan's goal of creating active public spaces in strategic locations (p. 23, 79) and integrating natural features into the built environment to enhance livability (p. 73).

Street-Level Activity: The Application includes active uses along both Veirs Mill Road and University Boulevard, including artist studios on the Veirs Mill frontage. These uses, combined with the public open space, will significantly enhance pedestrian activity and vibrancy around the site. This aligns with the Sector Plan's recommendation to encourage a variety of street-level retail and active uses to foster community interaction (p. 23).

Nighttime Economy: The proposed commercial spaces may accommodate uses that support an expanded nighttime economy, as envisioned by the Sector Plan. This includes creating initial foot traffic to support extended shopping hours and improve public safety (p. 24).

Urban Design: The Subject Application fulfills the Sector Plan's urban design goals by providing a mixed-use development and establishing a landmark structure at the intersection of University Boulevard West and Veirs Mill Road. It contributes to improving the public realm by creating a recognizable center focused on Wheaton's triangle (p. 29), enhancing the street network with better pedestrian and bicycle infrastructure (Design Guidelines p. 11–22), establishing a network of public spaces (p. 79), and promoting sustainable design practices.

Mobility: The Project enhances connectivity through a proposed through-block connection and improved pedestrian and bicycle access around the Site. It also considers the extension of Kensington Boulevard by providing the pedestrian connection, in line with the Sector Plan's mobility objectives.

Environment: The Application advances environmental goals by proposing a prefabricated construction system aimed at achieving higher sustainability ratings. The

Application will also support the Sector Plan's environmental objectives to increase tree canopy, reduce impervious surfaces, and lower energy consumption through sustainable site and building design (p. 73–74).

Health: The Project proposes consolidated public open space and a small park for the adjacent community, offering opportunities for outdoor recreation. This supports the Sector Plan's health-related goals, including promoting active and passive recreation, encouraging walking and biking on safe streets, supporting safe routes to schools, and incorporating green infrastructure such as green roofs and stormwater management systems (p. 77).

In summary, the Subject Application is in substantial conformance with the recommendations of the 2012 *Wheaton CBD and Vicinity Sector Plan*, advancing its goals across public space, urban design, mobility, sustainability, and community health.

Streetscape Standards

The Application adheres to *the 2018 Bicycle Master Plan, 2024 Complete Streets Design Guide and 2023 Wheaton Streetscape Standards* by incorporating streetscapes designed to accommodate pedestrians in a safe and attractive environment, while tying into the existing streetscape past the Applicant's property for Veirs Mill Road, University Boulevard, East Avenue, and Upton Drive. The Project aligns with Montgomery County's Vision Zero policies and ensures the integration of Wheaton's unique character into the urban design framework.

On Veirs Mill Road the Applicant will install buffered two-way separated bike lanes, sidewalks, and spaces for a master-planned bus rapid transit station and an existing local bus stop. Those pedestrian and bicycle facilities will continue along the Site's frontage on University Boulevard. The 2023 *Wheaton Streetscape Standards* indicates that all projects are expected to place utilities to and around their properties underground (p. 61); however, it also notes that the high cost of relocating existing utilities might be financially infeasible to both new development with existing utilities on site and for retrofits (p. 60). The Applicant has committed to undergrounding all but one of the utility poles along Veirs Mill Road, the longest of the Site's public road frontages. The one remaining pole on Veirs Mill Road and the utility poles on University Boulevard will all be located within the street buffer, outside the clear zone of the bike lanes and sidewalks.

The Site has frontage along segments of East Avenue on both the east and west sides. Along the east side the Applicant will install buffered sidewalks. On the west side, along the proposed park, the Applicant will install a buffered asphalt sidepath. On the north side of Upton Drive along the park the Applicant will install buffered sidewalks.

The Sector Plan recommends an extension of Kensington Boulevard to connect existing segments to the south and north across Veirs Mill Road. However, due to topography and the location of existing easements for utilities, fully extending Kensington Boulevard to Veirs Mill Road is unlikely¹. In place of the planned roadway connection at this location, the Applicant has shown a commitment to providing a connection for people walking and runnels to assist in the movement of bicycles, as well as a private street further south, at a more feasible location.

Staff supports the Applicant's proposal to construct an internal street, which helps to meet the intent of planned Kensington Boulevard extension within the Sector Plan and the Master Plan of Highways and Transitways, as a private street. As indicated on the submitted plan sheets, the Applicant proposes to construct the roadway connection to serve as a new multimodal connection between East Avenue and Veirs Mill Road, as well as helping to continue the street grid network established by surrounding existing neighborhoods in the immediate area. As proposed, the street meets all the design standards of the 2024 *Complete Streets Design Guide*, described in detail in a subsequent finding in this report.

Noise

The Property is impacted by mixed automotive transportation noise from both Veirs Mill Road and University Boulevard. 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 development will be primarily impacted on the northeast and southeast facades, along University Boulevard and Veirs Mill Road (Figure 17). The noise wraps around the corners from University Boulevard on the southwest façade and Veirs Mill Road on the northwest façade. A Building Shell Analysis will be performed with the final architectural details and architectural noise mitigation measures included, as necessary.

¹ During review of the Sketch Plan the Applicant was coordinating with the adjacent property to the North of the Site on a petition for right-of-way abandonment. Since then, the Applicant worked with County agencies to relocate proposed pathways and stairs to ensure they are now outside of the public right-of-way and present no further conflicts with existing easements. Therefore, approval of the right-of-way is no longer required for approval of the Project.

The Urban Plaza, located adjacent to Veirs Mill Road, will exceed the maximum value of 65 dBA Ldn for exterior recreation areas. The Applicant has requested relief from this requirement because it is not possible to mitigate for the exterior noise while still creating an open space that is open and connected to Veirs Mill Road. Alternative configurations of sound barriers were evaluated; however, they would substantially obstruct physical connectivity to the public realm and conflict with established urban design goals for this space. While this space may be more impacted by transportation noise than is desirable, it is more important that the space be both physically and visually connected to Veirs Mill Road, allowing the space to function as public open space.



Figure 17: Projected Future Noise at Ground Level

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

Staff recommends approval of a seven-year APF Validity Period as requested by the Applicant. To approve an seven -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 800 multifamily dwelling units between three (3) buildings and on two (2) lots.

The additional two years is requested to accommodate the development of the 800 multifamily units. The Applicant anticipates that the approximate seven years will be needed to obtain permits and complete both phases of the Project. Granting a seven-year validity period aligns with the public interest and supports the goals of the Sector Plan, including the provision of new and affordable housing. Early assurance of sufficient time to complete the Project will aid in securing financing and help the County plan for nearby capital improvements. The requested extended validity period will eliminate uncertainty and cost associated with having to file a potential future extension.

Planning Staff recommends approval of a APF Validity Period to seven (7)-years subject to the following phasing schedule below.

- a) Phase 1- Applicant must obtain building permits for up to 400 multifamily units within five years of the initiation date.
- b) Phase 2- Applicant must obtain building permit for up to 400 multifamily units within seven years of the initiation date.

e) Roads and other Transportation Facilities

- i. **Existing Facilities:** The Site has frontages on four public roadways: Veirs Mill Road, University Boulevard, East Avenue, and Upton Drive. A summary of the existing conditions of these roadways is provided below.
 - a. Veirs Mill Road: A Downtown Boulevard with a master-planned right-of-way of 129 feet. The median-divided roadway along the Site frontage has four-foot-wide sidewalks with no buffers or designated bicycle facilities.
 - b. University Boulevard: A Downtown Boulevard with a master-planned right-of-way of 120 feet. The median-divided roadway has six-foot-wide sidewalks with varying pavement treatments, and no buffers or designated bicycle facilities.
 - c. East Avenue: A Neighborhood Connector with a master-planned right-of-way of 60 feet. Sidewalks are generally present along both sides of the street. On the east side the sidewalks are approximately five feet wide with a 10-foot-wide buffer along the McDonald's property, closest to University Boulevard. Along the Site frontage, sidewalks are not present. On the west side, three-and-one-half-foot-wide sidewalks are present without buffers.

- d. Upton Drive: A Neighborhood Street with a prescribed right-of-way of 60 feet. Sidewalks without buffers are present along the street frontage. Shared lane markings are present on the roadway.

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

The Applicant is proposing to improve all four street frontages with the following bicycle and pedestrian facilities:

- a. Veirs Mill Road: a ten-foot wide minimum (10 ft) sidewalk, two-foot-wide (2ft) pedestrian/bicycle buffer, an eleven-foot-wide (11 ft) two-way separated bike lane, and a six-foot-wide (6 ft) wide street buffer. The 11-foot-wide (11ft) bike lane width decreases to nine-feet-wide (9ft) minimum behind the planned Bus Rapid Transit (BRT) stop. This segment will complete an important segment of the master-planned Veirs Mill North Breezeway.
- b. University Boulevard: a ten-foot wide minimum (10 ft) sidewalk, two-foot-wide (2ft) pedestrian/bicycle buffer, an eleven-foot-wide (11 ft) two-way separated bike lane, and a six-foot-wide (6 ft) wide street buffer.
- c. East Avenue: a six-foot-wide (6 ft) minimum sidewalk with an eight-and-one-half-foot-wide (8.5ft) street buffer alternating with an eight-and-one-half-foot-wide (8.5ft) on-street parking lane on the east side and an eight-foot-wide sidewalk (8 ft) and a six-foot-wide (6 ft) street buffer along the west side along the proposed public park.
- d. Upton Drive: a six-foot-wide (6 ft) sidewalk and six-foot-wide (6 ft) wide street buffer on Upton Drive.

Additionally, the protected intersection treatments will be constructed at the northwest, southwest and northeast corners of the intersection of Veirs Mill Road and University Boulevard, subject to MDOT SHA approval.

The master-planned Bus Rapid Transit (BRT) line on Veirs Mill Road between Wheaton Metro Station and Montgomery College in Rockville is in the final design stage. A BRT station is planned along the Site's Veirs Mill Road frontage. The Applicant is working closely with MCDOT on the placement and footprint of the BRT station and will participate by providing the necessary space for the BRT station and its furnishings. The frontage improvements will be designed in a way to provide safe and comfortable access around the station, reflecting best practices for intuitive design and ADA access.

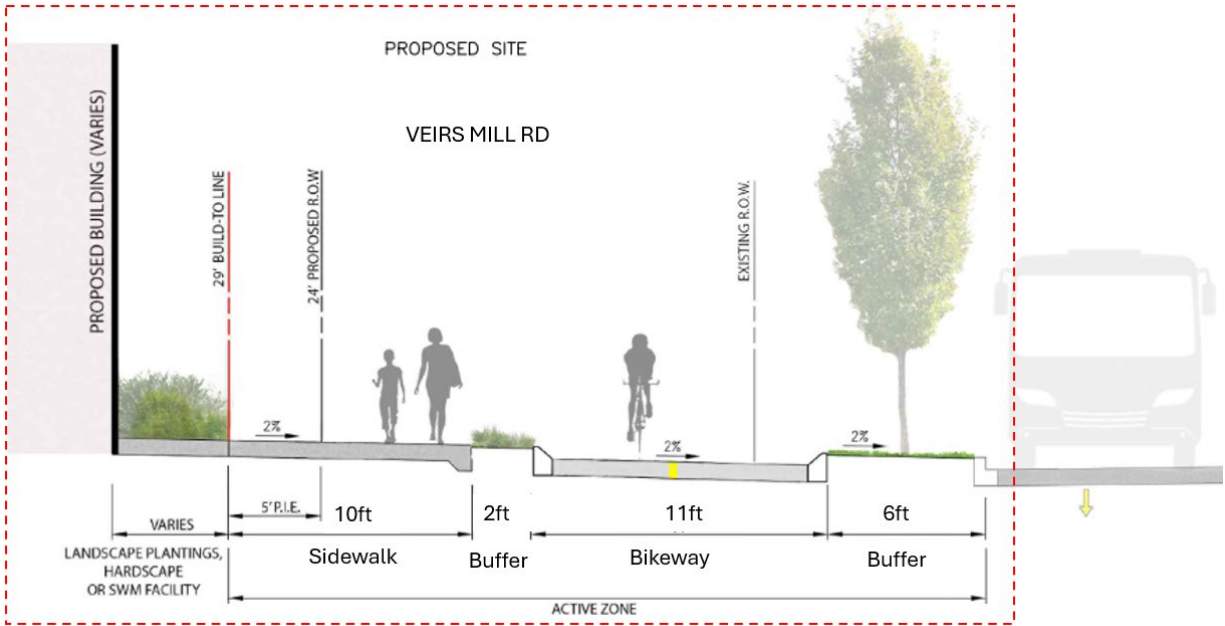


Figure 18: Veirs Mill Road frontage improvements, looking north

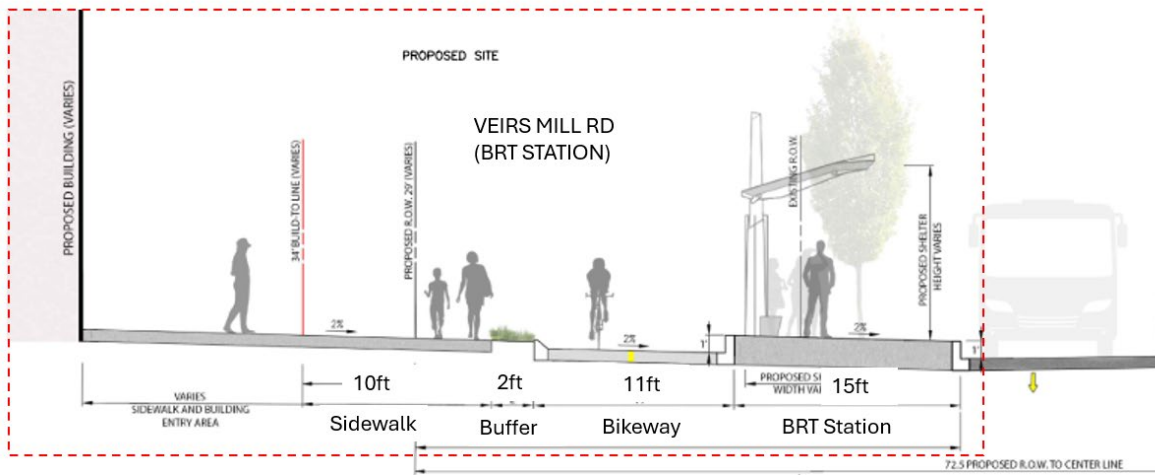


Figure 19: Veirs Mill Road frontage improvements along planned BRT Station, looking north

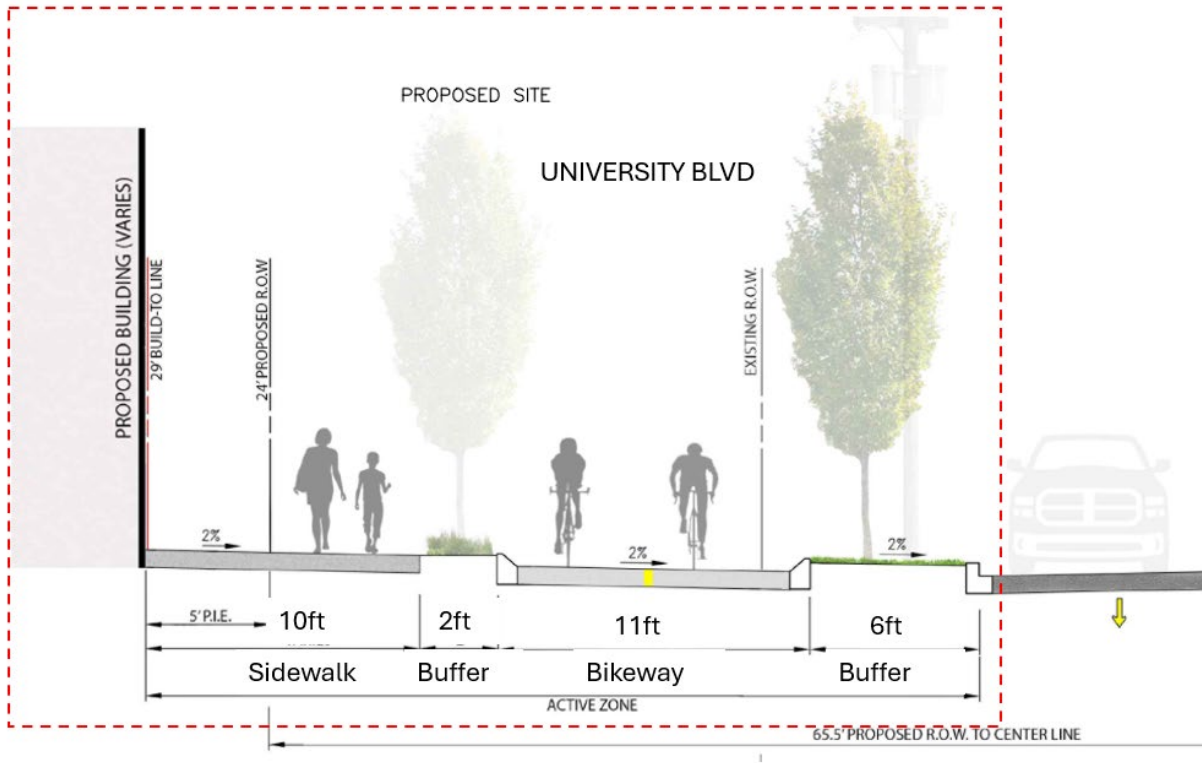


Figure 20: University Boulevard frontage improvements, looking east

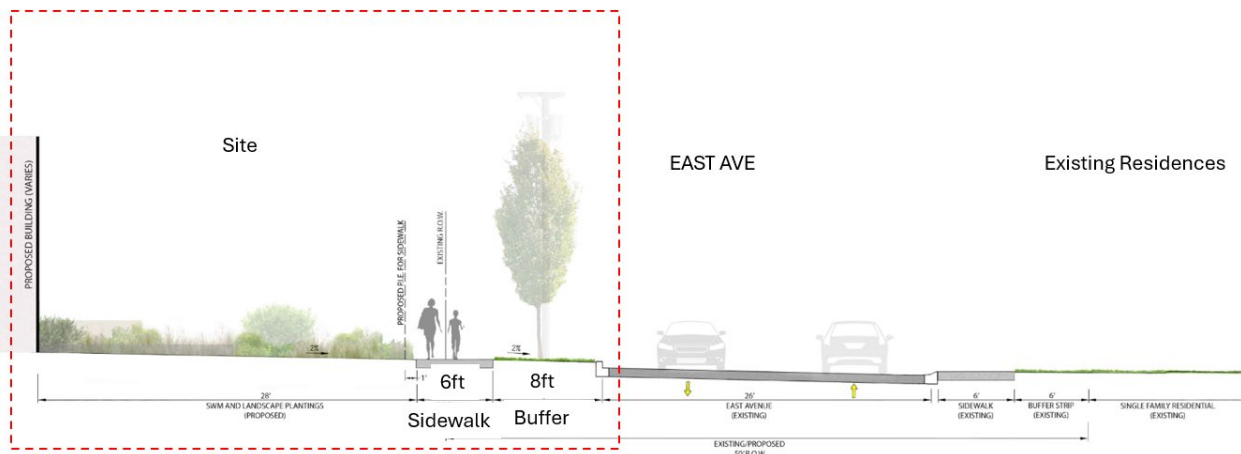


Figure 21: East Avenue frontage improvements, looking south

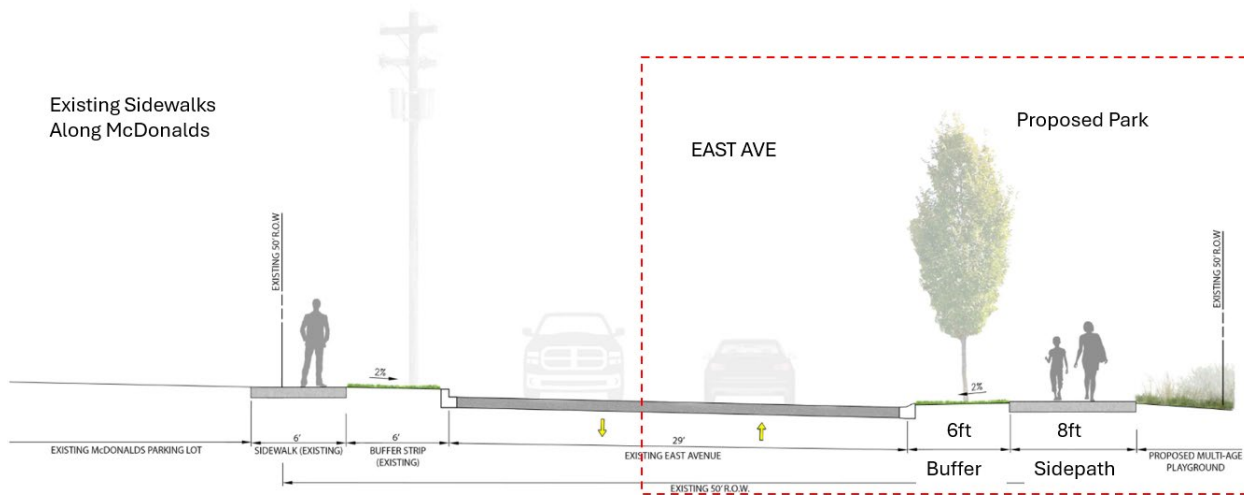


Figure 22: East Avenue frontage improvements, looking south along proposed park frontage

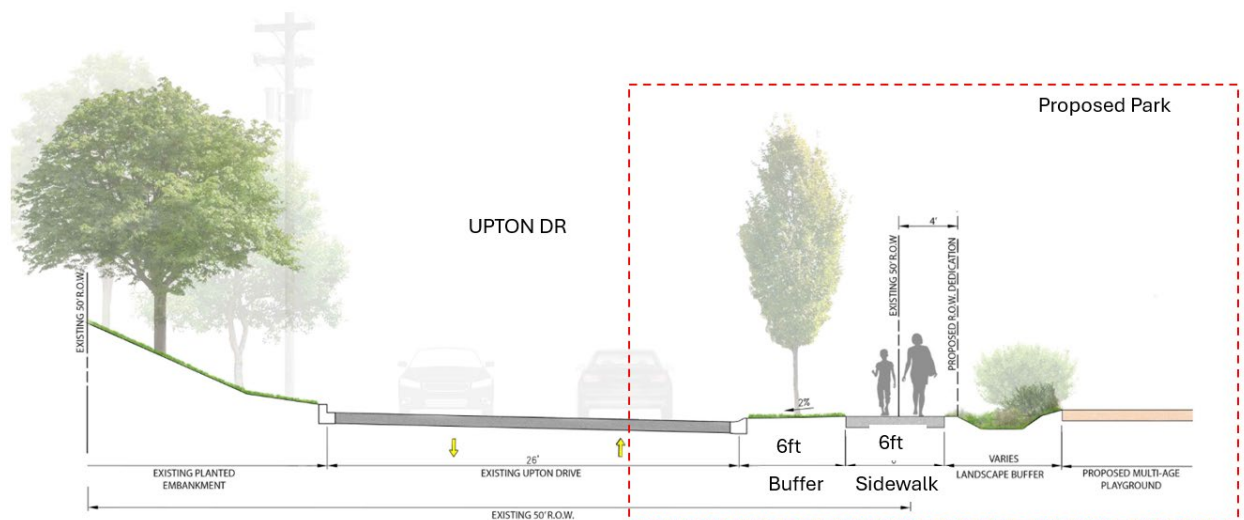


Figure 23: Upton frontage improvements, looking west along proposed park frontage

iii. **Proposed private transportation infrastructure**

The proposed private street bifurcates the Site into two halves, connected through an underground garage, which would shift all loading, parking, and deliveries out of the public right-of-way. The Street consists of two, 10.5-foot-wide travel lanes with tree-lined, buffered sidewalks which per the *Complete Streets Design Guide*, will encourage slower vehicle speeds. This is important as the roadway functions as a gateway between Veirs Mill Road and the adjacent residential neighborhood. The sidewalks on either side are typically eight-feet-wide, which exceeds the six-foot-wide minimum

recommended, with widths as wide as fourteen feet along the plaza on the south side of the street. Another measure to slow down speeds and improve the comfort of pedestrians is a speed table located east of the southern building's egress point. The speed table also raises the marked pedestrian crosswalk across the top to the same grade as the sidewalk, physically elevating the pedestrian and providing a comfortable, ADA accessible crossing.

The western segment, closest to East Avenue, is improved with stairs along the sidewalk to address the significant grade changes. To provide ADA access, elevators that are accessible and operable to the general public at all times are provided and marked on the north side of the street, near the small open gathering space.

At the intersection with East Avenue, opposite the proposed park, mountable truck aprons are provided to reduce the turning radii for passenger vehicles, while allowing trucks and emergency vehicles navigable entry and egress of the Private Street.

b) *Local Area Transportation Review (LATR)*

On July 18, 2023, the Montgomery County Council adopted Zoning Text Amendment (ZTA) 23-02, which introduced the Mixed Income Housing Community (MIHC) use designation. This ZTA went into effect August 7, 2023. After approval of Sketch Plan, the Applicant made changes to the Project, including increasing the percentage of affordable units from 40%, thereby qualifying for the MIHC designation. The Project already met the other criteria stipulated in Section 59-3.3.4. including providing a minimum of 150,000 square feet of new residential floor area containing Multi-Unit Living under Section 3.3.1.E and providing 30 or more dwelling units. The 2024-2028 *Growth and Infrastructure Policy* exempts development projects that meet the definition of a MIHC in Section 59-3.4.4.A. of the Zoning Code from the requirement to complete a Local Area Transportation Review (LATR) study. Therefore, as a project that meets the criteria of a MIHC, the Subject Applications were not required to submit an LATR study.

The Applicant submitted a Sketch Plan prior to the adoption of ZTA 23-02. As part of the Sketch Plan, the Applicant submitted an LATR study scope and conducted a vehicular adequacy analysis that was reviewed by MDOT SHA. It was determined that all study intersections were found to be operating within acceptable levels of congestion. The detailed results of that analysis are included in Attachment F.

c) *Schools*

School Impact Area Classification

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

Annual School Test Results

This Application is scheduled to be reviewed on November 20, 2025. Therefore, the results of the FY2026 Annual School Test, approved by the Planning Board on June 26, 2025, and effective since July 1, 2025, are applicable.

The Property is served by Rock View Elementary School, Newport Mill Middle School, and Albert Einstein High School. The enrollment and capacity projections of these schools reflected in the FY2026 Annual School Test, which evaluates for the 2029-2030 school year, and the default Utilization Premium Payment (UPP) tier placements are shown in Table 2.

Table 2. FY2026 Annual School Test Projections (2029-2030 School Year) & UPP Tier Placements

	Program Capacity	Enrollment	Utilization Rate	Seat Surplus or Deficit	UPP Tier Placement
Rock View ES	597	605	101.3%	-8	No UPP
Newport Mill MS	824	670	81.3%	+154	No UPP
Albert Einstein HS ¹	1,616	1,531	94.7%	+85	No UPP

Based on the FY2026 Annual School Test results above, the property is not subject to any UPP by default. However, if the project's enrollment impact estimate exceeds an adequacy ceiling of a school, a partial payment will be required. Table 3 shows the adequacy ceiling of each school to subsequent UPP tiers.

Table 3. FY2026 Annual School Test Adequacy Ceilings

	Tier 1 Adequacy Ceiling	Tier 2 Adequacy Ceiling	Tier 3 Adequacy Ceiling
Rock View ES	66	112	201
Newport Mill MS	274	319	443
Albert Einstein HS	245	409	651

¹ 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.

Enrollment Impact Estimate

Table 4 shows the Project's enrollment impact estimate calculation based on the School Impact Area classification and net residential units proposed, using the FY2026-2027 Student Generation Rates.

Table 4. Student Enrollment Impact Estimate (reflects FY2026-2027 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
MF High-rise	800	x 0.039	= 31.200	x 0.016	= 12.800	x 0.020	= 16.000
TOTAL (rounded down)			31		12		16

The enrollment impact estimate during an average year throughout the life of this project is estimated to be 31 elementary school students, 12 middle school students, and 16 high school students. This does not exceed the adequacy ceilings identified in Table 3. Therefore, a Utilization Premium Payment is not triggered.

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 Growth and Infrastructure Policy currently in effect.

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

The Application satisfies all 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 F20240810

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

DPS approved a Stormwater Management Concept on October 13, 2025. The plan proposes to meet required stormwater management goals via the use of micro-bioretenment.

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.***

This provision is 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 820240150 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. 320210060, as amended.

- 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 4.5.3 & 4.5.4**

The Application satisfies the development standards of the zone, as follows:

Table 5: Overall Wheaton Gateway Project Data Table

Overall Project Data Table (Section 59.4.5)¹		
Development Standard	Permitted/ Required	Proposed
Tract Area (Square Feet/ Acres) CR-5.0, C-4.5, R-4.5, H-130' CR-3.0, C-2.5, R-2.5, H-100' CRN-1.5, C-0.25, R-1.5, H-45' R-60 Optional Method Tract Area Standard Method Tract Area Tract Area²	n/a	60,885 SF (1.40) 98,407 SF (2.26) 55,820 SF (1.28) 9,605 SF (0.22) 159,292 SF (3.66) 65,425 SF (1.50) 224,717 SF (5.16)
Site Area (Square Feet/ Acres) Prior Dedication Proposed Dedication Site Area	n/a	n/a 19,990 SF (0.46) 204,727 SF (4.70)
Mapped Optional Method Density (CR FAR) Residential Density Commercial Density Total Optional Method Density	519,999 SF (3.26) 519,999 SF (3.26) 599,646 SF (3.76)	519,999 SF (3.26) 55,000 SF (0.35) 573,999 SF (3.60)
Mapped Standard Method Density (CRN FAR) Residential Density Commercial Density Total Standard Method Density	83,730 SF (1.5) 13,955 SF (0.25) 83,730 SF (1.5)	83,730 SF (1.5) 0 SF (0.0) 83,730 SF (1.5)
Total Mapped Density (Total Tract FAR) Residential Density Commercial Density Total Mapped Density	603,729 SF (2.69) 533,954 SF (2.38) 767,106 SF (3.41)	603,729 SF (2.69) 55,000 SF (0.24) 658,729 SF (2.93)
MPDU Bonus Density³ (Total Tract FAR) Optional Method MPDU Density Standard Method MPDU Density Maximum Total Project MPDU Density	n/a	260,000 SF (1.15) 33,492 SF (0.15) 293,492 SF (1.31)

Total Project Density¹	n/a	952,222 SF (4.24)
Public Open Space (min)	10% (20,472 SF)	10% (20,472 SF)

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

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

³ 293,492 square feet is the maximum MPDU bonus density based on the satisfaction of the MPDU bonus density provisions set forth in Section 59.4.5.2.C.7.

Table 6: Wheaton Gateway Site Plan Data Table for CR Zone, Optional Method, Section 59.4.5

Optional Method Project Data Table (Section 59.4.5)		
Development Standard	Permitted/ Required	Proposed
Tract Area (Square Feet/ Acres)	n/a	
CR-5.0, C-4.5, R-4.5, H-130'		60,885 SF (1.40)
CR-3.0, C-2.5, R-2.5, H-100'		98,407 SF (2.26)
Optional Method Tract Area		159,292 SF (3.66)
Residential Density (GFA/ FAR)		
CR-5.0, C-4.5, R-4.5, H-130'	273,982 SF (4.5)	273,982 SF (4.5)
CR-3.0, C-2.5, R-2.5, H-100'	246,017 SF (2.5)	246,017 SF (2.5)
Subtotal Optional Method	519,999 SF (3.26)	519,999 SF (3.26)
Commercial Density (GFA/ FAR)		
CR-5.0, C-4.5, R-4.5, H-130'	273,982 SF (4.5)	28,350 SF (0.18)
CR-3.0, C-2.5, R-2.5, H-100'	246,017 SF (2.5)	26,650 SF (0.18)
Subtotal Optional Method	519,999 SF (3.26)	55,000 SF (0.36)
Total Mapped Optional Method Density (GFA/FAR)		
CR-5.0, C-4.5, R-4.5, H-130'	304,425 SF (5.0)	302,332 SF (1.89)
CR-3.0, C-2.5, R-2.5, H-100'	295,221 SF (3.0)	272,667 SF (1.71)
Total Optional Method	599,646 SF (3.76)	574,999 SF (3.67)
MPDU Density (4.5.2.C) (Optional Method FAR)	n/a	260,000 SF (1.63)²
Total Optional Method GFA/ FAR	n/a	834,999 (5.24)
Building Height (4.5.2.C)³		
CR-5.0, C-4.5, R-4.5, H-130'	130 ft	166 ft
CR-3.0, C-2.5, R-2.5, H-100'	100 ft	136 ft

² 260,000 square feet is the maximum MPDU bonus density based on the satisfaction of the 40% MPDU bonus density provisions set forth in Section 59.4.5.2.C.7

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

Table 7: CRN Zone Standard Method Data Table Section 59.4.5.3 and 59.4.4.9

Standard Method Project Data Table (Section 59.4.5 and 59.4.5.3.C)		
Development Standard	Permitted/ Required	Proposed
Tract Area (Square Feet/ Acres)		
CRN-1.5, C-0.25, R-1.5, H-45' R-60 ¹	n/a	55,820 SF (1.28) 9,605 SF (0.22)
Standard Method Tract Area		65,425 (1.50)
Residential Density (GFA/ FAR) CRN-1.5, C-0.25, R-1.5, H-45' R-60	83,730 SF (1.5) n/a	83,730 SF (1.5) 0 SF
Subtotal	83,730 SF (1.5)	83,730 SF (1.5)
Commercial Density (GFA/ FAR) CRN-1.5, C-0.25, R-1.5, H-45' R-60	13,955 (0.25) n/a	0 SF n/a
Subtotal	13,955 (0.25)	0 SF (0.00)
Total Mapped Standard Method Density (GFA/FAR) CRN-1.5, C-0.25, R-1.5, H-45' R-60	83,730 SF (1.5) n/a	83,730 SF (1.5) n/a
Total	83,730 SF (1.5)	83,730 SF (1.5)
MPDU Density (4.5.2.C) (Standard Method CRN FAR)	n/a	33,492 SF² (0.60)
Total Standard Method GFA/ FAR	n/a	117,222 SF (2.1)
Building Height (4.5.2.C)³		
CRN-1.5, C-0.25, R-1.5, H-45'	45 ft	71 ft
Placement (min)		
Front Setback	0 ft	35 ft
Side Street Setback	0 ft	>0 ft
Build to Area (max setback and min % of Building Façade)		
Front Setback	30 ft	<30 ft
Building in Front Street	70%	>70%
Side Street Setback	30 ft	<30 ft
Building in Side Street	35 ft	<35 ft
Building Orientation		
Entrance Facing Street or Open Space	Required	East Avenue (Street)
Entrance Spacing (max)	100 ft	<100 ft
Transparency		
Ground Story, front (min)	20%	>20%
Ground Story, side/ rear (min)	20%	>20%
Upper Story (min)	20%	>20%
Blank Wall, front (max)	35 ft	<35 ft

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

² 33,492 square feet is the maximum MPDU bonus density in the CRN zoned portion of the Site based on the satisfaction of the 30% MPDU bonus density provisions set forth in Section 59.4.5.2.C.7.

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

In accordance with the Zoning Ordinance, Section 59.4.7.1, the Site Plan proposes 330 public benefit points in 1 category to satisfy the requirements:

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	330
Total Points		330
*Points are only based on the areas zoned CR for an optional method development, CRN and R-60 areas are not included within the calculations		

Diversity of Uses and Activities

Moderately Priced Dwelling Units

Planning Staff recommends approval of the requested points for providing 40 percent MPDUs. Twelve points are allowed for every percentage point over 12.5 percent MPDUs. Staff supports the category based on the following calculation:

Formula: $(P-R) \times 12$
P (percentage MPDUs provided)
R (percentage MPDUs required)

$$(40 \text{ (percentage of MPDUs provided)} - 12.5 \text{ (percentage required)}) \times 12 = 330 \text{ points}^1$$

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

Division 6.1 Site Access

The Project provides sufficient access for vehicles, pedestrians, bicyclists, and transit users.

Vehicular Access

The development includes a new private street connection between Veirs Mill Road (MD 586) and East Avenue, facilitating the use of internal points of access and reducing the amount of existing curb cuts from each respective public right-of-way. Along Veirs Mill Road, six existing curb cuts will be consolidated into two

¹ 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.

right-in and right-out access points. Likewise, three existing curb cuts along University Boulevard (MD 193) will be consolidated into one vehicular egress and ingress point into the parking garage and one ingress for the internal loading docks. Existing head-in parking along East Avenue, which previously supported repair garages as part of the automobile dealership, are proposed to be removed in favor of a consistent, defined street edge and on-street parallel parking.

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

The proposed private street bifurcates the Site into two halves, connected through an underground garage which proposes to shift all loading, parking, and deliveries out of the public right-of-way. The Street consists of two, 10.5-foot-wide travel lanes with tree-lined, buffered sidewalks which per the Complete Streets Design Guide, will encourage slower vehicle speeds. This is important as the roadway functions as a gateway between Veirs Mill Road and the adjacent residential neighborhood. The sidewalks on either side are typically eight-foot-wide, which exceeds the six-foot-wide minimum recommended, with widths as wide as 14 feet along the plaza on the south side of the street. Another measure to slow down speeds and improve the comfort of pedestrians, a speed table is located east of the southern building's egress point. The speed table also raises the marked pedestrian crosswalk across the top to the same grade as the sidewalk, physically elevating the pedestrian and providing a comfortable, ADA accessible crossing.

The western segment, closest to East Avenue is improved with stairs along the sidewalk to address the significant grade changes. As a means to provide ADA accessible access, elevators that are accessible and operable to the general public at all times are provided and marked on the north side of the street, near the small open gathering space.

At the intersection with East Avenue, opposite the proposed park, mountable truck aprons are provided to reduce the turning radii for passenger vehicles,

while allowing trucks and emergency vehicles navigable entry and egress of the Private Street.

Pedestrian and Bicycle Access

Pedestrian access to the Property is proposed directly from the existing sidewalks along the public rights-of-way, which are each proposed to be enhanced in accordance with the *Complete Street Design Guide*. On the internal private street, the proposed streetscape includes a six-foot wide planting zone and eight-foot pedestrian through zones, consistent with the recommendations for a Downtown Street (i.e., 6-8-foot planting zone and 8-10-foot pedestrian through zone).

People riding bicycles will access the Property via proposed two-way separated bicycle lanes along Veirs Mill Road and University Boulevard. The sidewalk and bikeway will complete an important segment of the Veirs Mill Road North Breezeway that is envisioned to connect Rockville to Wheaton. Additionally, a new sidepath is proposed along the western Property line, adjacent to Kensington Boulevard, measuring 10-feet-wide, to facilitate active mobility from existing neighborhoods to the Veirs Mill BRT corridor. As shown on the preliminary and Site Plans, the Applicant will also construct three new protected intersections at the northwest, southwest and northeast corners to provide intuitive connections for the two-way separated bike lanes from all roadway approaches to the Site, subject to MDOT SHA approval. The design of the three protected intersections were reviewed by MCDOT and Montgomery Planning staff and as revised, conform to the design standards of the Protected Intersection Checklists.

Transit Connectivity

The immediate area is well served by transit that includes the Wheaton Metrorail Station (located within a ¼ mile of the Site), Ride On, Metrobus, and the future Veirs Mill Road and University Boulevard Bus Rapid Transit (BRT) stations. The Applicant is committed to constructing and/or funding the implementation of a BRT stop along the Veirs Mill Road Property frontage as identified within the 2013 *Countywide Transit Corridors Functional Master Plan*. The Applicant is aware of and has agreed to participate in the intersection improvements associated with the Veirs Mill Road BRT (CIP Project No. P501913). The Applicant will continue to coordinate with MCDOT as both projects progress.

(1) Division 6.2 Parking, Queuing and Loading

The Project proposes construction of three levels of below-grade garage parking within each mixed-use building, in addition to at-grade and one level of above-grade parking. The overall program proposes 897,222 square feet of residential development and 55,000 square feet of commercial development. The Project proposes a total of 1,027 vehicular parking spaces across all buildings and phases. This exceeds the minimum number of parking spaces required, which is 143 spaces (with all reductions applied), but fewer than the maximum, which is 1,367. This results in an overall parking program that is 75% of the maximum parking allowed for the uses proposed.

Table 9: Vehicular Parking

Residential					
Unit Type	Rate (min/max)	Quantity (units)	Min	Max	Proposed
Efficiency	0/1	2	0*	2	
1 Bedroom	0/1.25	516	0*	645	
2 bedroom	0/1.5	201	0*	301	
3+ bedroom	0/2	58	0*	116	
Subtotal		777	-	1,064	
Commercial					
Unit Type	Rate (min/max)	Quantity (SF)	Min	Max	
Office	2/3 per 1,000 SF GFA	9,000	18	27	
Retail	3.5/6 per 1,000 SFG GFA	46,000	161	276	
Daycare	0**	1,670**	-	-	
Subtotal			179	303	
		NADMS Red.	-20%		
		Total	143	1,367	1,027***

* In accordance with Section 59-6.2.3.1.8. Residential uses are exempt from baseline parking minimums if located within a 1/2 mile of a Metro Station. The Site is located within 0.25 miles of the Wheaton Metro Station.

**The Project proposes either 16,7000 SF of daycare use or retail use in the first phase. The Parking calculations for the office use were applied for this space, which has a higher parking requirement as a conservative estimate.

*** The Project proposes unbundling the parking spaces.

Vehicular loading and drop-off are proposed to occur internally within the garage structure. A minimum of four loading spaces is required, and four are proposed with the Project. The “loading-only” site access operates on the lowest story below the grade of the Project’s internal street at the intersection with Veirs Mill Road. The loading access traverses the site almost entirely below grade, minimizing the impact on the Project and public streets. This minimizes conflicts with vehicles as well as pedestrians.

Table 10: Loading Requirements

Use	Density	Rate	Required	Proposed
Residential	777.00	1 per Bldg. w/50+	2	2
Office	9,000.00	0 for up to 25,000 SF	0	0
Retail	46,000.00	1 for 15,000-20,000 SF per Bldg.	2	2
Daycare	N/A	N/A	0	0
		Total	4	4



Figure 24: Internal Loading Circulation Pattern (below Private Street)

The Project includes a total of 264 long-term bicycle parking spaces to be provided across all three buildings in accordance with Section 59-6.2.6 of the Zoning Code. There are several secure bicycle parking rooms provided onsite, mainly on floor P3 of the garage, and an additional room on P2¹. On floor P3 the rooms are centrally located on the Site, close to the residential elevator lobby.

¹ Note that due to the severe grade changes across the Site P3 is ground level at the Kensington Boulevard Garage and Loading entrance.

Access to the bicycle parking rooms is curbed and separate from motor vehicles using the loading service way. A total of 56 short-term bicycle parking spaces will be provided throughout the Site after completion of all phases. This exceeds the minimum of 244 long-term and 17 short-term spaces required based on the densities proposed.

Table 11: Bicycle Parking

	<u>Density</u>	<u>Rate</u> (min/max)	% Long-term	Total	<u>Required</u> Long-term/ Short-term	<u>Proposed</u> Long-term/ Short-term
Residential Bldg. 1	324	.5 per unit/100 max per Bldg.	95%	100	95/5	
Residential Bldg. 2	103	.5 per unit/100 max per Bldg.	95%	52	49/3	
Residential Bldg. 3	350	.5 per unit/100 max per Bldg.	95%	100	95/5	
Office	9,000	1 per 5,000 GFA/Max 5	85%	2	2/1	
Retail	29,300	1 per 10,000 GFA/Max 50	15%	3	1/2	
Daycare	16,700	1 per 5,000 GFA/Max 5	85%	4	2/1	
Total				261	244/17	264/56

(2) 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 on-site public open space consisting of a total of 10 percent of the total lot area, meeting the requirement. The recreation requirements are being met by providing an on-site urban plaza, interior courtyard, playgrounds, indoor community spaces, a swimming pool, and resident lounges.

(3) Division 6.4 General Landscaping and Outdoor lighting

There are no screening and landscaping requirements per Chapter 59 for this Project. The Project provides adequate landscaping and lighting, 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 Stormwater Management Concept on October 13, 2025. The plan proposes to meet required stormwater management goals via the use of micro-bioretenment.

ii. Chapter 22A, Forest Conservation

The Application satisfies all 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. F20240810.

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

As discussed, the Project integrates parking through an underground parking garage and street parking. The circulation patterns are safe and efficient to service the multifamily and commercial uses planned for the site. 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 Veirs Mill and University Boulevard. The open spaces and site amenities allow for safe use away from vehicular operations on the site and provide connections to adjacent residential neighborhoods.

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 2024 *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 findings demonstrate that the Project will provide adequate public facilities. The Project meets the criteria of a MIHC use and therefore LATR review is satisfied with a transportation exemption statement.

The public schools have adequate capacity to serve the proposed development.

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

This section is not applicable

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

The Project is compatible with adjacent properties by providing the denser portions of the Project along the frontage along Veirs Mill Road and University Boulevard and provide a residential scale façade and larger setback along East Avenue. The Project will also meet the height compatibility requirements, per Section 4.1.8.B.

SECTION 8: FOREST CONSERVATION PLAN F20240810 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 two Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) No. 420190040 approved on July 26, 2018, and NRI/FSD No. 420210760 approved on March 25, 2021. Each NRI/FSD covers a separate lot within the Subject Property. The Property contains no forest, streams, wetlands, or associated buffers. There is a significant grade change across the Property, with the southeast corner, at the intersection of Veirs Mill Road and University Boulevard being 36 feet higher in elevation than the northwest corner of the Property, at the intersection of East Avenue and Kensington Boulevard. The Subject Property is in the Rock Creek watershed (a Use Class 1-P stream).

FOREST CONSERVATION PLAN

FFCP No. SC2019004 was approved on September 13, 2018, and covered 1.13 acres of the Property. FFCP No. SC2019004 was approved to allow for the demolition of the Ambassador Apartments. The FFCP generated a 0.17-acre afforestation requirement, which is being satisfied now, through FFCP No. F20240810. FFCP No. F20240810 supersedes and replaces FFCP No. SC2019004.

FFCP No. F20240810 was submitted for review and approval concurrently with Preliminary Plan No. 120240120 and Site Plan No. 820240150 (Attachment B). The total net tract area for forest conservation purposes is 6.0 acres, which includes the Subject Property of 5.16 acres plus off-site disturbance of 0.84 acres. The Property is currently zoned CR 5.0, C-4.5, R-4.5, H-130, CR 3.0, C-2.5, R-2.5, H-100, CRN 1.5, C-.25, R-1.5, H-45, R-60, and R-200. 5.64 acres of the Property are in the Mixed-Use Development category and 0.36 of the Property are in the High-Density Residential category, as defined in Section 22A-3 of the FCL and specified in the Trees Technical Manual. The Subject Property contains no forest, resulting in a total afforestation requirement of 0.90 acres regardless of watershed or Priority Area, as calculated in the Forest Conservation Worksheet. The Application proposes to meet the forest conservation requirements offsite through credits from an off-site forest conservation bank or by payment of fee-in-lieu if no credits are available. This is acceptable because there are no priority planting areas onsite.

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 Protected Trees and impact but retain one (1) Protected Tree, as identified in Table 12, 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 12: Protected Trees Requiring Variance

Tree #	Species (Scientific Name)	Species (Common Name)	D.B.H (inches)	Tree Condition	Status
T-1	<i>Carya lacinosa</i>	Hickory	30”	Good	Remove
T-2	<i>Acer rubrum</i>	Red Maple	40”	Good	Remove
T-4	<i>Populus deltoides</i>	Cottonwood	32”	Poor	Remove
T-7	<i>Quercus rubra</i>	Red Oak	35”	Fair	Remove
T-10	<i>Quercus rubra</i>	Red Oak	32”	Good	Retain

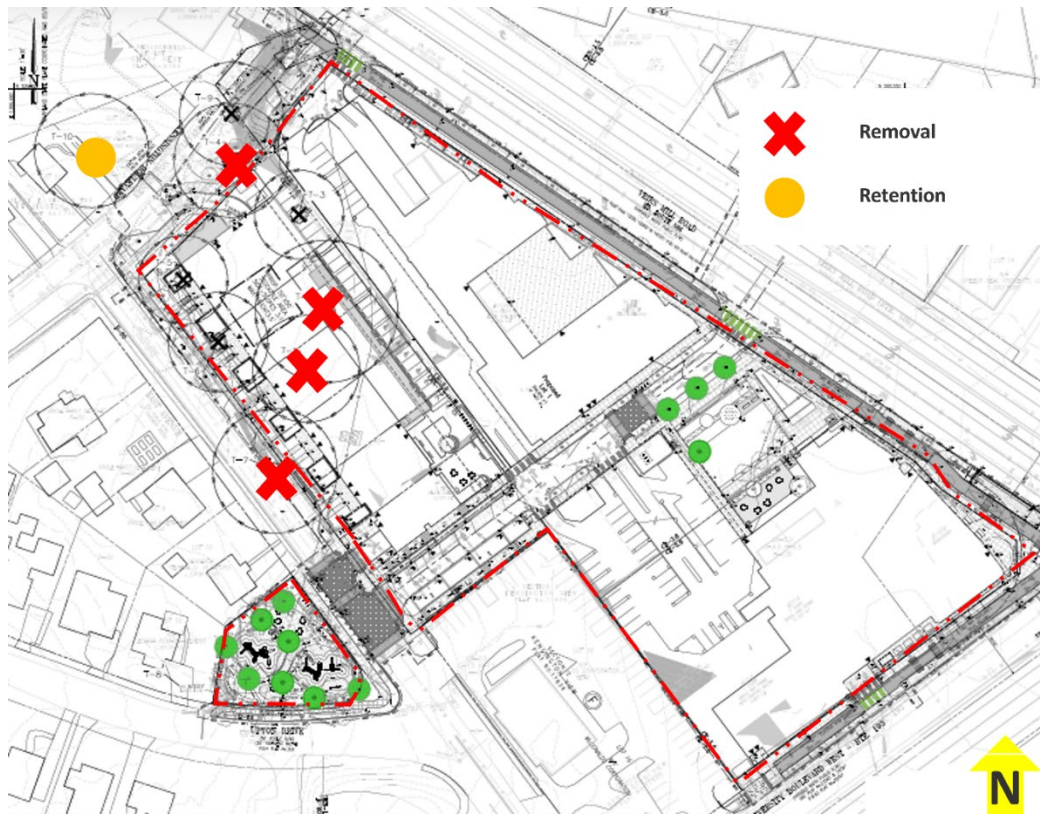


Figure 25: Variance Tree Locations

Unwarranted Hardship

In accordance with Section 22A-21(a), the Applicant requested a Variance for the impacts or removals to five Protected Trees. The requested variance is necessary for the development of the Property into the sustainable mixed-use community featuring mixed-income multifamily housing and non-residential spaces. Staff agrees that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use 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 952,222 square feet of total development, including up to 800 multifamily units, and up to 55,000 square feet of non-residential uses (which includes daycare, coworking, and retail uses).

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. T-1 and T-2 are located in the center of the development footprint. T-4 is located in the abandoned right-of-way of Kensington Boulevard and will be impacted by the development and cannot be retained. T-7 is located in the right-of-way for East Avenue and will be impacted by the development and associated frontage improvements and cannot be retained. T-10 is located off-site and will have minor impacts due to circulation improvements in the Kensington Boulevard right-of-way.

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, twelve new 3-inch caliper native trees will be planted in mitigation for the removal of the four 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 Trees Subject to the Variance Provisions

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 35 inches. The Applicant has proposed to plant 12, 3-inch caliper trees.

Recommendation on the Variance

Staff recommends approval of the variance for the removal of four and impacts to one Protected Trees associated with Forest Conservation Plan No. F20240810.

SECTION 9: CONCLUSION

As conditioned, Preliminary Plan No.120240120, Sketch Plan Amendment & Site Plan No. 820240150, 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), and substantially conform to the recommendations of the 2012 *Wheaton CBD and Vicinity Sector Plan*. Therefore, Staff recommends approval of the Preliminary Plan No.120240120, Site Plan No. 820240150, and Forest Conservation Plan No. F20240810 with the conditions specified at the beginning of this report.

ATTACHMENTS

Attachment A: Preliminary, Site, FCP Plan

Attachment B: Prior Approvals

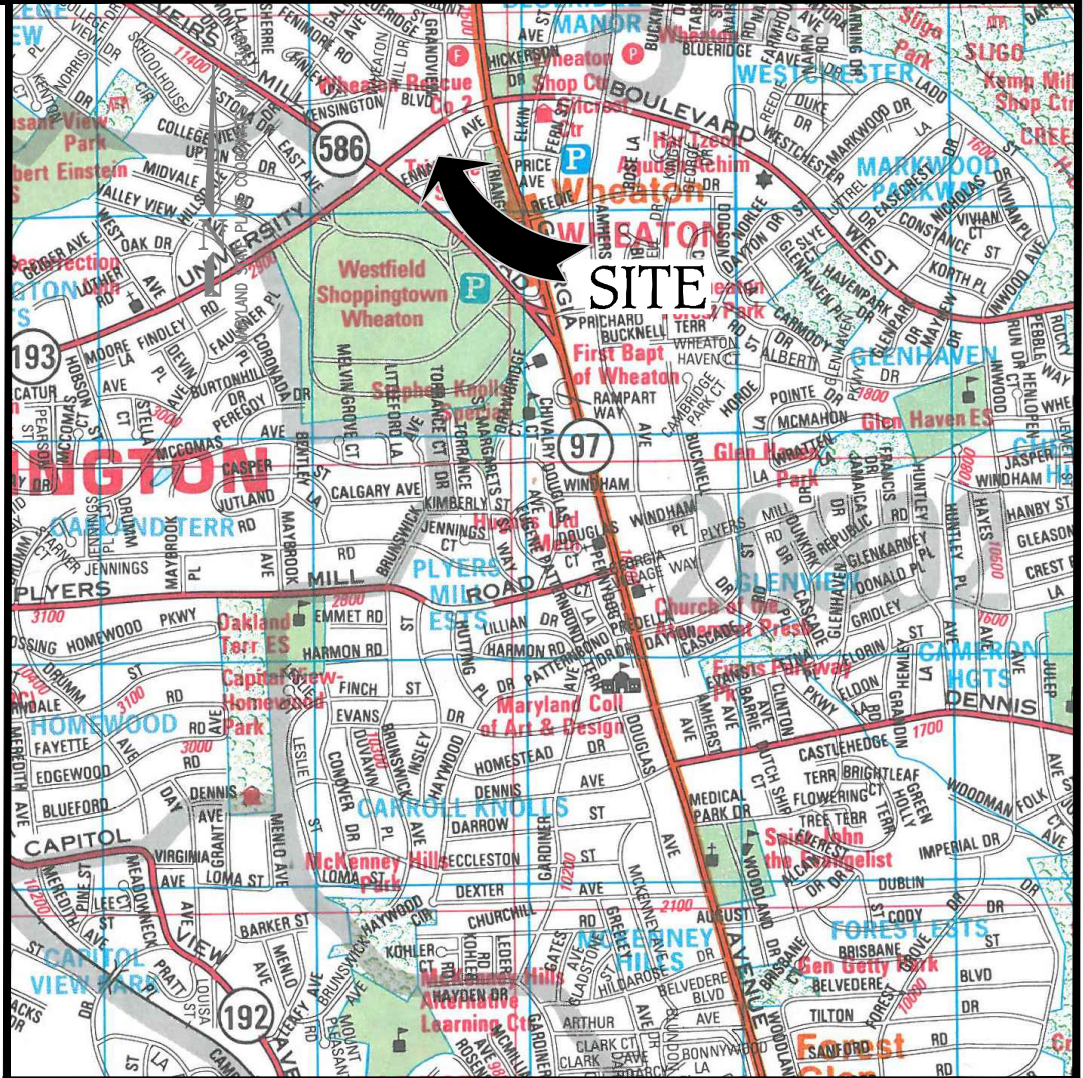
Attachment C: Agency Letters

Attachment D: Community Correspondence

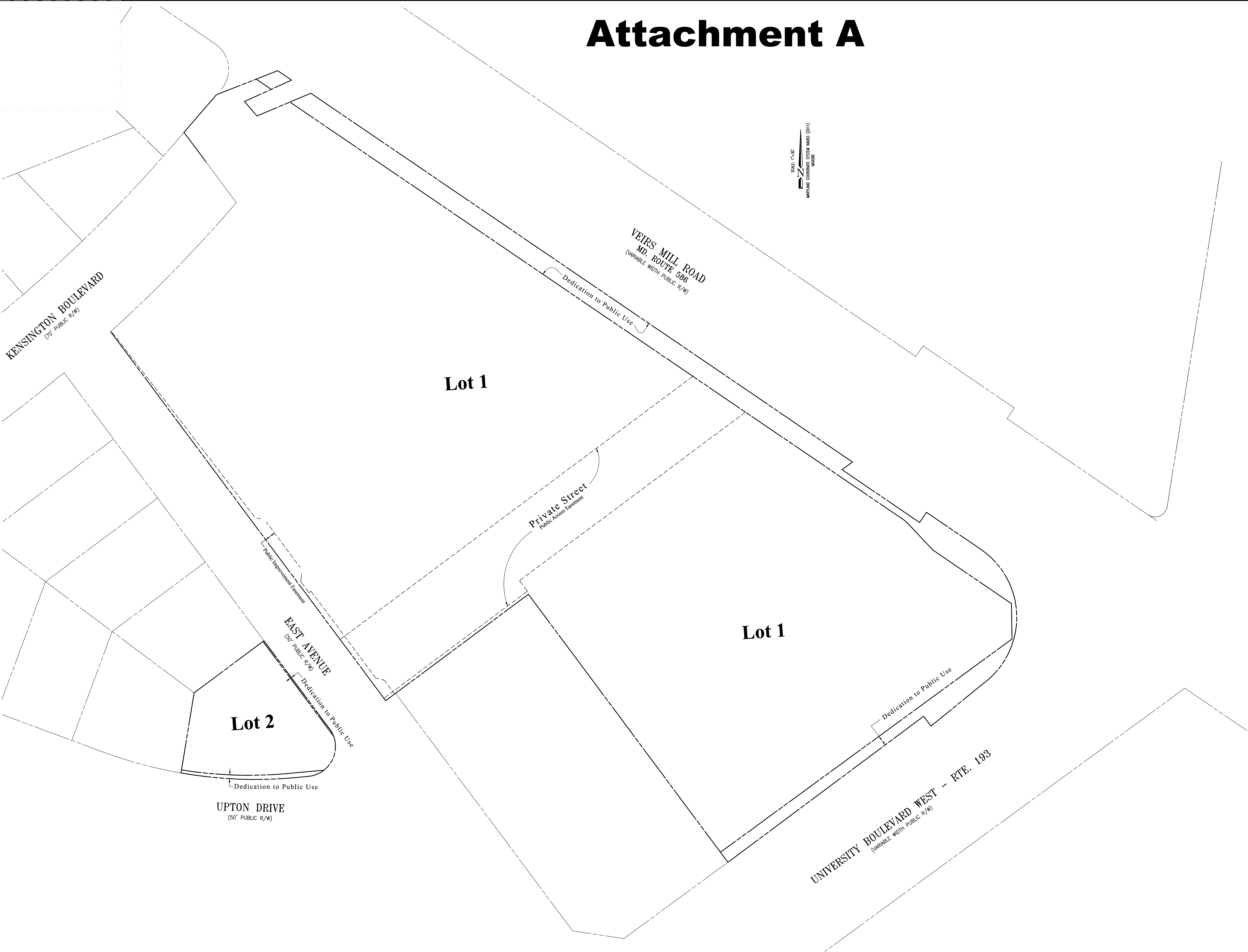
Attachment E: Affidavit Regarding Community Meeting and Meeting Minutes

Attachment F: Applicant's APF justification

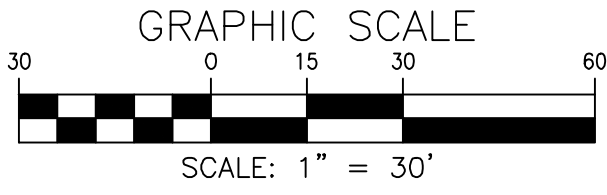
Attachment A



VICINITY MAP
MONTGOMERY COUNTY
SCALE: 1" = 200'
MAP COPYRIGHT © KAPPA MAP GROUP, LLC (800) 826-6277
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An on-site pre-construction meeting is required to be set up with the Department of Permitting Services (DPS), Zoning & Site Plan Enforcement Division before any building construction activity occurs on-site. The owner or his designee who has signature authority, and general contractor must attend the pre-construction meeting with the DPS Site Plan Enforcement inspector. A copy of the Certified Site Plan is required to be on-site at all times. To schedule a Site Plan inspection with DPS, Zoning and Code Compliance Section (ZCCS), please contact Brian Keeler, 240-581-4485.



CERTIFICATE OF COMPLIANCE

I DO HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND REASONABLE BELIEF, THAT ALL OF THE INFORMATION AND DATA PROVIDED WITH THIS APPLICATION IS ACCURATE, AND ALL OF THE FEATURES AND ELEMENTS PROVIDED ON THE PLANS IS CONSISTENT WITH THE STANDARDS OF THE APPLICABLE ZONE. THE CERTIFICATION INCLUDES, BUT IS NOT LIMITED TO BOUNDARY INFORMATION, PROPERTY INFORMATION AND OWNERSHIP, TOPOGRAPHY, HISTORIC RESOURCES, ETC. I AGREE THAT THE SUBMITTED PLANS MAY BE REJECTED BY MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION IF THE PLANS ARE FOUND TO INACCURATE, FALSE OR MISLEADING.

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND.

LICENSE NUMBER: 4234

EXPIRATION DATE: 10/20/2025

Not valid without signature

UPDATES/REVISIONS:

09/04/25	UPDATE TO ADDRESS STAFF COMMENT

LOTING EXHIBIT - PRE-ABANDONMENT
PRELIMINARY PLAN No. 120240120

WHEATON GATEWAY
4th DISTRICT
MONTGOMERY COUNTY, MD

CPJ Associates Charles P. Johnson & Associates, Inc.
Civil and Environmental Engineers • Planners • Landscape Architects • Surveyors
1751 Elton Rd., Ste. 300 Silver Spring, MD 20903 301-434-7000 Fax: 301-434-9394
www.cpja.com • Silver Spring, MD • Annapolis, MD • Greenbelt, MD • Frederick, MD • Fairfax, VA

CLIENT : R/C at 1150 Veirs Mill Road, LLC 1800 Drexel Avenue Kensington, MD, 20895	WSSC GRID: 2450W03	TAX MAP: H081 AND H081
DESIGN: AFS	SHEET: 8	OF: 9
DRAFT: DFD	DATE: July 2025	FILE NO: 2018-1012
COPYRIGHT © LATEST DATE HERON CHARLES P. JOHNSON & ASSOCIATES, INC. ALL RIGHTS RESERVED. UNAUTHORIZED USE OR REPRODUCTION IS PROHIBITED.		SCALE: 1" = 30' 0"

Attachment A

Category	Sub-Category	Points Possible	Phase 1 Total	Phase 2 Total	Site Total	Footnote
Transit Proximity - Section 4.7.3.B	Level 1 Transit Proximity	50	15	15	30	1, 5
Diversity of Uses and Activities - Section 4.7.3.D.6	Moderately Priced Dwelling Units	No Limit	105	105	210	2, 5
Quality Building and Site Design - Section 4.7.3.E	Structured Parking	20	10	10	20	4, 5
Protection and enhancement of the natural environment	Building Lot Termination (BLT)	30	11.14	11.14	11.14	
Total Points			141.14	130	271.14	

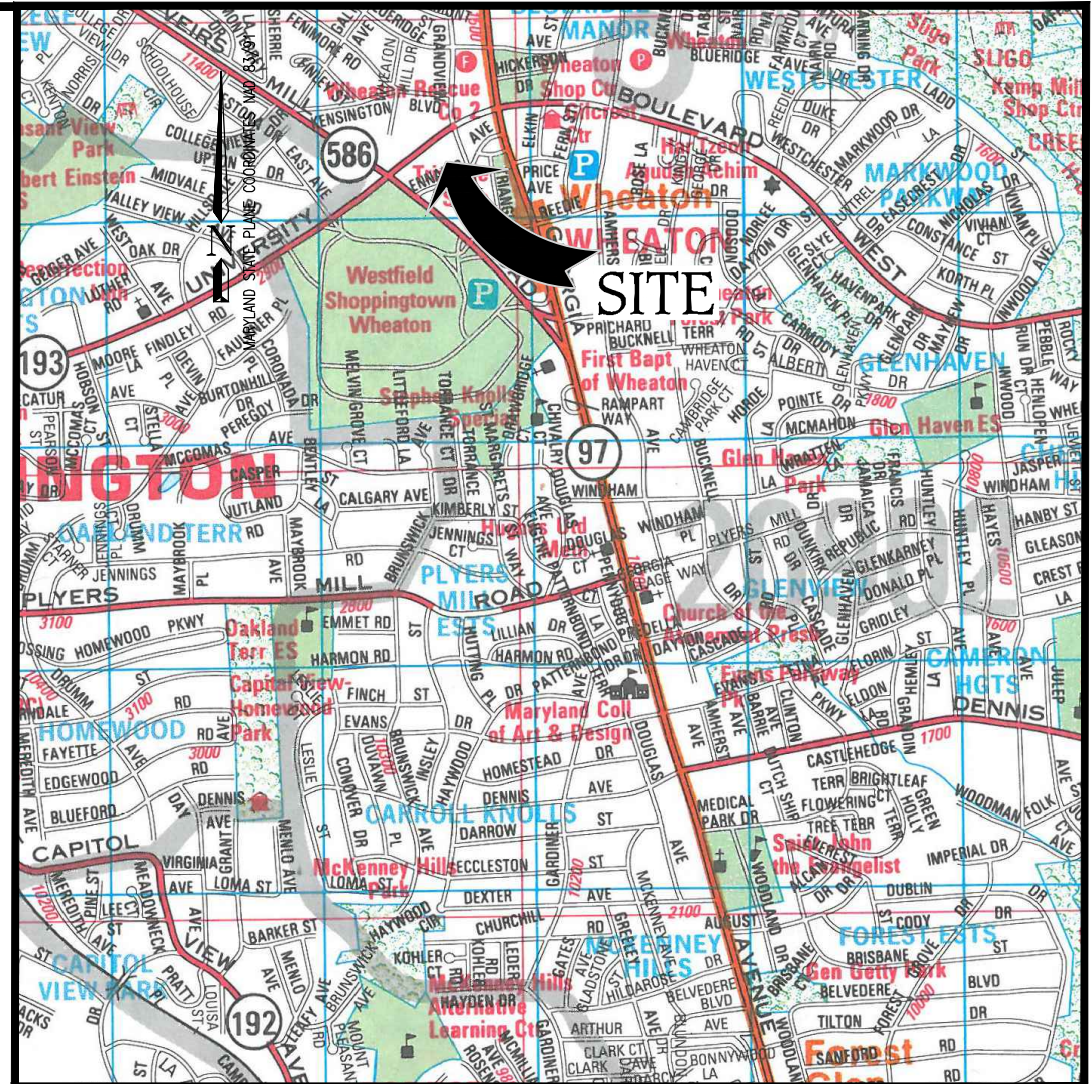
1. Level 1 Proximity - The Project is between ¼ and ½ mile of the Wheaton Metro Station. Level 2 Proximity - The Project adjoins the Veirs Mill Road BRT Station.

2. Pursuant to the approved October 2015 Commercial/Residential and Employment Zones Incentive Density Implementation Guidelines, the number of public benefits points available for providing more than 12.5% of residential units as MPDUs as required under Chapter 29 of the Montgomery County Code is not limited. 12 points are to be granted for every 1% of MPDUs greater than 12.5%, and any fraction of a 1 percent increase in MPDUs entitles the Applicant to an equal fraction of 12 points.

3. The Project is providing a minimum of 40% MPDUs and, therefore, qualifies for 30 points based on the following formula: (30% - 12.5%) * 12 = 210 points.

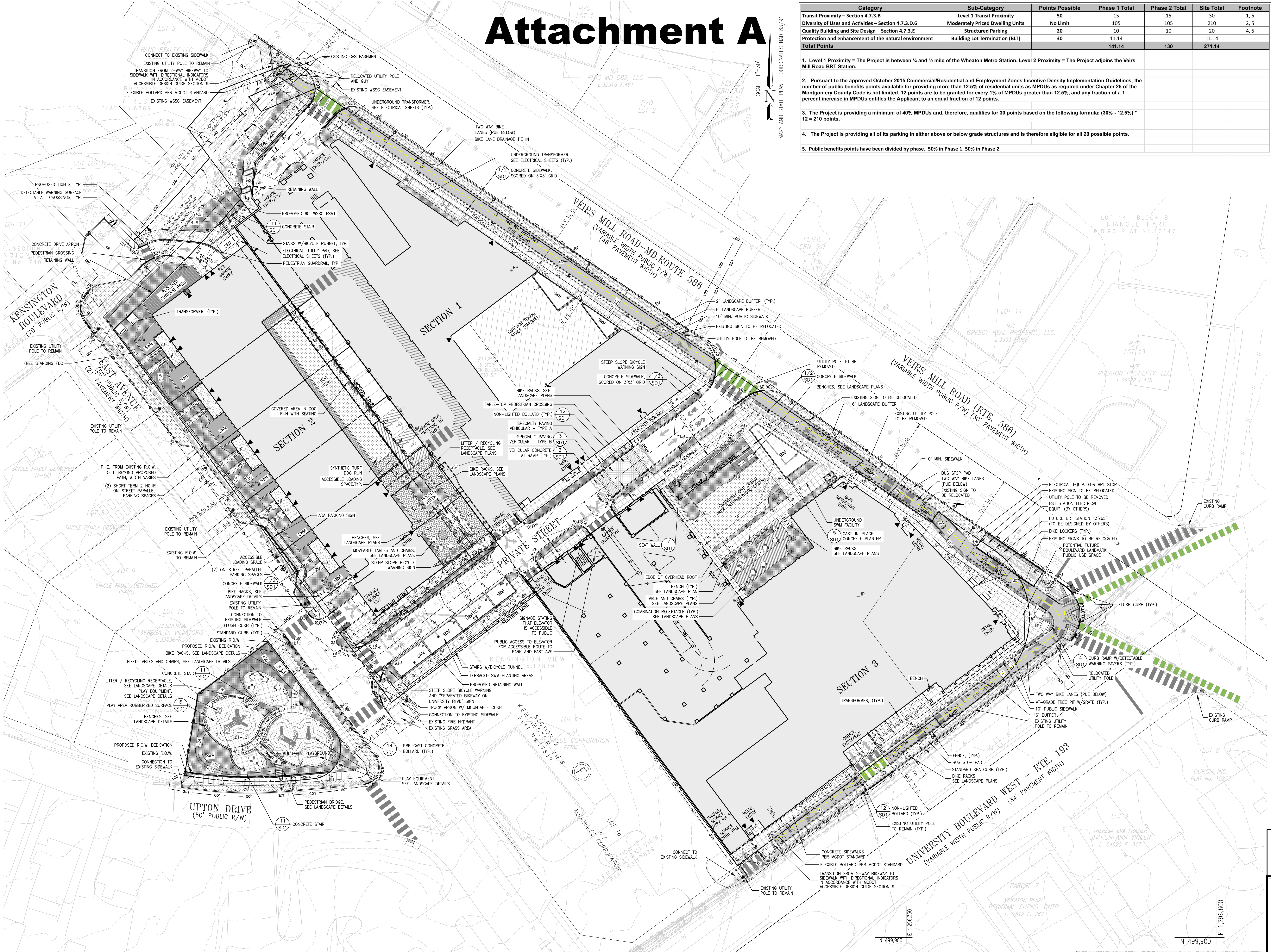
4. The Project is providing all of its parking in either above or below grade structures and is therefore eligible for all 20 possible points.

5. Public benefits points have been divided by phase. 50% in Phase 1, 50% in Phase 2.



VICINITY MAP
MONTGOMERY COUNTY
SCALE: 1" = 2000'
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USED WITH PERMISSION

	EX SIGNAL POLE
	EX MANHOLE
	EX STORM DRAIN MANHOLE
	EX UTILITY POLE TO BE REMOVED
	EX UTILITY POLE TO REMAIN
	EX GUY WIRE
	EX LIGHT
	EX SIGN
	EX FIRE HYDRANT
	PROPOSED RIGHT-OF-WAY
	EX PROPERTY LINE
	EX EASEMENT LINE
	EX METAL FENCE
	EX WOOD FENCE
	EX OVER HEAD WIRE
	LIMITS OF CONSTRUCTION
	EX CONCRETE CURB
	PROPOSED CONCRETE CURB
	PROPOSED RETAINING WALL
	EXISTING VEGETATION
	EXISTING TREE
	PROPOSED BIKE RACKS
	PROPOSED SAWCUT CONCRETE SIDEWALK
	SPECIALTY PAVING - VEHICULAR, TYPE A
	SPECIALTY PAVING - VEHICULAR, TYPE B
	SPECIALTY PAVING - PEDESTRIAN
	STANDARD CONCRETE PAVING
	PROPOSED STORMWATER MANAGEMENT AREA
	PROPOSED 10' TWO WAY BIKELANE
	CROSSWALK
	PROPOSED BUILDING FOOTPRINT
	GRASS AREA
	DETECTABLE WARNING SURFACE
	PLANTING AREA



NOTE: PRIVATE STREETS TO BE BUILT ACCORDING TO PUBLIC ROAD CLASSIFICATION STANDARDS PER COUNTY CODE 50.4.3.E.4.C

ADA NOTE: CROSS SLOPES FOR ALL ADA ROUTES CANNOT EXCEED 2.08%. ALL ADA ROUTES EXCEEDING 5.0% SLOPE MUST HAVE RAILINGS, MEETING ADA STANDARDS, ON BOTH SIDES OF THE RAMP. A 5 FOOT LANDING AREA (2.0% MAXIMUM SLOPE) MUST BE PROVIDED FOR EVERY 30 INCHES OF RISE. NO ADA ROUTE CAN EXCEED 8.33% SLOPE. HANDICAP PARKING SPACES CANNOT EXCEED 2.08% SLOPE IN ANY DIRECTION.

An on-site pre-construction meeting is required to be set up with the Department of Permitting Services (DPS), Zoning & Site Plan Enforcement Division before any building construction activity occurs on-site. The owner or his designee who has signature authority, and general contractor must attend the pre-construction meeting with the DPS Site Plan Enforcement Inspector. A copy of the Certified Site Plan is required to be on-site at all times. To schedule a Site Plan inspection with DPS, Zoning and Code Compliance Section (ZCCS), please contact Brian Keeler, 240-581-4485.

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I DO HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND REASONABLE BELIEF, THAT ALL OF THE INFORMATION AND DATA PROVIDED WITH THIS APPLICATION IS ACCURATE, AND ALL OF THE FEATURES AND ELEMENTS PROVIDED ON THE PLANS IS CONSISTENT WITH THE STANDARDS OF THE APPLICABLE ZONE. THE CERTIFICATION INCLUDES, BUT IS NOT LIMITED TO BOUNDARY INFORMATION, PROPERTY INFORMATION AND OWNERSHIP, TOPOGRAPHY, HISTORIC RESOURCES, ETC. I AGREE THAT THE SUBMITTED PLANS MAY BE REJECTED BY MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION IF THE PLANS ARE FOUND TO INACCURATE, FALSE OR MISLEADING.

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND.

LICENSE NUMBER: 4234

EXPIRATION DATE: 10/20/2025



DEVELOPER'S CERTIFICATE

THE UNDERSIGNED AGREES TO EXERCISE ALL THE FEATURES OF THE SITE PLAN APPROVAL NO. 820240150, INCLUDING APPROVAL CONDITIONS, DEVELOPMENT PROGRAM AND CERTIFIED SITE PLAN.

DEVELOPER'S NAME: HOC AT 11250 VEIRS MILLS ROAD, LLC. ALEX LAURSEN, CONTACT PERSON

ADDRESS: 10400 DETRICK AVENUE, KENSINGTON, MD 20895

PHONE: 240-827-3400

SIGNATURE: *Charles J. Anderson*

of the Planning Commission, Commission of Montgomery County, the sole member of HOC at Wheaton Gateway, LLC, the manager of Wheaton Gateway, LLC, the manager of Wheaton Gateway, LLC, the sole member of HOC at 11250 Veirs Mills Road, LLC.

UPDATES/REVISIONS:	REVISIONS TO ADDRESS DRC COMMENTS	ATS/BB
05/09/2025	REVISIONS TO ADDRESS STAFF COMMENTS	ATS/BB
07/30/2025	REVISIONS TO ADDRESS STAFF COMMENTS	ATS/BB
09/12/2025	REVISIONS TO ADDRESS STAFF COMMENTS	ATS/BB
11/04/2025	REVISIONS TO ADDRESS STAFF COMMENTS	ATS/BB

30-SCALE PLAN
SITE PLAN NO. 820240150
WHEATON GATEWAY
4th DISTRICT
MONTGOMERY COUNTY, MD

CPJ Associates Charles P. Johnson & Associates, Inc.
Civil and Environmental Engineers • Planners • Landscape Architects • Surveyors
1751 Elton Rd., Ste. 300 Silver Spring, MD 20903 301-434-7000 Fax: 301-434-9394
www.cpa.com • Silver Spring, MD • Annapolis, MD • Greenbelt, MD • Frederick, MD • Fairfax, VA

CLIENT: HOC AT 11250 Veirs Mills Road, LLC 10400 Detrick Avenue Kensington, MD 20895	WSSC GRID: 245W03	TAX MAP: H01 and H08
DRAWN: ATS	SHEET: 4	OF: 16
DRAFT: BB	DATE: APR. 2025	FILE NO.: 2018-1012
COPYRIGHT © LATEST DATE: HERRON CHARLES P. JOHNSON & ASSOCIATES, INC. ALL RIGHTS RESERVED. UNAUTHORIZED USE OR REPRODUCTION IS PROHIBITED.	SCALE: 1" = 30'-0"	

Attachment A

MITIGATION PLANTING SCHEDULE

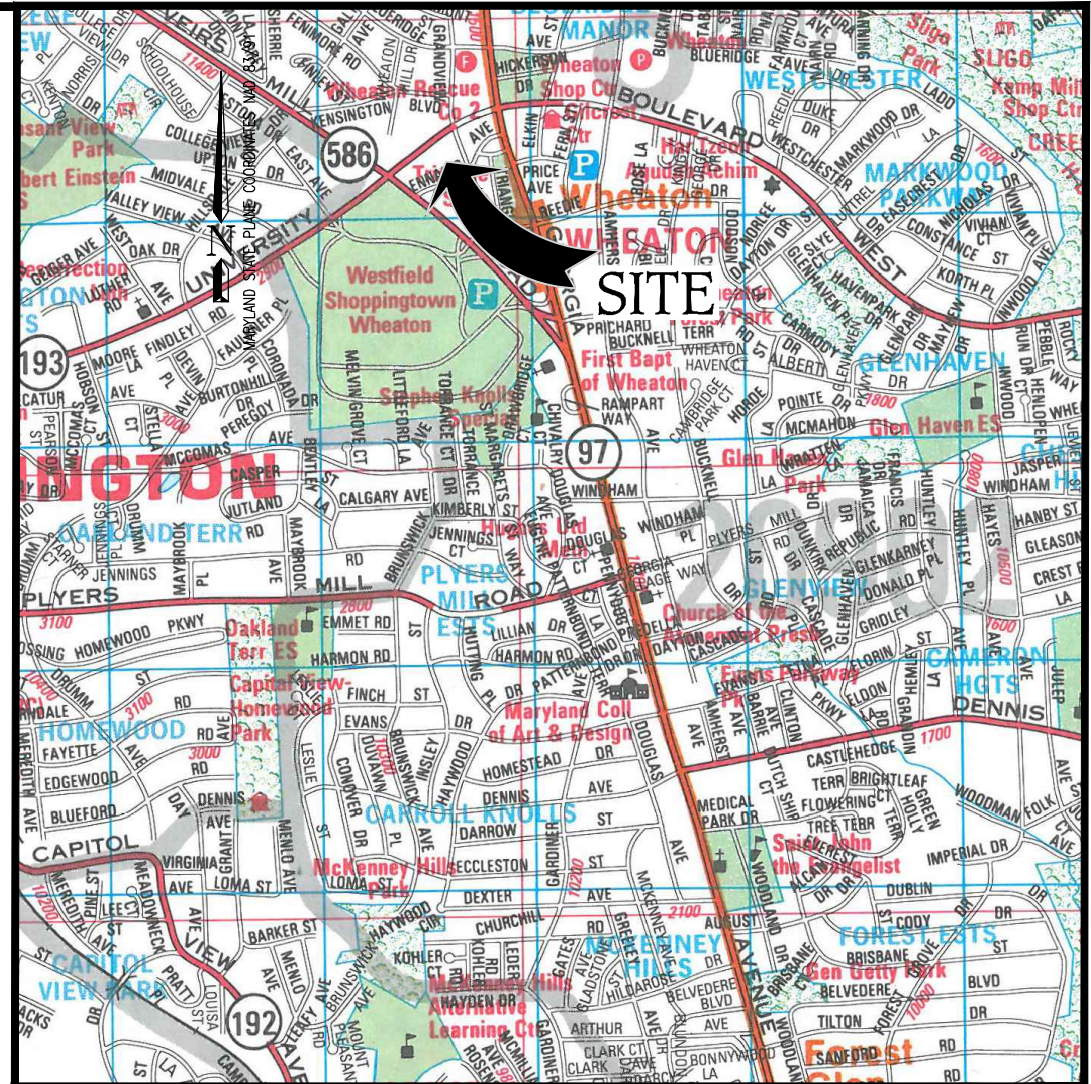
CODE	QTY	BOTANICAL / COMMON NAME	CONT	SIZE	SPACING	NATIVE
TREES						
GS	4	OLEDTISIA TRIACANTHOS INERMIS 'SKYLINE' / SKYLINE HONEY LOCUST	B & B	3" CAL	AS SHOWN	NATIVE
NS	4	NYSSA SYLVATICA / BLACK GUM	B & B	3" CAL	AS SHOWN	NATIVE
QE	4	QUERCUS PHELLOS 'QPSTA' / HIGHTOWER® WILLOW OAK	B & B	3" CAL	AS SHOWN	NATIVE

12 MITIGATION TREES TOTALING 36" OF TREE CALIPER TO REPLACE 35" OF TREE CALIPER REMOVED.

TREE LIST						
TAG NO	COMMON NAME	SCIENTIFIC NAME	DBH	CONDITION	MITIGATION	STATUS
1	Hickory	Carya laciniosa	30	Good	Required	Remove
2	Red Maple	Acer rubrum	40	Good	Required	Remove
3	Bradford Pear	Pyrus communis	25	Poor	Required	Remove
4	Cotton wood	Populus deltoides	25	Poor	Required	Remove
5	Red Maple	Acer rubrum	32	Fair	Required	Remove
6	Red Maple	Acer rubrum	28	Good	Required	Remove
7	Red Oak	Quercus rubra	35	Fair	Required	Remove
8*	Hickory	Carya laciniosa	40	N/A	N/A	Previously removed
9	Silver Maple	Acer saccharinum	29	Good	Required	Remove
10	Red Oak	Quercus rubra	32	Good	Required	Retain

*TREE PREVIOUSLY REMOVED

Mitigation required for 137" of tree caliper, and replaced at a quarter, or 25%. 35" of tree calipers to be replaced.



VICINITY MAP

MONTGOMERY COUNTY
SCALE: 1" = 2000'
MAP COPYRIGHT © KAPPA MAP GROUP, LLC (800) 826-6277
USED WITH PERMISSION

LEGEND

- EX SIGNAL POLE
- EX MANHOLE
- EX STORM DRAIN MANHOLE
- EX UTILITY POLE
- EX GUY WIRE
- EX LIGHT
- EX SIGN
- EX FIRE HYDRANT
- EX PROPERTY LINE
- EX EASEMENT LINE
- EX BARBED WIRE
- EX OVER HEAD WIRE
- EX TREE LINE
- EX BUSH HEDGE
- EX SOIL LINE
- STEEP SLOPES (>15%)
- STEEP SLOPES (>25%)
- EXISTING BUILDING
- SPECIMEN TREE TO REMAIN
- SPECIMEN TREE TO BE REMOVED
- PROPOSED SHADE TREE
- PROPOSED MITIGATION TREE

DEVELOPER'S CERTIFICATE

THE UNDERSIGNED AGREES TO EXECUTE ALL THE FEATURES OF THE PRELIMINARY PLAN APPROVAL NO. 17204017, INCLUDING APPROVAL CONDITIONS, DEVELOPMENT PROGRAM AND CERTIFIED PRELIMINARY PLAN.

DEVELOPER'S NAME: HOC AT 11253 VETTS MILL ROAD, LLC
ADDRESS: 10400 DETRICK AVENUE, KENNINGTON, MD 20895
PHONE: 240-627-9400

SIGNATURE: *Charles P. Johnson*
Charles P. Johnson, President/Chairman/Developer

of the Planning Commission, Commissioner of Montgomery County,
the sole member of HOC at Wheaton Gateway, LLC,
the manager of Wheaton Gateway, LLC,
the manager of Wheaton Gateway, LLC,
the sole member of HOC at Wheaton Gateway, LLC.

UPDATES/REVISIONS: REV 1 (5/7/2025) ADDRESS: DRC COMMENTS: BB/ATS

30-SCALE PLAN
FINAL FOREST CONSERVATION PLAN
F20240810
WHEATON GATEWAY
4th DISTRICT
MONTGOMERY COUNTY, MD

CPJ Associates Charles P. Johnson & Associates, Inc.
Civil and Environmental Engineers • Planners • Landscape Architects • Surveyors
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www.cpj.com • Silver Spring, MD • Annapolis, MD • Greenbelt, MD • Frederick, MD • Fairfax, VA

CLIENT: HOC at 11253 Vets Mill Road, LLC
10400 Detrick Avenue
Kennington, MD 20895

WASC GRID: 245W03
TAX MAP: 0-00000
DESIGN: ATX
SHEET: 3 OF 4
DRAFT: PGV
DATE: NOV 2024
SCALE: 1" = 30'-0"

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CERTIFICATE OF COMPLIANCE

I DO HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND REASONABLE BELIEF, THAT ALL OF THE INFORMATION AND DATA PROVIDED WITH THIS APPLICATION IS ACCURATE, AND ALL OF THE FEATURES AND ELEMENTS PROVIDED ON THE PLANS IS CONSISTENT WITH THE STANDARDS OF THE APPLICABLE ZONE. THE CERTIFICATION INCLUDES, BUT IS NOT LIMITED TO BOUNDARY INFORMATION, PROPERTY INFORMATION AND OWNERSHIP, TOPOGRAPHY, HISTORIC RESOURCES, ETC. I AGREE THAT THE SUBMITTED PLANS MAY BE REJECTED BY MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION IF THE PLANS ARE FOUND TO INACCURATE, FALSE OR MISLEADING.

LANDSCAPE ARCHITECT CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAN IS PREPARED IN ACCORDANCE WITH MONTGOMERY COUNTY FOREST CONSERVATION REGULATIONS.

ANY T. SOMMER
REGISTERED LANDSCAPE ARCHITECT
MD #4234
EXPIRES: 10/20/2025



DATE: Seal not valid without signature

Attachment B

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

JUL 19 2022

RESOLUTION

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

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

WHEREAS, Applicant’s sketch plan application was designated Sketch Plan No. 320210060 Wheaton Gateway (“Sketch Plan” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated May 16, 2021, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions (“Staff Report”); and

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

2425 Reedie Drive, Floor 14, Wheaton, MD 20902 | Phone: 301-495-4605 | Fax: 301-495-1320
www.montgomeryplanningboard.org | mcp-chair@mncppc.org

Approved as to

Legal Sufficiency: /s/ Emily Vaias

M-NCPPC Legal Department

Attachment B

MCPB No. 22-052
Sketch Plan No. 320210060
WHEATON GATEWAY
Page 2

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

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

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

All other elements are illustrative.

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

1. Density

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

2. Height and Building Massing

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

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

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

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MCPB No. 22-052
Sketch Plan No. 320210060
WHEATON GATEWAY
Page 3

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

3. Moderately Priced Dwelling Units (MPDUs)

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

4. Incentive Density

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

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

5. Public Open Space

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

6. Streetscape

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

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Sketch Plan No. 320210060
WHEATON GATEWAY
Page 4

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

7. Noise

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

8. Validity

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

9. Future Coordination for Preliminary Plan and Site Plan

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

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

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Sketch Plan No. 320210060

WHEATON GATEWAY

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

BE IT FURTHER RESOLVED that having given full consideration to the recommendations of its Staff as presented at the hearing and/or as set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of the Zoning Ordinance, the Board finds that as conditioned the necessary elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan and that:

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

a. Development Standards

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

Attachment B

MCPB No. 22-052
 Sketch Plan No. 320210060
 WHEATON GATEWAY
 Page 6

Table 1: Overall Wheaton Gateway Project Data Table

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

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

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

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

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 Sketch Plan No. 320210060
 WHEATON GATEWAY
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Table 2: Wheaton Gateway Sketch Plan Data Table for CR Zone, Optional Method, Section 59.4.5

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

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

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

Attachment B

MCPB No. 22-052
Sketch Plan No. 320210060
WHEATON GATEWAY
Page 8

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

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

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

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

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

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

Attachment B

MCPB No. 22-052
Sketch Plan No. 320210060
WHEATON GATEWAY
Page 9

b. General Requirements (Article 59-6)

i. *Site Access*

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

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

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

ii. *Parking, Queuing, and Loading*

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

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MCPB No. 22-052
Sketch Plan No. 320210060
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65,000 square feet of retail development, the composition of the number of bedrooms in individual dwelling units and mixture of tenants will be determined through the subsequent Preliminary and Site Plan applications. The Applicant will further refine parking numbers as the project moves forward in the context of Section 6.2.4. of the Zoning Ordinance and in context with minimum and maximum rates specified by the Wheaton Area Parking Lot District.

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

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

iii. Open Space and Recreation

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

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

c. Intent of the CR zones (Section 4.5.1)

i. Implement the recommendations of applicable master plans

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

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

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

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

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

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

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

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

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

vi. Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.

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

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

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

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

Applicable Sector Plan Guidance

The Subject Application advances the following Sector Plan goals:

Public Open Space:

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

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

Street Level Activity:

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

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

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Develop a Nighttime Economy:

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

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

Urban Design:

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

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

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

Mobility:

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

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

Environment:

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

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

Health:

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

Sector Plan reference (Sector Plan p.77):

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

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

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

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

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

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

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

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

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

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

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

Table 4: Wheaton Gateway Public Benefit Calculations

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

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Table 5: Wheaton Gateway Public Benefit Point Phases

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

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

Category

Diversity of Uses and Activities

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

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

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

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

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

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BE IT FURTHER RESOLVED that all binding site development elements shown on the latest version of Wheaton Gateway, Sketch Plan No. 320210060, received by M-NCPPC as of the date of the Staff Report May 16, 2021, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUL 19 2022 (which is the date that this Resolution is mailed to all parties of record); and

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Rubin, seconded by Vice Chair Verma, with a vote of 4-0, Chair Anderson, Commissioners Cichy, Rubin, and Verma voting in favor, Commissioner Patterson absent, at its regular meeting held on Thursday, July 7, 2022, in Wheaton, Maryland and via video conference.



Casey Anderson, Chair
Montgomery County Planning Board

Attachment C



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Rabbiah Sabbakhan
Director

October 13, 2025

Mr. Sudheer Ekula
Charles P. Johnson & Associates, Inc.
1751 Elton Road, Suite 300
Silver Spring, Maryland 20903

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN** for
Wheaton Gateway
Preliminary Plan #: 120240120
Site Plan #: 820240150
SM File #: 290145
Tract Size: 4.99 Acres/217,300 sq.ft.
Zone: CR-5.0, CR-3.0, CRN 1.5, R-60
Total Concept Area: 5.22 Acres/227,432 sq.ft.
Lots/Block: 1
Parcel(s): P282
Watershed and Class: Lower Rock Creek/
Redevelopment (Yes/No): Yes

Dear Mr. Ekula:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The plan proposes to meet required stormwater management goals via the use of micro-bioretenention.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this project.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless



2425 Reedy Drive, 7th Floor, Wheaton, Maryland 20902 | 240-777-0311
www.montgomerycountymd.gov/permittingervices

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Mr. Sudheer Ekula
October 13, 2025
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specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Patrick Fitzgerald at 240-777-6362; Patrick.fitzgerald@montgomerycountymd.gov.

Sincerely,



Mark Etheridge, Manager
Water Resources Section
Division of Land Development Services

cc: Neil Braunstein
SM File # 290145

ESD: Required/Provided 25,242 c.f. / 25,418 c.f.
PE: Target/Achieved: 1.88"/2.03"
STRUCTURAL: N/A
WAIVED: N/A

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DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Christopher Conklin
Director

November 4, 2025

Mr. Troy Leftwich, Planner III
East County Planning Division
The Maryland-National Capital
Park & Planning Commission
2425 Reedie Drive
Wheaton, MD 20902

RE: Preliminary Plan No. 120240120
Wheaton Gateway

Dear Mr. Leftwich:

We have completed our review of the preliminary plan uploaded to eplans on September 12, 2025. Previous versions of these plans were reviewed by the Development Review Committee (DRC) at its meeting on March 11, 2025. This plan is tentatively scheduled for the November 20, 2025, Planning Board hearing. We recommend approval of the plans, subject to the following comments:

The subject property has street frontage along Viers Mill Road (MD 586) and University Boulevard (MD 193), which are maintained by Maryland State Highway Administration (MSHA). Therefore, MCDOT does not have any jurisdiction, and per Montgomery County Code Chapter 50 Section 4.2, MCDOT shall provide recommendations for the attention of the concerned agencies.

Significant Plan Review Comments

1. Viers Mill Road (MD 586):

- a. The Master Plan of Highways proposes a minimum right-of-way (ROW) of 129 feet, with six planned travel lanes and one transit lane. The Bicycle Master Plan proposes two-way, separated bike lanes on both sides. The applicant shall dedicate the ROW to meet the minimum requirements to satisfy the Master Plan as shown in the plans.

2. Bus Rapid Transit Station on Viers Mill Road MD 586:

The Viers Mill Road Bus Rapid Transit (VMR BRT) team has regularly coordinated with the Applicant noting the needs of the Viers Mill Road BRT project. At present, the County expects to deliver the BRT project by the end of 2028 with property acquisition ongoing until complete, utility construction beginning in late 2025, and roadway construction beginning in

Office of the Director

101 Monroe Street 10th Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX
www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

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early 2027. MCDOT expects and intends to build the BRT project in whole in this timeline. MCDOT will not wait to implement this project nor will it delay implementation of any part of this effort. However, it is possible that the MCDOT project could be delayed by any number of factors. In that case, the timeline for BRT construction may be extended. In light of the BRT project needs, we have the following conditions:

- a. The Applicant shall donate the necessary rights-of-way (ROW) for the VMR BRT facilities and any relevant utility relocations needed to accommodate the BRT project.
- b. The Applicant shall fund the reconstruction of the right-turn slip lane from eastbound VMR to SB University Boulevard MD 193.
- c. The Applicant shall reconstruct the intersection from eastbound Viers Mill Road to University Boulevard MD 193 SB at their expense.
- d. Items 2.a., 2.b., and 2.c. must be completed by the Applicant in a timeline consistent with and acceptable to MCDOT's BRT construction timeline. If the Applicant is unable or unwilling to meet this timeline, MCDOT will complete these activities by acquiring the necessary ROW for the VMR BRT facilities and any relevant utility relocations needed to accommodate the BRT project; reconstructing the right-turn slip lane from eastbound VMR to SB University Boulevard MD 193; and reconstructing the intersection from eastbound Viers Mill Road to University Boulevard MD 193 SB. If MCDOT completes or is in the process of completing these activities, the Applicant must reimburse MCDOT for the costs incurred to complete these tasks. Payment must be made to MCDOT prior to the recordation of the record plat.
- e. The Applicant shall design and construct their utility relocations to avoid the VMR BRT elements.
- f. Include the following adjustments on the Certified Preliminary Plan:
 - i. Revise the BRT station dimensions to be 15'x56'.
 - ii. The VMR BRT electrical equipment footprint was shown on previous plans, but is not shown on the current plan. Show this footprint on the Certified Preliminary Plan.

3. University Boulevard (MD 193):

- a. The Master Plan of Highways proposes a minimum right-of-way (ROW) of 120 feet, with six planned travel lanes. The Bicycle Master Plan proposes two-way, separated bike lanes on both sides. The applicant shall dedicate the ROW to meet the minimum requirements to satisfy the Master Plan as shown in the plans.

4. East Avenue (east side along project frontage):

- a. East Avenue is classified as a neighborhood connector with a right-of-way (ROW) of 50 feet. The applicant will construct the following frontage improvements from the curb along the project side:

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- 8-foot parking lane (8-foot tree buffer where there is no proposed parking)
 - 6-foot sidewalk *
 - 1-foot maintenance strip *
- * The outside two (2) feet of sidewalk and the entirety of the maintenance strip will be in an overlapping Public Improvement Easement (PIE)/Public Access Easement (PAE)
5. East Avenue (west side adjacent to proposed playground):
- a. The applicant will provide dedication as shown on the plans. The applicant will construct the following improvements from the curb along the west side:
 - 6-foot tree buffer
 - 8-foot asphalt sidepath
 - 1-foot maintenance strip
6. Upton Drive:
- a. Upton Drive is classified as a neighborhood connector with a right-of-way (ROW) of 50 feet. The applicant will be required to provide an additional four (4) feet of dedication and will construct the following cross-section from the south side to the playground side:
 - 6-foot tree buffer
 - 6-foot sidewalk
 - 1-foot maintenance strip
7. Bus stops:
- a. There is an existing bus stop on Veirs Mill Road (MD-586) currently along the site frontage. The applicant shall be responsible for installing a concrete bus pad as shown on the plan.
 - b. An existing bus stop and shelter on University Boulevard (MD 193) was removed at the request of the applicant for the work within the subject site. The applicant shall be responsible for reinstalling the bus shelter prior to approval of the Certified Preliminary Plan. The bus stop must have electricity. PEPCO will provide a meter, and MCDOT will be billed for the electrical service.
 - c. At or before the permit stage, please contact Mr. Wayne Miller, of our Passenger Facilities Unit, for proper execution procedures regarding the above 7.a. and 7.b. conditions. Mr. Miller may be contacted at 240-777-5836 or wayne.miller2@montgomerycountymd.gov. Include William Whelan (William.whelan@montgomerycountymd.gov) on all communication.
8. The applicant will be required to construct a hammerhead turnaround on Kensington Boulevard as shown on the plans.
9. The applicant is seeking a waiver from the standard truncation requirement for the intersection of East Avenue and Kensington Boulevard. Under Section 50-4.3.E.2.f.iii of the County Code, the right-of-way of corner lots at an intersection are required to be truncated by straight lines joining points twenty-five (25) feet from the theoretical property line intersection in each quadrant.

MCDOT Response: The right-of-way truncations are required per County Code Section 50.4.3.E.2.f.iii. Although the Planning Board has the authority to specify a greater or lesser truncation, MCDOT supports the proposed reduced truncation since additional right-of-way is not

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needed for MCDOT purposes.

10. Label all overlapping Public Improvement Easements (PIE)/Public Access Easements (PAE) on the Certified Preliminary Plan.

Standard Plan Review Comments

11. All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Montgomery County Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. This letter and all other correspondence from this department should be included in the package.
12. No steps, stoops, retaining walls, or other structures for the development are allowed in County right-of-way. In addition, doors are not allowed to swing into the County right-of-way.
13. The storm drain analysis was reviewed and is acceptable to MCDOT. No improvements are required to the downstream, county system.
14. This project is located in a Bicycle and Pedestrian Priority Area (BiPPA). Design all access points to be at grade with the sidewalk, dropping down to street level between the sidewalk and roadway.
15. Sight distance study has been accepted. A copy of the Sight Distance Evaluation certifications form is included with this letter.
16. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans with Disabilities Act.
17. In all underground utility installations, install identification tape or other "toning" device approximately two feet above the utility.
18. The applicant must submit streetlight plans that comply with MCDOT Streetlight Design Requirements at the time the ROW permit application is submitted. Installation must be completed in accordance with the approved plans. MCDPS will review and approve the location and types of streetlights as part of the ROW permitting process. Failure to meet these requirements will result in the denial of the ROW permit.
19. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with DPS Right-of-Way Plan Review Section.
20. Erosion and sediment control measures as required by Montgomery County Code 19 and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by MCDPS.

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21. Posting of a ROW permit bond is a prerequisite to MCDPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
- a. Paving, curb, gutter, sidewalk, sidepath, handicap ramps, storm drain, street trees and street lights along East Avenue.
 - b. Curb, gutter, sidewalk and handicap ramps along Upton Drive.
 - c. Paving, curb and gutter along Kensington Boulevard.
 - d. Bus stop concrete pad on Viers Mill Road (MD 586).
 - e. Permanent monuments and property line markers, as required by Section 50-4.3(G) of the Subdivision Regulations.
 - f. The developer shall provide street lights as described in Condition #18 above and in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at william.whelan@montgomerycountymd.gov or (240) 777-2173.

Sincerely,

William Whelan

William Whelan
Development Review Team
Office of Transportation Policy

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Mr. Troy Leftwich
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[SharePoint/transportation/directors office/development review/WhelanW/120240120 Wheaton Gateway - MCDOT letter 110425.docx](#)

Enclosures (1)

Sight Distance Certifications

cc: SharePoint\Correspondence\Preliminary Plans

cc-e:	Goyer Roberts	PSV Development
	Tim Stemann	CPJ
	Amy Sommer	CPJ
	Katie Mencarini	MNCP&PC
	Marie LaBaw	MCDPS FRS
	Matt Johnson	MCDOT DTE
	Jamie Henson	MCDOT BRT
	Pam Destino	MCDOT BRT
	Wayne Miller	MCDOT DTS
	Sam Farhadi	MCDPS RWPR
	Kwesi Woodroffe	MSHA

Attachment C

DPS-ROW CONDITIONS OF APPROVAL

August 6, 2025

820240150 Wheaton Gateway

Contact: Sam Farhadi at 240 777-6333

We have reviewed site plan file:

“07-SITE-820240150-004.pdf V4” uploaded on/ dated “8/5/2025” and

The followings need to be addressed prior to the certification of site plan:

1. We defer to MCDOT for all modifications to the County roads pavements. This includes Kensington Blvd terminus location, design and ROW abandonment.
2. Provide safe truck turning movement for all (especially right turn) movements at access points on public roads.
3. Provide public sidewalk:
 - a. to ADA standards and label/ notate accordingly.
 - b. ensure/ show all sidewalks/ handicap ramps have matching receiving counterparts, are aligned and ADA connection is provided. Show/ label the existing sidewalks where connection is made.
 - c. Provide ROW or combined PIE/PAE when the County public sidewalk cannot be contained in the ROW.
 - d. Ensure handicap ramps are located as close as possible to the intersection.
 - e. Ensure positive drainage toward the pavement in ROW.
4. Please note, permanent private occupation of County ROW (or easements) is prohibited (except as provided by the law). Relocate all non-standard structures (such as bollards) out of public ROW.
5. Label the ADA parking spaces as such with dimensions.
6. On landscaping plan, provide street trees per approved tree species list at the required spacing and clearances considering overhead utility lines.
7. Remove all proposed pavement markings, signage and associated information on public streets from the site plan or provide a note indicating they are for reference only and will be finalized at ROW permit under signing and marking plan.

Attachment C



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Marc Elrich
County Executive

Scott Bruton
Director

October 9, 2025

Ms. Troy Leftwich
Montgomery County Planning Department
2425 Reedie Drive, 13th Floor
Wheaton, Maryland 20902

Re: Wheaton Gateway
Preliminary Plan #120240120
Site Plan #820240150

Dear Ms. Leftwich:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above-referenced plans (**the project**) and recommends Approval for 800 units, including 320 (40%) Moderately Priced Dwelling Units (**MPDUs**) in the overall project, as proposed in the Site Plan, in Wheaton, Maryland.

The project is a Mixed-Income Housing Community (MIHC), which will be the requirements set by 3.3.4 of the Montgomery County Zoning Ordinance by providing 40% of the units as MPDUs with at least 20% of total units, in both phase 1 and site-wide, affordable to households earning at or below 50% AMI. Additionally, the project will provide at least 10% of the total units, in both phase 1 and site-wide, affordable to households earning incomes eligible for the MPDU program, according to Chapter 25A.

Any MPDUs provided by the project may not be located in any co-living or short-term rental units. MPDUs must be reasonably no more than 3 MPDUs clustered together where possible. The ratio of studio-, one-, two- and three-bedroom MPDUs must reflect the distribution in market-rate units.

An Agreement to Build must be submitted to, reviewed, and executed by DHCA before building permits are obtained from the Department of Permitting Services (DPS). At the MPDU Agreement to Build stage, DHCA must approve the final MPDU locations, layouts, and bedroom mix.

Division of Housing

Affordable Housing

Multifamily Housing

1401 Rockville Pike, 4th Floor • Rockville, Maryland 20852 • 240-777-0311 • 240-777-3691 FAX • www.montgomerycountymd.gov/dhca

Attachment C

Sincerely,

A handwritten signature in blue ink that reads "Maggie Gallagher". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

Maggie Gallagher, Program Manager I
Affordable Housing Programs Section

October 7, 2025

Mr. Robert Engel
Lenhart Traffic Consulting, Inc.
645 Baltimore Annapolis Blvd
Severna Park, MD 21146

Dear Mr. Engel:

Thank you for the opportunity to review the Fifth (5th) Vehicular Analysis prepared by Lenhart Traffic Consulting, Inc., received on September 11, 2025, for the Wheaton Gateway development (SHA Tracking # 24APMO013XX) in Prince George's County, Maryland. The State Highway Administration (SHA) review is complete, and we are pleased to respond.

- Proposed access to the 800 multifamily units, 16,700 sq-ft day care center, and 38,300 sq-ft of retail space is via two (2) right-in-right-out access points along MD 586, one (1) right-in-right-out access along MD 193, and one (1) site access point along East Avenue.
- The following intersections were analyzed under existing, background and future conditions:
 1. MD 193 (University Boulevard) & East Avenue
 2. MD 193 (University Boulevard) & Site Access
 3. MD 586 (Veirs Mill Road) & Site Access
 4. MD 586 (Veirs Mill Road) & Site Access
 5. MD 586 (Veirs Mill Road) & MD 193 (University Boulevard)
 6. MD 586 (Veirs Mill Road) & Reddie Drive
- The report concludes that all intersections operate at a LOS "D" or better, and within the previously established requirements of the Wheaton CBD Policy Area.

Based on the information provided, please address the following comments in a point-by-point response:

Mr. Robert Engel
SHA Tracking No.: 24APMO013XX
Page 2 of 3
October 7, 2025

District 3 Traffic Comments (by Alvin Powell):

1. We defer to SHA TFAD on issues related to trip generation and trip distribution. We do note the following.
 - a. We note that the trip generation used in the model has been updated to utilize the new edition of the ITE Trip Generation Manual –12th Edition. Some errors are noted in the report where reference is still made to the old version of the manual, the 11th Edition instead of the current edition. Please review Exhibits 5a and 5b which are based on the 12th Edition but still reference the 11th Edition.
 - b. We note that the LATR adjustment factors used in the report for the Wheaton CBD policy area for different land use cases do not match the values provided in LATR guidelines. Please clarify.

If you have any questions, please contact Alvin Powell at apowell@primeeng.com.

The SHA concurs with the report findings for this project as currently proposed and will not require the submission of any additional traffic analyses. However, an access permit will be required for all construction within the SHA right of way. Please submit one (1) set of the proposed improvement plans (including a set of hydraulic plans and computations) and all supporting documentation to our online submission page <https://mdotsha.my.site.com/accesspermit/>. Please reference the SHA tracking number on any future submissions. Please keep in mind that you can view the reviewer and project status via SHA Access Management Division web page at <http://www.roads.maryland.gov/pages/amd.aspx>. Please note, if this project has not obtained an SHA access permit and begun construction of the required improvements within five (5) years of this approval, extension of the permit shall be subject to the submission of an updated traffic impact analysis in order for SHA to determine whether the proposed improvements remain valid or if additional improvements will be required of the development. If you have any questions, or require additional information, please contact Mr. Kwesi Woodroffe at 301-513-7347, by using our toll free number (in Maryland only) at 1-800-749-0737 (x7347), or via email at KWoodroffe@mdot.maryland.gov.

Sincerely,

Kwesi Woodroffe

for Derek Gunn, P.E.
District Engineer, SHA District 3

Mr. Robert Engel
SHA Tracking No.: 24APMO013XX
Page 3 of 3
October 7, 2025

DG/ym

cc: Alvin Powell, SHA – D3 Traffic
Kwesi Woodroffe, SHA – Access Management Regional Engineer, District 3
Jonathan Brown, SHA – D3 Traffic
Rebecca Torma, MoCo MCDOT – Manager
Richard Brockmyer, MoCo Planning Department – Transportation Planner III
Randall Scott, SHA – D3 Traffic

Attachment C



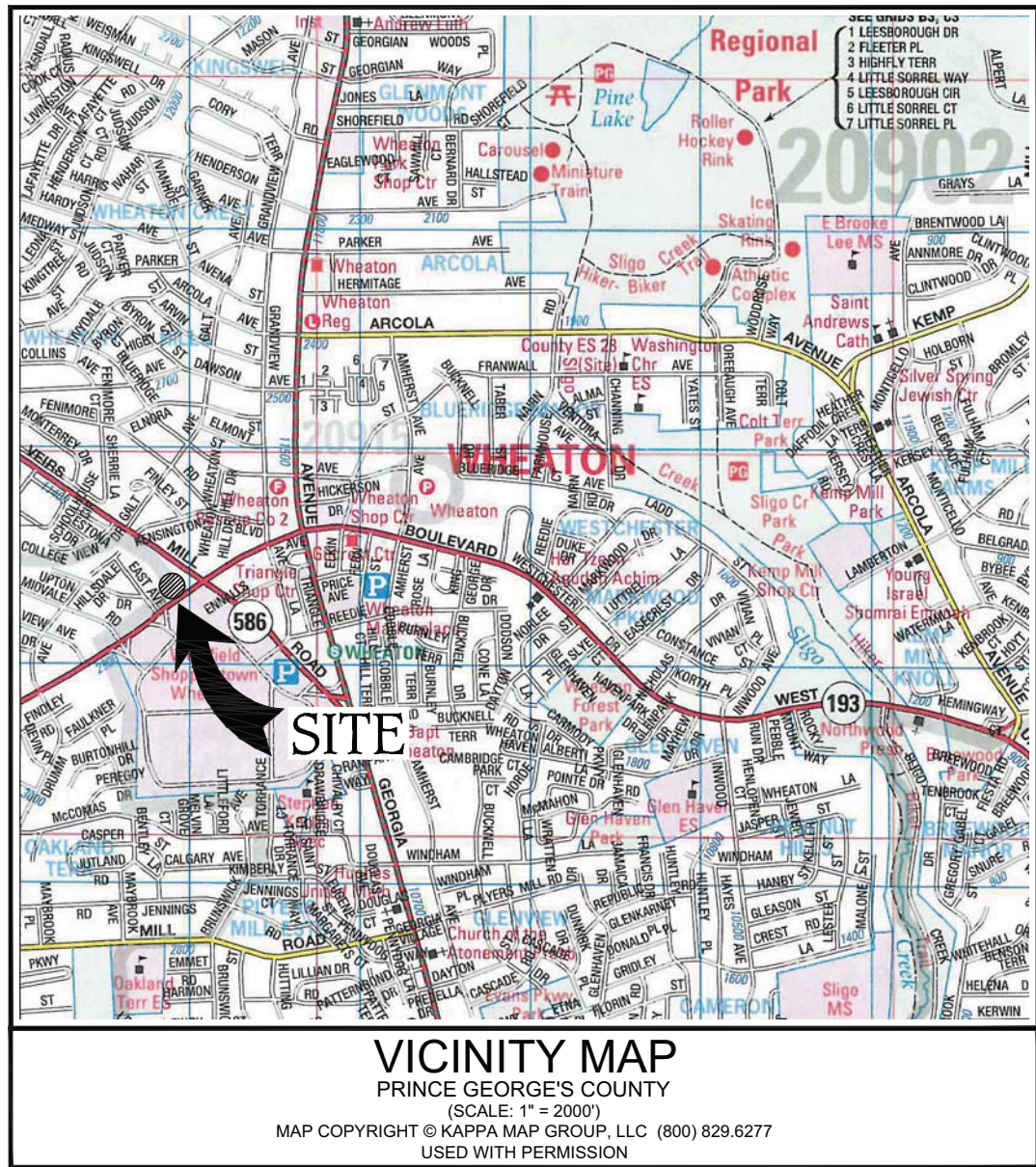
Department of Permitting Services
Fire Department Access and Water Supply Comments

DATE: 17-Oct-25
TO: Haitham A. Hijazi
Charles P Johnson & Associates
FROM: Marie LaBaw
RE: Wheaton Gateway
820240150

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **17-Oct-25** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

***** Applicant shall submit fire lane order for legal recordation when new private street is named and address numbers are assigned to new buildings *****



LEGEND

- BOUNDARY LINE
- PROPOSED PAVEMENT
- PROPOSED SIDEWALK
- FIRE DEPARTMENT ACCESS ROAD
- STORMWATER MANAGEMENT FACILITY
- PLAY SURFACE GROUND COVER
- PROPOSED LOBBIES
- PROPOSED INGRESS
- FIRE FIGHTER ROUTE
- EXISTING FIRE HYDRANT
- PROPOSED FIRE HYDRANT
- EXISTING WATER LINE
- EXISTING SEWER LINE
- PROPOSED WATER LINE
- PROPOSED SEWER LINE
- PROPOSED STORM DRAIN

NOTES:

- NO SIGNIFICANT PLANTINGS ALLOWED ON ANY AREAS WITH MOUNTABLE CURB AND GRASS PAVERS.
- WHERE UTILIZED, ANY ALTERNATE SURFACE PAVING SYSTEM (STAMPED CONCRETE) WILL BE DESIGNED TO SUPPORT A FIRE DEPARTMENT APPARATUS OF NO LESS THAN 85,000 lbs.

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

LICENSE NUMBER: 19199
EXPIRATION DATE: 07/16/2027

30/15/2025
SHARON ANN YINGER
Professional Engineer
No. 19199
State of Maryland

UPDATES/REVISIONS:

REV 1	3/14/2022	REVISIONS TO ADDRESS DRC COMMENTS
REV 2	7/30/2025	REVISIONS FOR PRELIMINARY PLAN/ SITE PLAN UPDATES
REV 3	9/11/2025	REVISIONS TO ADDRESS FDC COMMENTS
REV 4	10/13/2025	REVISIONS TO ADDRESS FDC COMMENTS
REV 5	10/14/2025	REVISIONS TO ADDRESS FDC COMMENTS
REV 6	10/15/2025	REVISIONS TO ADDRESS FDC COMMENTS

FIRE CODE ENFORCEMENT

Fire Department Access Review

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.

BY: S.M.C. PM: DPS DATE: 10/17/2025

FIRE CODE ENFORCEMENT

Fire Department Access Review

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.

BY: _____ PM: _____ DATE: _____

FIRE ACCESS PLAN

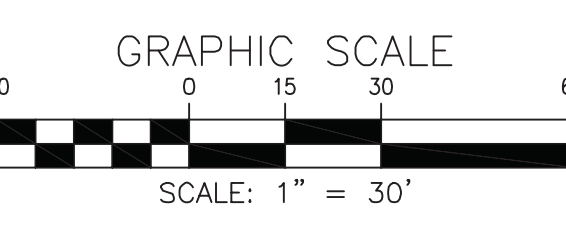
WHEATON GATEWAY
4th DISTRICT
MONTGOMERY COUNTY, MD

CPJ Charles P. Johnson & Associates, Inc.
Civil and Environmental Engineers • Planners • Landscape Architects • Surveyors
1751 Elton Rd., Ste. 300 Silver Spring, MD 20903 301-434-7000 Fax: 301-434-9594
www.cpj.com • Silver Spring, MD • Annapolis, MD • Greenbelt, MD • Frederick, MD • Fairfax, VA

CLIENT: RDC at 1150 Veirs Mill Road, LLC 1800 Davis Avenue Kensington, MD 20895	WISC GRID: 245W035 DESIGN: ATX DRAFT: BB DATE: JAN. 2025 SCALE: AS SHOWN	TAX MAP: SHEET 1 OF 2 FILE NO.: 2018-1012-45.0 D
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An on-site pre-construction meeting is required to be set up with the Department of Permitting Services (DPS), Zoning & Site Plan Enforcement Division before any building construction activity occurs on-site. The owner or his designee who has signature authority, and general contractor must attend the pre-construction meeting with the DPS Site Plan Enforcement inspector. A copy of the Certified Site Plan is required to be on-site at all times. To schedule a Site Plan inspection with DPS, Zoning and Code Compliance Section (ZCCS), please contact Brian Keeler, 240-581-4485.





**TORTI
GALLAS +
PARTNERS**

WHEATON GATEWAY | WHEATON, MD

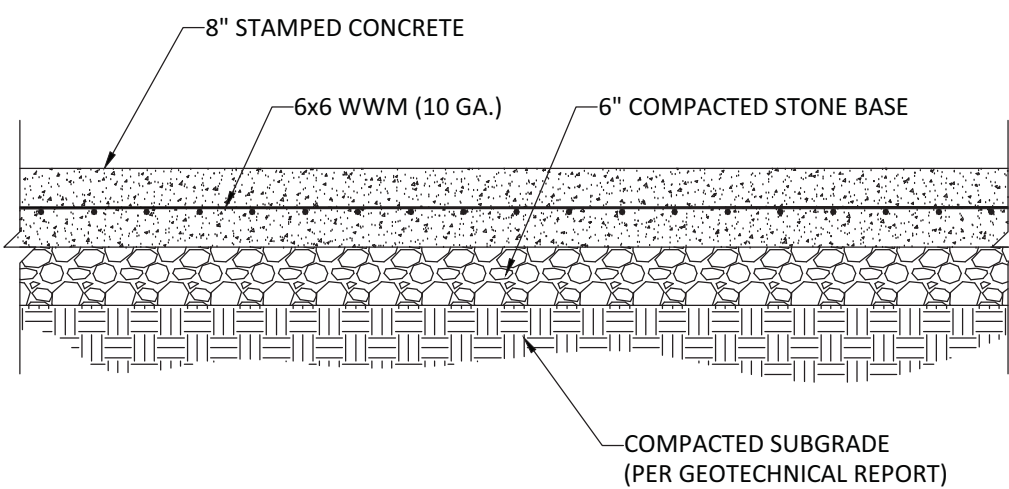
PERSPECTIVE SHOWING 3-HOUR RATED CONCRETE WALL CONDITION



MOUNTABLE TRUCK APRON EXAMPLE

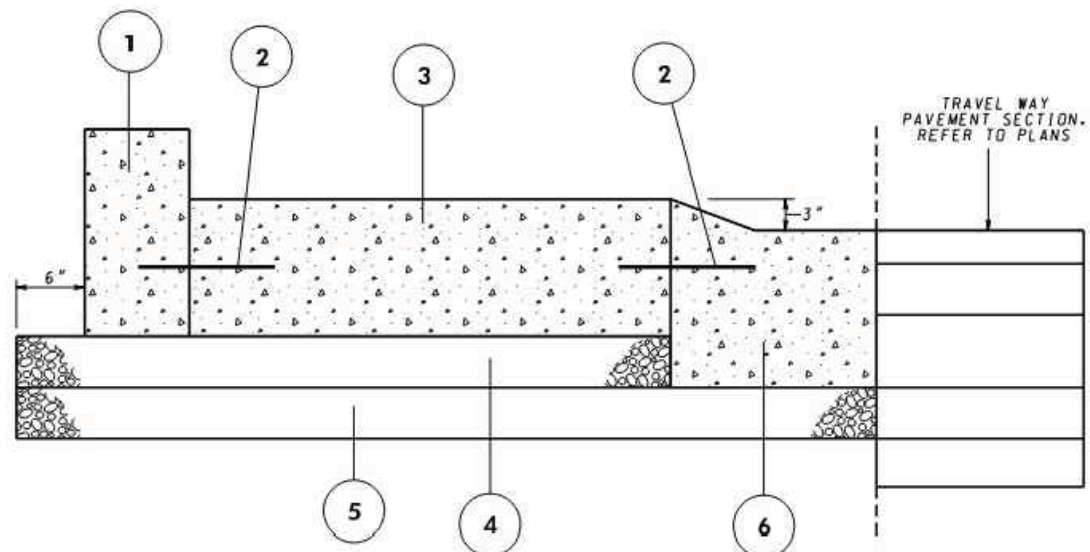
NTS

An on-site pre-construction meeting is required to be set up with the Department of Permitting Services (DPS), Zoning & Site Plan Enforcement Division before any building construction activity occurs on-site. The owner or his designee who has signature authority, and general contractor must attend the pre-construction meeting with the DPS Site Plan Enforcement inspector. A copy of the Certified Site Plan is required to be on-site at all times. To schedule a Site Plan inspection with DPS, Zoning and Code Compliance Section (ZCCS), please contact Brian Keeler, 240-581-4485.



- NOTES:
1. THIS SECTION WAS PREPARED WITHOUT THE BENEFIT OF A GEOTECHNICAL REPORT. FINAL SECTION & SIZES TO BE DETERMINED BY A GEOTECHNICAL ENGINEER.
 2. EXPANSION JOINTS 1/2\"/>

VEHICULAR STAMPED CONCRETE
DETAIL



1. CONCRETE CURB TYPE A1 REFER TO STD. NO 402-02
2. UNUSUAL TIE DEVICES REFER TO STD. NO 512-01
3. 8\"/>
4. 6\"/>
5. 4\"/>
6. TYPE \"C\" COMBINATION CURB AND GUTTER REFER TO STD. NO 402-02-01

TRUCK APRON WITH MOUNTABLE CURB DETAIL

NTS

**VEHICULAR COMPREHENSIVE
STRENGTH**

Mix No.	28 Day Specified Compressive Strength
1	2500
2	3000
3	3500
4	3500
5	3500
6	4500
7	4200
8	4000
9	3000 (24 hrs)
10	4500
11	4200
12	4200

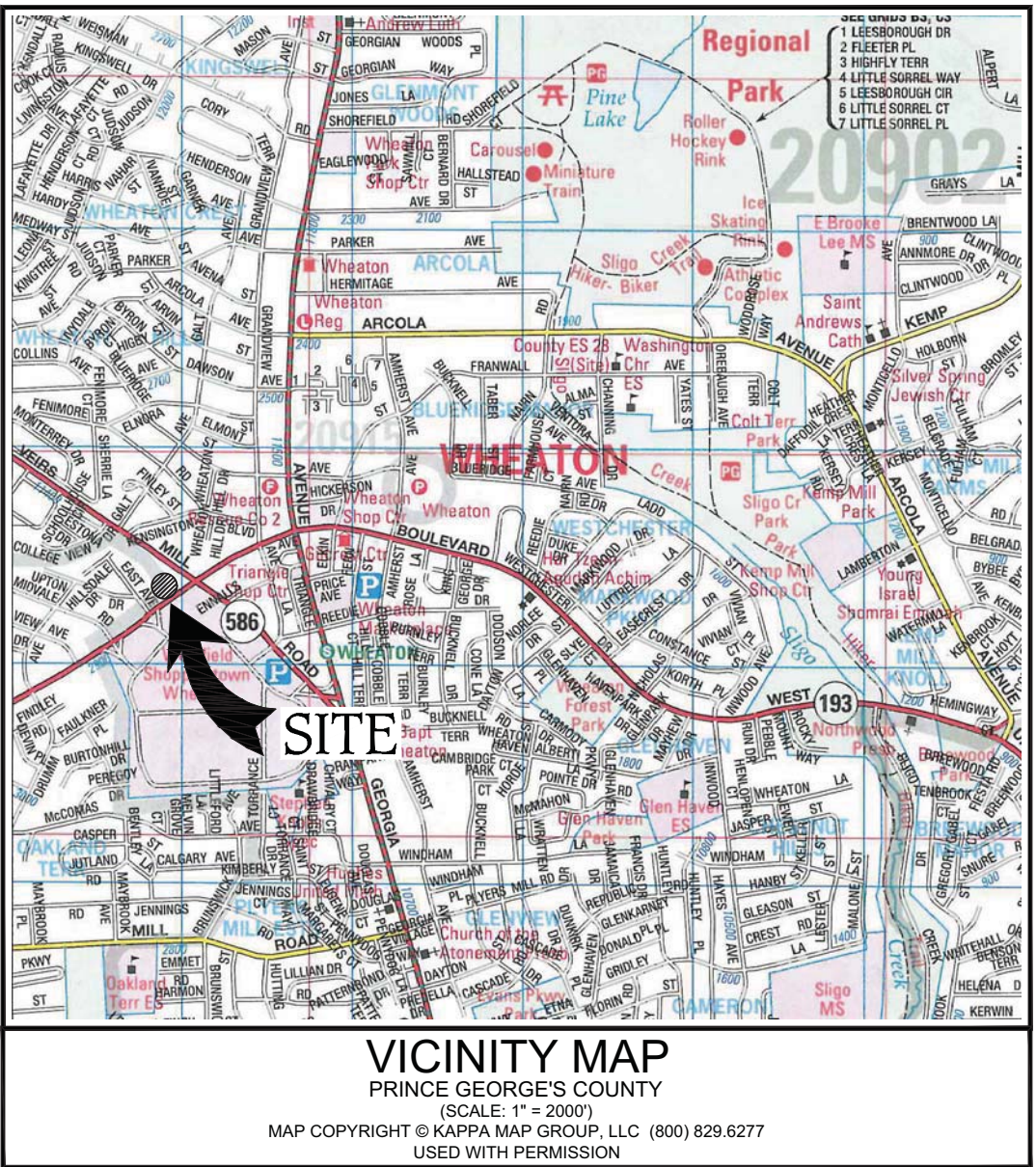
Given:
Force Applied by Fire Truck = 85 Kips = 85,000 lbf
Tire Contact Area per AASHTO H-25 Loading = 9 inch by 9 inch = 81 square inches
Find:
Compressive Force of Tire = 85000 lbf/81 square inches = 1,049 psi
Compressive Strength of SHA Mix 7 Concrete = 4,200 psi
Safety Factor = Compressive Strength of Concrete / Compressive Force of Tire = 4,200 psi /1,049 psi = 4.00
Solution:
The design force of the concrete has a factor of safety of 4.00 above the applied load of the tire. Therefore, the concrete proposed can sustain the loading of the fire truck.
The concrete section supplied on this plan, including subgrade, shall be capable of bearing MCFSR apparatus weighing 85,000 lbs or less.

FIRE CODE ENFORCEMENT

Fire Department Access Review

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.

BY: _____ PM: _____ DATE: _____



FIRE CODE ENFORCEMENT

Fire Department Access Review

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.

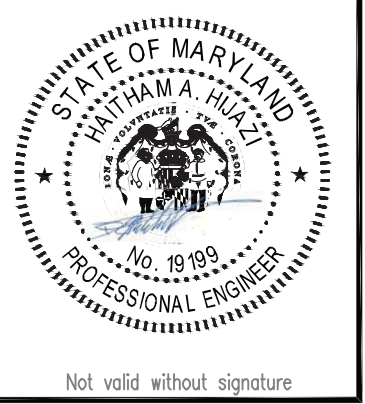
BY: *SAC* PM: *DPS* DATE: *10/17/2025*

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

LICENSE NUMBER : 19199

EXPIRATION DATE : 07/16/2027



UPDATES/REVISIONS:	
REV 1	3/14/2022 - REVISIONS TO ADDRESS DPC COMMENTS
REV 2	7/30/2025 - REVISIONS FOR PRELIMINARY PLAN/ SITE PLAN UPDATES
REV 3	9/11/2025 - REVISIONS TO ADDRESS FDA COMMENTS
REV 4	10/13/2025 - REVISIONS TO ADDRESS FDA COMMENTS
REV 5	10/14/2025 - REVISIONS TO ADDRESS FDA COMMENTS
REV 6	10/15/2025 - REVISIONS TO ADDRESS FDA COMMENTS

FIRE ACCESS PLAN

WHEATON GATEWAY
4th DISTRICT
MONTGOMERY COUNTY, MD

CPJ Associates Charles P. Johnson & Associates, Inc.
Civil and Environmental Engineers • Planners • Landscape Architects • Surveyors
1751 Elton Rd., Ste. 300 Silver Spring, MD 20903 301-434-7000 Fax: 301-434-9594
www.cpja.com • Silver Spring, MD • Annapolis, MD • Greenbelt, MD • Frederick, MD • Fairfax, VA

CLIENT : HOC at 11250 Veirs Mill Road, LLC 10400 Detrick Avenue Kensington, MD, 20895	WSSC GRID: 245W03		TAX MAP:	
	DESIGN ATS	SHEET 2		OF 2
	DRAFT BB	FILE NO:		
	DATE JAN. 2025			
COPYRIGHT © LATEST DATE HEREON CHARLES P. JOHNSON & ASSOCIATES, INC. ALL RIGHTS RESERVED. UNAUTHORIZED USE OR REPRODUCTION IS PROHIBITED.	SCALE AS SHOWN	2018-1012-45.0 D		

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Attachment C



MONTGOMERY COUNTY FIRE AND RESCUE SERVICE

Date: 09/18/2025

Fire Lane Establishment Order

Pursuant to Section 22-33, Montgomery County Code, 1971, as amended, you are hereby notified that a Fire Lane has been established as described in this order. You are hereby ordered to post fire lane signs and paint curbs/pavement as identified below. When signs or paint work has been completed, this order will authorize the enforcement of this Fire Lane by appropriate police or fire officials. Compliance with this order must be achieved within 30 days of receipt when any of the following conditions are met:

- One or more structures addressed from the subject road are occupied;
- The road or accessway is available for use and at least one building permit for an address on the subject road has been issued; or
- The road or accessway is necessary fire department access.

LOCATION: Wheaton Gateway - Veirs Mill Road, University Boulevard West,
East Avenue, and Private Street (not yet named).

Delineate all areas where indicated by signs and/or paint.

☒ **SIGNS** -- (See attached diagram for location of sign placement)



(Red letters on white background)

Signs must be posted so that it is not possible to park a vehicle without being in sight of a sign. Signs may be no further apart than 100 feet.

☐ **PAINT** -- (See attached diagram when painting is required)

Paint must be traffic yellow with lines of sufficient width to be readily identifiable/readable by motor vehicle operators.

Signature of Order Writer/I.D. #

Cc: Fire Code Enforcement Section
Attachment: Fire Lane Diagram

Attachment C

2

FIRE LANE ESTABLISHMENT FORM

BUILDING OR SUBDIVISION NAME: Wheaton Gateway

FIRE LANE LOCATION/ADDRESS: Private street (not yet named) between Veirs Mill Road
and East Avenue

See attached drawing for designated fire lanes:

I have received the drawing and instructions for installing the designated fire lanes on property not owned by state or local government.

NAME AND TITLE OF PROPERTY REPRESENTATIVE President/Executive Director of the Housing Opportunities Commission of Montgomery County, as the sole member of HOC at Wheaton Gateway, LLC, the manager of Wheaton Gateway, LLC, the manager of Wheaton Venture, LLC, the sole member of HOC at 11250 Veirs Mill Road, LLC

NAME: Chelsea J. Andrews TITLE: _____

SIGNATURE: *Chelsea J. Andrews*

PHONE: 240-627-9421 DATE: 10 / 07 / 2025

ADDRESS (where processed order will be mailed):

The designated fire lanes are the minimum necessary for fire/rescue access and are in accordance with Section 22-33 of the Fire Safety Code.

NAME: _____ SIGNATURE: _____

STA.#: _____ I.D.#: _____ DATE: _____

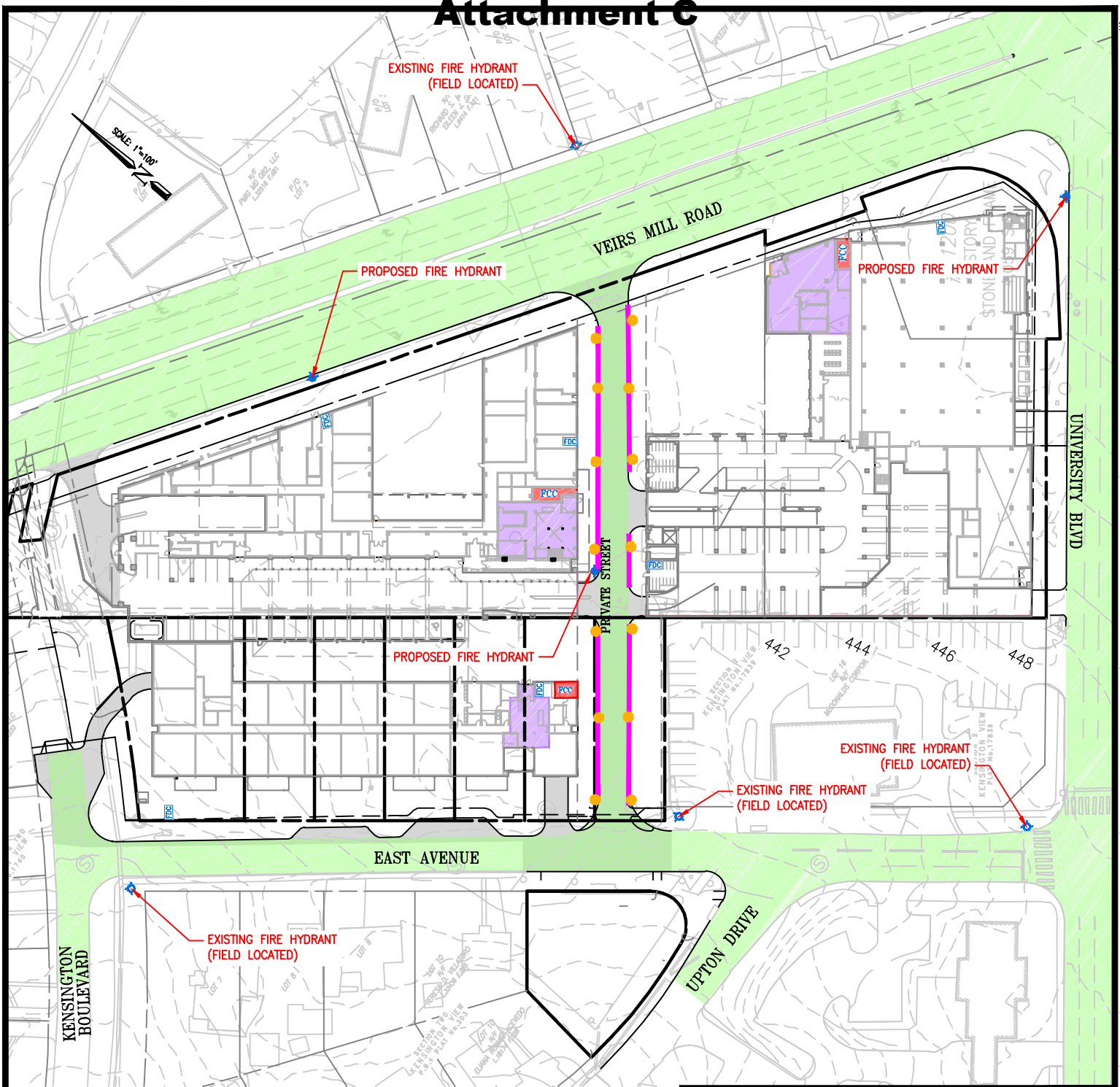
Comments: _____

Fire Lane Installed Per Order

NAME: _____ DATE: _____

0092N/23

Attachment C



FIRE LANE ORDER EXHIBIT

WHEATON GATEWAY 4th DISTRICT MONTGOMERY COUNTY, MD

CPJ Charles P. Johnson & Associates, Inc.
Civil and Environmental Engineers • Planners • Landscape Architects • Surveyors
1751 Elton Rd., Ste. 300 Silver Spring, MD 20903 301-434-7000 Fax: 301-434-9394
www.cpj.com • Silver Spring, MD • Annapolis, MD • Greenbelt, MD • Frederick, MD • Fairfax, VA

CLIENT: HOC at 1250 Veirs Mill Road, LLC
10400 Detrick Avenue
Kensington, MD 20895

PRELIMINARY PLAN NO: 26ANW03 SITE PLAN NO:

DESIGN: ATS SHEET 1 OF 1

DRAFT: CJS

DATE: JUL, 2025

SCALE: AS SHOWN FILE NO: 2018-1012-45.0 D

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Attachment C

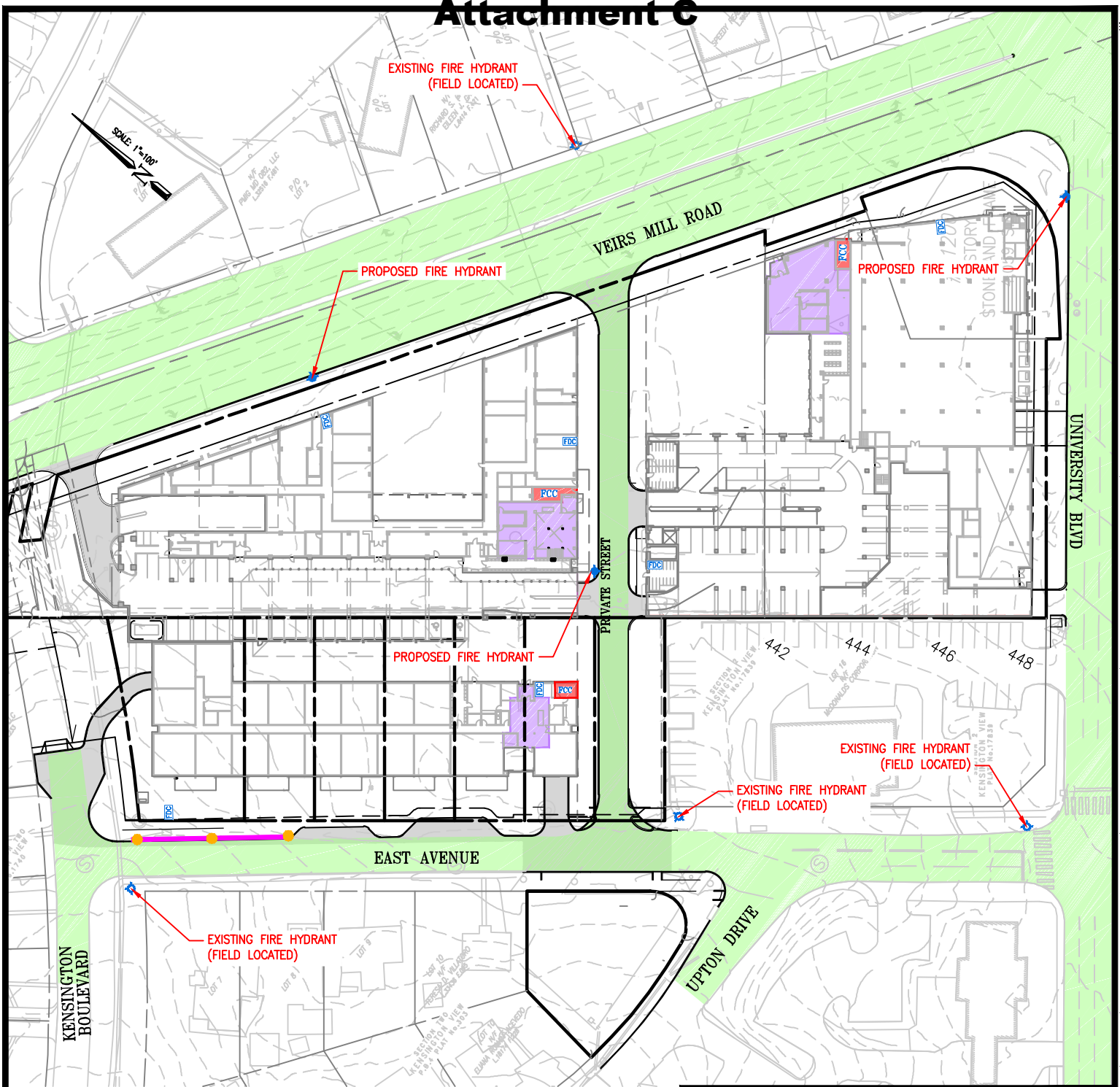
WHEATON GATEWAY – TRAFFIC ORDER

No parking areas as shown on the Fire Lane Order Exhibit.

Limits of “No Parking Any Time” Regulations on public county streets surrounding the Wheaton Gateway project are:

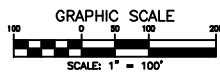
1. East Avenue, no parking on west side – from Kensington Blvd to Upton Street to University Blvd
2. East Avenue, no parking on east side – for 140’ from Kensington Blvd (till parallel parking bays); then from garage entrance to University Blvd
3. Upton Drive – No parking either side from East Avenue to entrance to bank property (approx. 110’)
4. Kensington Blvd, no parking both sides – east of East Avenue

Attachment C



KEY

- FIRE LANE NO PARKING ZONE [NOT PAINTED]
- LOCATION OF FIRE LANE SIGNAGE
- EX. FIRE HYDRANT
- PROP. FIRE HYDRANT



TRAFFIC ORDER EXHIBIT

WHEATON GATEWAY

4th DISTRICT
MONTGOMERY COUNTY, MD

CPJ Charles P. Johnson & Associates, Inc.
Civil and Environmental Engineers • Planners • Landscape Architects • Surveyors
1751 Elton Rd., Ste. 300 Silver Spring, MD 20903 301-434-7000 Fax: 301-434-9394
www.cpj.com • Silver Spring, MD • Annapolis, MD • Greenbelt, MD • Frederick, MD • Fairfax, VA

CLIENT: HOC at 1250 Veirs Mill Road, LLC
10400 Detrick Avenue
Kensington, MD 20895

PRELIMINARY PLAN NO: 26ANW03 SITE PLAN NO:

DESIGN ATS SHEET 1 OF 1

DRAFT CJS

DATE JUL, 2025 FILE NO:

SCALE AS SHOWN 2018-1012-45.0 D

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Attachment D

From: [Greg Tucker](#)
To: [Leftwich, Troy](#); [ELEANOR DUCKETT](#); [Kaydee Didone](#); [Sylvia Didone](#); [Jim Heins](#); [Jen Levine](#); [Tom Martin](#); [Jonathan Lubetsky](#); [Jessica Lubetsky](#); [Bob & Judy Simms](#); [Liz Sheard Quinn](#)
Cc: [Mencarini, Katherine](#)
Subject: RE: Wheaton Gateway 120240120 & 820240150
Date: Friday, November 7, 2025 7:41:24 AM

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Troy, appreciate the information. Honestly, our community is at a loss with this process. We completely understand the process requirements, what conditions trigger further reporting, testing or engineering. The reality with the project lies in adding 700+ residential units on this property defies common sense.

- Old community, older design
- Narrow residential streets
- Narrow state roads, currently overused
- Extreme congestion today
- Further unsafe conditions

Our community supports the development and improvement of the property. As proposed is presents a very negative outcome for a small community of homes with dead-end streets. It could be extremely helpful for all parties with an interest in this project visit the site/area multiple times, on different days (weekday V weekend) and view from a personal perspective the traffic, conditions, potential hazards and see the potential impact this elephant could have on our community.

As we look forward, we have the Mall in flux with its lender in control and a potential buyer. What are their plans, malls are becoming a thing of the past as we know them. What development requests will come from this asset in the future to further impact this immediate area. More residential? Developers do not invest in an area, county or city without some insight to regulations and a plan to produce an ROI, strategies and considerations that planning simply do not take into consideration.

Thank you for your attention to our concerns.

Greg

Greg Tucker

Live Each Day as if it is Your Last!

Attachment E

Wheaton Gateway Pre-submission Community Meeting for Preliminary and Site Plan Meeting Minutes

Date: October 7, 2024

Time: 7-8:40 p.m.

Location: 2425 Reddie Drive and Virtual Meeting Option

The Wheaton Gateway Team consisting of PS Ventures, Lerch, Early & Brewer, CPJ Associates, Torit Gallas + Partners, The Duffie Companies, Willco and HOC held a hybrid pre-submission community meeting for the proposed Wheaton Gateway development on October 7, 2024. The meeting was held at the M-NCPPC headquarters at 2425 Reddie Drive, Wheaton and concurrently via Zoom Webinar with the ability to ask questions via the Question-and-Answer function of the platform.

The meeting included the following attendance:

11 in-person attendees

19 online attendees

The following representative of the development team attended the meeting:

Shane Pollin, PS Ventures

Goyer Roberts, PS Ventures

Will Comb, PS Venture

Christopher Ruhlen, Lerch, Early & Brewer

Krista Brick, Maier & Warner PR

Anne Pandolfi, Maier & Warner, PR

Accommodations:

Closed captioning available

Question and Answer enabled for online participation

Recorded and uploaded to YouTube for Spanish translation options

Uploaded recording to the Wheaton Gateway website

The meeting began at approximately 7:20 p.m. Goyer Roberts introduced himself and welcomed attendees. Mr. Roberts shared his presentation both on auditorium screens and via the zoom screen share function for the virtual attendees. Mr. Roberts provided an update of the project including virtual 3-D modeling of the site.

His presentation included a number of topics including the following overview:

- I. The Wheaton Gateway team held this additional community meeting because while pre-submission meeting was already completed, the team needed to file the preliminary plan and site plan application with a 90-day window from that meeting and needed additional time to finalize that submission and therefore needed to reset that 90-day clock.

Attachment E

- II. A previously scheduled community meeting was cancelled in July because we needed to address additional staff comments on Complete Streets policy.
- III. The project has increased its sitewide affordability from 30 percent to 40 percent.
- IV. The project, which proposes a modern, energy-efficient mixed-use development that will include new mixed-income residential housing including, ground-floor commercial space, and amenities for residents, visitors, and the general public. With a goal of Passive House Institute standards, the highest of sustainable targets.
- V. The project process started in 2019 with a visioning process with the community. In 2020 the Ambassador hotel was demolished, and the concept plan evolved. In 2022 the project advanced to the sketch plan approval. The architectural procurement process ensured.
- VI. The project has two phases and three buildings. Between phases the interim phase will include open temporary green space at the corner of Veirs Mill Road and University Boulevard.
- VII. Goyer shared representative facades and outdoor amenity spaces via a 3D presentation.
- VIII. The project unit count included 333 units in Section 1, 103 in Section two and 364 units in Section 3 with a mix of four bedroom to studio apartments.
- IX. The project is currently in the sketch plan amendment/preliminary subdivision/site plan stage through Q4 2025. Permitting is expected to continue through Q4 2026. Construction is expected to begin in Q1/Q2 2027 and complete Phase 1 of the project in about 36 months.

After Mr. Goyer's presentation the team invited questions from the audience. In addition to questions posed to the team in person, Krista Brick read questions to the team typed into the QA zoom functions. Representative questions and comments that were address in this meeting included but were not limited to the following:

How many more units are in this updated plan?

The applicant explained a net increase of ten (10) total units from the presentations made to the public in the past. However, the total unit count does not go above the 800-unit density threshold previously communicated.

How has the height changed in the buildings?

The application explained that previously the project had a maximum height for Phase 1, Section 1 of 124 feet. The new plan increases that height to 136 feet; a one-story increase from 11 to 12 stories. The height of Phase 2, Section 3 increased from 154 feet to 157 feet, an

Attachment E

increase of one story in height from 13 to 14 stories. The height of Phase 1, Section 2 has an allowable increase from 59 feet to 71 feet, however the Wheaton Gateway team elected not to exercise that increased allowable building height, leaving that building at six stories.

What are the next steps?

The applicant reviewed next steps to include submission of the preliminary plan of subdivision, site plan and an amendment to the sketch plan.

What are the plans for utility undergrounding?

The applicant stated that the project fronts on University Boulevard and Veirs Mill Road. Utility lines on University Boulevard are regional transmission lines. The Wheaton Gateway team recognizing the impact of the powerlines along Veirs Mill Road, stated that while undergrounding utility lines is not a requirement of the project has agreed to bury the lines along the south side of Veirs Mill Road across to University Boulevard and continues to work with county staff on this issue.

What types of vehicular traffic studies have been completed for the project? Is there a requirement to study vehicular traffic on East Avenue?

The applicant stated that the Wheaton Gateway intends to do studies as required by the County and State. The applicant said that by virtue of the project's location in a Red Policy Planning area (near METRO transit), the project is not required to do a comprehensive vehicular study on East Avenue.

How many other developments in Montgomery County have a similar mix of affordable units?

The applicant explained that all new communities in Montgomery County must abide by the county's MDPU requirements. Another Montgomery County Housing Opportunities Commission project called Hillandale Gateway in Silver Spring has 55 percent of its units classified as mixed income and 45 percent classified as market rate units. The Montgomery County Housing Opportunities Commission is responsible for the blend of affordable units in both the Wheaton Gateway and Hillandale project.

What types of retailers are planned for the development?

The applicant shared that a preschool is in discussions for the first phase of the project, but nothing has been finalized. The applicant intends to look at future retailers to take an all-electric, sustainable approach to their businesses.

Will the project have an age-restricted building?

The applicants stated that they have anticipated a senior-living building the project, however at this point there is no intent to submit this restriction via the approval process in the event that demographic shift no longer makes an age-restricted building viable.

What are the ingress and egress opportunities at the site?

Attachment E

The applicant plans to create a new street between Veirs Mill Road and East Avenue to provide vehicular circulation within the site as envisioned by the Wheaton Sector Plan. Primary access to the site is designed via University Boulevard and Veirs Mill Road and reflect consideration of traffic impact to the adjacent community and will satisfy applicable design standards for transportation-related elements. The project does not propose any changes that would open Kensington Boulevard to Upton Drive. There is also no vehicular connection designated between Kensington Boulevard and Veirs Mill Road.

Will this project comply with the Complete Streets Design Guide?

The applicant explained that the Montgomery County Complete Streets Design Guide approved in May 2024 is a guide for designing roads and multi-modal transportation opportunities in Montgomery County. While the Wheaton Gateway project team does not believe that the project is subject to the guide, the applicant is nonetheless working with Montgomery County Planning to progress the project to closely align with the guidelines.

What will happen at the corner of Veirs Mill Road and University Boulevard during construction timeline?

The applicant suggested the team's priority is looking to demolish the current below-grade parking structure without impacting the structural integrity of the surrounding buildings and structures. The applicant said the team is also looking at beautification and programmatic opportunities after the garage demolition investigation is complete.

The meeting concluded: 8:40 p.m. A recording of the presentation is available on the project website (www.wheatongateway.com).

The meeting minutes were prepared by Krista Brick.

Christopher M. Ruhlen
Attorney
301-841-3834
cmruhlen@lerchearly.com

September 20, 2024

RE: Wheaton Gateway
Sketch Plan Amendment, Preliminary Plan and Site Plan Applications
Pre-Submission Community Meeting

Dear Neighbor:

PS Ventures, LLC cordially invites you to attend a pre-submission meeting to review the proposed Sketch Plan Amendment, Preliminary Plan and Site Plan for the redevelopment of 5.16 acres of land near the intersection of University Boulevard and Veirs Mill Road in Wheaton, Maryland. Details for the in-person meeting are as follows:

Date: October 7, 2024
Time: 7:00 PM
Location: Maryland-National Capital Park & Planning Commission (M-NCPPC)
Auditorium
2425 Reedie Drive
Wheaton, MD 20902

The meeting also will be available for attendance virtually. Please visit www.wheatongateway.com, where virtual meeting log-in details will be posted. (Para conseguir información adicional sobre este proyecto y una futura reunión, visite nuestro sitio web: www.wheatongateway.com.)

At this meeting, representatives of the project team will discuss the proposal and answer any questions about the redevelopment of the overall site, which is currently home to the Lindsay Ford dealership, the former Mattress Firm (which has now been demolished), and the former Ambassador hotel (which has now been demolished). More specifically, the site includes the following properties in the Commercial Residential, Commercial Residential Neighborhood, and Residential-60 (R-60) zones:¹

1. 11200 Veirs Mill Road (*i.e.*, Lot P1, Block C, Triangle Park subdivision);
2. 11250 Veirs Mill Road (*i.e.*, Parcel P282, Hermitage subdivision);
3. 11217 - 11227 East Avenue (*i.e.*, Lots 7-13, Block F, Kensington View subdivision);

¹ The specific zoning designations for the applicable Commercial Residential and Commercial Residential Neighborhood zones are: (i) CR-3.0, C-2.5, R-2.5, H-10; (ii) CR-5.0, C-4.5, R-4.5, H-130; and (iii) CRN-1.5, C-0.25, R-1.5, H-45).

4. 2715 University Boulevard (*i.e.*, Lot 2, Block C, Triangle Park subdivision); and
5. Lot 1 Upton Drive (*i.e.*, Lot 1, Block J, Kensington View subdivision).

For these properties, Wheaton Gateway, LLC (the “Applicant”) is proposing a vibrant, new mixed-use development that will feature mixed-income, multi-family housing and new commercial spaces that incorporate the highest levels of sustainability. The project will be designed and eventually constructed in a number of phases over many years.

Since the previous pre-submission community meeting for the Site Plan and Preliminary Plan applications on March 11, 2024, the Applicant has adjusted the proposed minimum percentage of affordable housing units to be provided in the project from 30% to 40%. As a result, the proposed plans have been refined to adjust the maximum density that is proposed for the overall project, as well as the maximum building heights for the development phases that will front on Veirs Mill Road and University Boulevard. No change is being proposed to the height of the building fronting on East Avenue. Combined, the project now will encompass a mix of up to 952,222 square feet of total development with up to 55,000 square feet of commercial use and up to 897,222 square feet of residential use (with up to 800 dwelling units including a minimum of 40% affordable units).

After the meeting date, Wheaton Gateway, LLC will be filing concurrent Sketch Plan Amendment, Preliminary Plan and Site Plan applications with the Montgomery County Planning Department of the Maryland-National Capital Park and Planning Commission. Once filed, the Planning Department will assign case numbers to the applications, which will allow for convenient tracking of the applications as they undergo Planning Department review. For more information about the development review process and opportunities to participate, please contact M-NCPPC at (301) 495-4610 or visit their website at www.montgomeryplanning.org.

We hope you can attend on October 7th and look forward to the opportunity to provide you with information about this project. If you have any questions, please feel free to contact me at 301-841-3834 or cmruhlen@lercheearly.com

Sincerely,



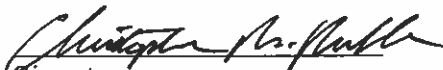
Christopher M. Ruhlen
Attorney for the Applicant

Attachment E

AFFIDAVIT OF COMMUNITY MEETING

I hereby certify that an in-person community meeting was held on October 7, 2024 at 7:00 pm in the auditorium at 2425 Reddie Drive in Wheaton, in advance of the filing of the Sketch Plan Amendment, Site Plan and Preliminary Plan applications for the Wheaton Gateway project located at 11200 and 11250 Veirs Mill Road, 2715 West University Boulevard, 11217-11227 East Avenue, and Lot 1 Upton Drive in Wheaton, Maryland. A virtual participation option was provided through the Zoom Meeting platform, with an optional dial-in number. The presentation materials were made available to the public for download on October 2, 2024, in advance of the meeting, on the previously advertised website.

I solemnly affirm that the said community meeting was held in accordance with applicable requirements of the Zoning Ordinance of Montgomery County, Maryland and Montgomery County Planning Board Regulation 12-23 (COMCOR No. 50/59.00.01) with respect to the administrative procedures for development review.

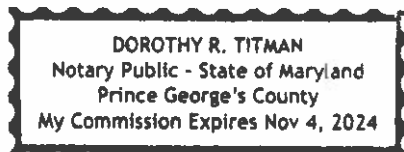

Signature

11/4/2024
Date

Christopher M. Ruhlen
Print Name

Attorney for Applicant
Title

Sworn and subscribed to before me this 4th day of November, 2024.




Signature of Notary Public

Dorothy R. Titman
Printed Name of Notary Public

My Commission Expires: 11-4-24

Attachment F



7600 Wisconsin Avenue, Suite 700 • Bethesda, MD 20814 • lercheearly.com

Christopher M. Ruhlen

Attorney

301-841-3834

cmruhlen@lercheearly.com

November 6, 2025

VIA ELECTRONIC DELIVERY

Troy Leftwich, Planner III
Midcounty Planning Division
Montgomery County Planning Department
2425 Reddie Drive
Wheaton, Maryland 20902
troy.leftwich@montgomeryplanning.org

RE: Wheaton Gateway – Validity Period for Adequate Public Facilities Determination
in connection with Preliminary Plan No. 120240120 (the “Preliminary Plan”)

Dear Mr. Leftwich:

On behalf of HOC at 11250 Viers Mill Road, LLC (the “Applicant”), we respectfully submit this request to the Montgomery County Planning Board for consideration of a seven (7) year validity period for the adequate public facilities determination (“APF Determination”) associated with the above-referenced Preliminary Plan. The requested validity period is within the permissible range that Section 50.4.3.J.5.a.iv of Chapter 50 of the Montgomery County Code (the “Subdivision Regulations”) establishes for APF Determinations associated with preliminary plans of subdivision approved after March 31, 2017.¹ However, based on both the scale of the proposed development and its associated phasing schedule, the Applicant anticipates that the requested validity period will provide a more realistic timeframe within which to obtain permits for the proposed development than would the otherwise applicable minimum period.

The Preliminary Plan is associated with a proposed mixed-use development known as Wheaton Gateway which, when complete, will provide new mixed-income residential housing targeting 40% affordable units site-wide, new ground floor commercial space, and new amenities for residents, visitors, and the general public (the “Project”). More specifically, the Project will provide up to 952,222 square feet of total gross floor area, with up to 897,222 square feet for residential uses (with up to 800 dwelling units including a minimum of 40% affordable units) and up to 55,000 square feet for commercial uses.

¹ Section 50.4.3.J.5.a.iv provides that a determination of adequate public facilities made in connection with a plan approved after March 31, 2017 is timely and remains valid for no less than five (5) and no more than ten (10) years after its initiation date.

Attachment F

Although the Applicant has designed and planned the Project as a singular concept, the Project will be constructed in three sections and delivered in two phases, in accordance with market demand. The precise construction schedule for the Project is difficult to ascertain with certainty, given that the overall pace of construction will depend on a variety of factors that are beyond the Applicant's control including overall economic and financing conditions and local housing market demand. However, the Applicant currently anticipates the following estimated timetable will be necessary for construction:

By or Before Year 5: Permits for up to 400 residential units

By Year 7: Permits for up to 400 additional residential units and up to 55,000 s.f. of commercial floor area

While the foregoing estimate is not intended to be binding, the Applicant currently anticipates that seven years represents the approximate timeframe that will be needed to obtain permits for both phases of the Project's construction. As such, granting the requested seven-year validity period for the Project's APF Determination will be consistent with, and not detrimental to, the public interest. The development proposed with the Preliminary Plan and its related applications advances various objectives of the January 2012 Approved and Adopted Wheaton CBD and Vicinity Sector Plan for the Property, as well as important County goals for the provision of new housing and affordable housing. Providing the Applicant with assurance at the outset that there will be sufficient time to complete the Project will be helpful in securing financing, as well as for the County's purposes in planning for capital improvements in the surrounding vicinity. Moreover, the requested validity period is comparable to other such determinations that the Planning Board has approved for large, multi-phase developments in the County, and otherwise is consistent with the intent of the Subdivision Regulations. The Subdivision Regulations implicitly recognize that larger development projects will take longer to complete than smaller developments and, therefore, provide flexibility for the Planning Board to determine appropriate validity periods on a case-by-case basis, within a permissible range of five to ten years.

For these reasons, we respectfully request a seven-year validity period for the APF Determination associated with the subject Preliminary Plan. We appreciate your consideration of this request.

Sincerely,



Christopher M. Ruhlen

cc: Mr. Alex Laurens
Mr. Shane Pollin
Mr. Goyer Roberts
Mr. Will Combs