

COMMUNICATION: PLANNING COMMISSION

MEMORANDUM TO: Mayor and City Council**FROM:** Planning Commission**DATE:** October 22, 2009**SUBJECT:** SDP-09-002 -- Woodfield Investments, LLC

Application for approval of a Schematic Development Plan (SDP), known as Residences at Hidden Creek (formerly The Summit shopping center), located in Parcel 1, The Summit, in Gaithersburg, Maryland. The plan proposes 300 multi-family dwelling units and up to 12,000 square feet of retail/amenity space in two 3-4.5-story buildings including a parking garage on 6.58 acres of land. The parcel is located in the northeast quadrant of Goshen Road and Girard Street at 559 Girard Street, in the MXD (Mixed Use Development) Zone, in Gaithersburg, Maryland.

At its regular meeting on October 21, 2009, the Planning Commission made the following motion:

Commissioner Levy moved, seconded by Commissioner Kaufman, to recommend Sketch Plan SDP-09-002, Residences at Hidden Creek, for APPROVAL to the Mayor and City Council, with the following conditions:

1. Future development of the site shall include up to 12,000 square feet of commercial-retail-office uses, of which no less than 4,000 square feet shall be leasable for commercial-retail-office and the balance may be used for the apartment management office and tenant amenities;
2. Future development of the site shall include up to 300 residential units in structures three to five stories in height;

Joint Hearing - MCC & PC
SDP-09-002
Exhibit #112

3. The Applicant shall construct Cedar Spring Street to its full two-way width, as shown on the schematic development plan, within 180 days of the issuance of the first building permit for a residential structure;
4. The Final Site Plan and Construction Stormwater Management Plans for this site shall be approved prior to May 4, 2010. The Applicant shall also make a contribution to the City not to exceed \$41,004.00 toward stream mitigation at the area of outfall, prior to the issuance of site development permits;
5. Prior to the submission of Final Site Plan, the Applicant shall submit letters affirming the applicant's ability to grade and construct improvements and obtain the necessary public right-of-way on Outlot C, Section Two, Woodwinds Park (Plat No. 9589). In the event that the Applicant does not obtain an easement on Outlot C, the Applicant shall submit an alternative plan without Outlot C as part of the Final Site Plan and amend the Schematic Development Plan, as necessary;
6. The Applicant shall obtain appropriate permits from Montgomery County Department of Public Works and Transportation for the portion of the Road Improvement Plan for Girard Street that intersects with Goshen prior to the issuance of the site development permit;
7. The Applicant is to complete the improvements for Girard Street prior to the approval of the final use and occupancy inspection of the residential units;
8. The Applicant shall coordinate with City staff and Montgomery County Ride-On to relocate the western bus stop and eastern bus shelter, currently located on Girard Street, and install a new bus shelter or provide funding not to exceed \$10,000.00 for the western stop; in addition, the applicant and the City need to coordinate adequate service to bus transportation during the construction, all prior to the issuance of the site development permit;
9. The Applicant shall comply with all conditions outlined in the July 15, 2009, letter to Trudy Schwarz from Gregory Leck, Development Review Team Manager of Montgomery County Department of Transportation (MCDOT) (Exhibit #42), and all conditions outlined in a

letter from Sam Farhadi, MCDOT Traffic Engineering & Operation, dated August 16, 2007, to Trudy Schwarz prior to the issuance of a site development permit;

10. The Applicant is to obtain all required/necessary grading easements from adjoining properties prior to Final Site Plan approval;
11. The Applicant is to participate in the Art in Public Places program prior to the release of bonds for the project; and
12. Prior to the approval of Final Site Plan, the Applicant shall confirm that the swimming pool and deck area comply with Montgomery County Code 51.00.01.04.

Vote: 5-0

TRANSCRIPT
OF
CONSOLIDATED
JOINT PUBLIC HEARING

ON

Joint, Z-307(A), this Application Requests to Amend the Approved Zoning Map Amendment Z-307 Sketch Plan. Additionally, the Application Proposes to Revise the Conditions of Approval of Z-307. The Property is a 6.58-Acre Parcel, Currently Known as Parcel 1, The Summit, in the City of Gaithersburg. The Parcel is Located in the Northeast Quadrant of Goshen Road and Girard Street at 559 Girard Street, in Gaithersburg, Maryland, in the MXD (Mixed Use Development) Zone.

Joint, SDP-09-002, the Applicant Requests Approval for the Schematic Development Plan (SDP), per Sketch Plan Z-307(A), Known as the Residences at Hidden Creek (Former Summit Center Shopping Center), on Parcel 1, The Summit, in Gaithersburg, Maryland. The Proposed Plan Includes a Mix of Uses, Including 300 Multi-Family Units and 12,000 Square Feet of Retail and Amenity Uses on Approximately 6.58 Acres of Land. The Parcel is Located in the Northeast Quadrant of Goshen Road and Girard Street at 559 Girard Street, in Gaithersburg, Maryland, in the MXD (Mixed Use Development) Zone.

BEFORE THE
CITY OF GAITHERSBURG
MAYOR AND CITY COUNCIL
and
PLANNING COMMISSION

on

July 20, 2009

Transcribed by
Doris R. Stokes

Joint Hearing - MCC & PC
Z-307(A)
Exhibit #56

Joint Hearing - MCC & PC
SDP-09-002
Exhibit #113

PARTICIPANTS

CITY COUNCIL

Mayor Katz
Council Vice President Sesma
Council Member Ashman
Council Member Drzyzgula
Council Member Marraffa
Council Member Spiegel

PLANNING COMMISSION

Vice-Chair Levy
Commissioner Hopkins
Commissioner Kaufman
Commissioner Lanier (Alt.)

STAFF

Planning and Code Administration Director Ossont
Community Planning Director Schwarz

SPEAKERS FROM THE PUBLIC

Scott Wallace, Linowes and Blocher LLP
Chad Askew, Housing Studio
Todd Jacobs, Woodfield Investments
Chuck Travis, Housing Studio
Chantal Preuninger, 4 Sanders Court
Julian Greenspun, 615 Whetstone Glen Street
Madeline Preuninger, 4 Sanders Court
Kelly Rush, 525 Cedar Spring Street
Stacie Grow, 622 Hurdle Mill Place
Shahzad Shaikh, 589 Raven Avenue
Tony Hudson, 214 Tulip Drive
Reed Johnson, 593 Raven Avenue
Pam Lindstrom, 421 Gaither Road

Katz Can the Planning Commission please join us. As we announced earlier, we are going to have one consolidated joint public hearing with the Planning Commission. It is the same piece of the property, but two actual public hearings that we will be listening to as a consolidated joint public hearing. And Trudy will please explain it to us.

Schwarz Good evening. As the Mayor said, this is a consolidated hearing for two joint public hearings. One is Z-307(A) which proposes to amend the approved zoning map amendment Z-307 sketch plan by reducing the layout of the buildings and the setbacks, and reducing the amount of retail/amenity square footage from 20,000 sq. ft. which includes 12,000 sq. ft. of retail and 8000 sq. ft. of amenity space, to 12,000 sq. ft. which would be 4,000 sq. ft. of retail and up to 8,000 sq. ft. of amenity space. The number of multi-family dwellings will remain as approved at 300 units. Additionally, the application proposes to revise the conditions of approval of Z-307. The second hearing is for SDP-09-002. A schematic development plan (SDP). This is required for development in the MXD (Mixed Use Development) Zone and is similar to preliminary subdivision and site plan. This is all for the property which is known as Parcel 1, the Summit, and is the site of the former Summit Shopping Center in Gaithersburg, Maryland. The proposed plan includes a mix of uses, including 300 multi-family units and 12,000 square feet of retail and amenity uses on approximately 6.58 acres of land.

The hearings were duly advertised on July 1st and 8th in the issues of the Gaithersburg Gazette and the property was properly posted. Notice was also on the City's website. At the present time there are 11 exhibits in the record file of Z-307(A) and 40 exhibits in the record file for SDP-09-002. They are referenced in an exhibit list in the file. Additionally, we received two emails and one letter that came within the last two business days and

they will be in your next packages. The individual exhibits may be reviewed during the course of the meeting or in the Planning and Code Administration Office during regular business hours at City Hall or on the City's website. Any objections to the receipt of any exhibit should be noted prior to the closing of the record; otherwise they will be deemed received in evidence.

Staff has prepared a preliminary analysis on the project which was included in the Mayor and Council and Planning Commission packages. Let me orient you to the site. The subject property is located off of Goshen Road and Girard Street. It is just west of the Hidden Creek development which surrounds it on two sides. It is north of the Spring Ridge Apartments, east of Asbury Methodist Village property. This is where the Planning Commission has approved 43 duplex units to be built at Asbury. There is part of Montgomery Village. These are back to back units here. This is the off price center and just off the map is Lakeforest Mall. This is Odenhal Avenue and this is Midcounty Highway. With that, I would like to turn the microphone to Scott Wallace from Linowes and Blocher who will be representing the applicant.

Katz Thank you Trudy, Mr. Wallace please.

Wallace Thank you Mayor and Council and members of the Planning Commission. Thank you Trudy for the introduction. My name is Scott Wallace, Linowes and Blocher. (inaudible) on behalf of the applicants Woodfield Investments, LLC. On behalf of Woodfield is Todd Jacobus also here tonight. Alan (inaudible) on behalf of Heartstone Communities which is a co-developer and previous applicant for the project. The architects for the project are Chuck Travis and Chad Askew with Housing Studio and (inaudible) for the project SBJ David O'Brien. So we do have a contingent

of our consultants for the projects to answer any question you may. Also, the architects will a brief presentation and also (inaudible) Chen is from our office is here as well. Just briefly, in 2008, the Mayor and Council approved the rezoning of the property from C-2 to MXD Zone and an accompanying sketch plan with conditions. The approved sketch plan proposed 300 multi-family units including 15 percent MPDUs and up to 20,000 sq. ft. of commercial/retail/office space and two parking structures and surface parking spaces. The applicant for the rezoning (inaudible) contract purchasers and Heartstone as co-developer. However, after the rezoning and sketch plan were approved through various reasons including market conditions, (inaudible) decided not to purchase the property. However, this year Woodfield became the contract purchaser. Submitted the subject schematic development plan and sketch plan amendment that are before you tonight. Soon after submissions, Woodfield purchased the property. As Trudy noted, the applicant continues to propose 300 multi-family units with 15 percent MPDUs and a layout that still permits the internal street to connect to Girard Street and Raven Avenue at the same locations that were previously approved. However, in order to improve the project design and make implementation of the project feasible, Woodfield has proposed changes to the proposed sketch plan. Our architects would go over those changes in just a minute, but briefly they include two parking structures that has been integrated to a single parking structure that is concealed from the view by the surrounding residential buildings. In addition, the greenspace has been has been increased on the site including (inaudible) space along Goshen Road, Girard and (inaudible) property boundary in the forest conservation area. Moreover, the usable area for the greenspace has been improved, particularly the courtyards that face Goshen Road. Building heights have been lowered. Building One Along Cedar Spring Street has been lowered from four stories to three stories across the entire length of the building

affronting the street. And Building Two through grading changes has been able to be designed at a roof elevation consistent with the roofs of the existing townhouses at Hidden Creek. And finally again, the commercial/retail/office space has been changed from 20,000 sq. ft. up to 12,000 sq. ft. with no less than 4,000 sq. ft. for commercial/retail/office use with the balance to be (inaudible) amenity space and commercial leasing office. Our architect will go over these changes in greater detail and we will be available to answer any questions you may have. I will return after the architect's presentation for a very brief moment.

Askew

Thank you Scott. I am Chad Askew with the Housing Studio. Thank you for having us here today. As Scott mentioned what I would like to do briefly as a starting point is walk through what the changes were from the originally approved sketch plan to the new plan that we have proposed. I will give you a quick overview of the site layout as we have designed it and then I will reference back to the original plan that was approved and indicate where those changes area. The plan that we have developed as in the first plan focuses the project on two buildings and provides a connection between those buildings as well. It keeps Raven Avenue which extends into the Hidden Creek townhome development intact and allows that to continue through for street connectivity. As you start to look at the difference that we have done versus the original presentation or the original package, I think you will start with the parking and how we oriented on the site. We have looked at a way to consolidate the parking for a couple of reasons and we want to consolidate that from a ease of construction purpose but also we think that consolidating the parking in one parking deck here as opposed to two separate decks that were previously approved that we are providing a better neighbor. Our parking deck is going to be completely screened from the neighbors. So, whereas the original plan had exposure of this façade to the north, our parking deck

is screen on all sides. If you look at the original plan, it is not screened to the north and the east here on this deck so there are two elevations that are exposed to the neighbors. Now there was some attempt to enhance those facades but at the same time you were still ultimately looking at a parking deck from your residents so we feel like that is a significant improvement. And then even internally to the site on the new plan, we have screen 95 percent of the parking deck façade which is a small portion here at the entrance that will be mitigating with some architectural features. We feel that this layout also creates some cohesive urban streetscape. We are connecting a street and developing a walkable streetscape within the property. Whereas this layout here was a little more (inaudible). We feel that this new scheme creates a tighter knit development. As Scott mentioned, the greenspace has increased in our project and I wanted to walk through the changes in the greenspace. We have on the north side of the site brought the building back approximately 18 ft. further away from the reforestation area that was originally established in the previous sketch plan so that reforestation area was 40 ft. before and we have added approximately another 18 ft. to that. Along Cedar Spring Street, the length of our building is a little bit closer to Cedar Spring Street than the one portion of the original sketch plan. What we have done was made that façade consistent to create a more regular, linear lawn space that can be used for different active lawn activities. Whereas, the original proposal had a (inaudible) of the building up at the northern end of the site, extending out and pinching that lawn at that end of the façade. Along Girard Street at Building Two, we created a much larger lawn space along the street and will we be heavily landscaping that and developing that into a park like setting that the courtyard for our Building Two flows into. We have also pulled back and increased the overall greenspace along the front edge of Goshen Road. Along the façade of the building at the amenity deck area here. We create a sought

of serpentine retaining wall to separate those levels that will be heavily landscaped and buffered as well. In the courtyard spaces themselves, what we have done is brought these to the same level and allowed that level to connect between those two courtyards so what we have created what we hope is a really attractive amenity space for the residential property by allowing those two courtyard spaces to flow into each other around that center wing of the building so that they can communicate with each other and people can transit between the two with minimum difficulty. As far as the building heights are concern what we done along Cedar Spring Street is this entire façade of this building has been reduced to three stories. We heard that it would make it a better neighbor to the townhomes which face across Cedar Spring Street.

Katz What was it before?

Askew It was four stories before the previous scheme. In doing that, we think we have made it a better relationship there. And then in Building Two which is also a four story building and previously had a parking deck facing this façade. Now we have a residential structure facing that side of the site. Our side is lower here then the adjacent side. There is actually a retaining wall which the adjacent side in on the high side of. The elevations will shortly illustrate that. The result of that is even though we are four story building; our roof line is approximately the same level as the three story townhomes that are adjacent to us under construction right now. So we feel like we have mitigated the building height concern there as well. I think that we are about the same width here that was previously had. The parking numbers, what we are proposing is 1.6 parking spaces per residential ration which provides 480 residential parking spaces. In addition where you see club and retail uses that would put us at a total of 504 spaces that we are proposing. Commercial/retail/office space as

Scott outlined was up to 12,000 sq. ft. with 4,000 being at a (inaudible) retail variety. Currently, we are showing that 4,000 sq. ft. of retail and we are currently showing approximately 6,000 sq. ft. of amenity space for a total of 10,000 right now. We are allowed to have up to 12,000. Those are the primary changes and site layout and other larger issues.

Katz What was the parking space numbers for the old project?

Askew I can tell you what we are required currently.

Katz If we are comparing I would like to know what we are comparing and then what is required.

Askew I will outline what we are required and what we are proposing and then if you are having additional questions, I will defer those to Todd Jacobus with Woodfield. We are proposing 504 spaces and the number of spaces required right now were 581. So there is 77 spaces fewer that we are providing. And we are proposing that primarily because the multi-family uses that our experience and Todd's experience has shown, seem to indicate that that is more in line with what the real uses would be. So, I would defer any other questions to Todd.

Katz Do you know what it was before in the other plan.

Jacobus For the record Todd Jacobus, Woodfield Investments. We are the new owners of the property. The parking that was here in this plan here was and I am going to consult with my partners here from Heartstone who have been on this issue for sometime, was 579 spaces consolidated. We are proposing a 1.6 ratio and a garage and 32 spaces. So there is a net

difference of 77 spaces from what we are proposing and what was approved with the sketch plan.

Drzyzgula But the previous plan also had 20,000 sq. ft. of retail. The old plan would have had spaces as well.

Jacobus Let me be clear on that, the 20,000 sq. ft. was commercial/retail/office which included 12,000 of third party leased for retail and the remainder of that space for community amenity space and leasing office for the apartments. What we are proposing is a maximum of 12, 000 combined with no less than 4,000 for third party leased/retail and up to 8,000 for the amenities and leasing space.

Katz Are you saying there was 579 spaces on the last plan?

Wallace The correction number is 602.

Katz 602, and that is the commercial and residential?

Wallace That is correct.

Katz And now you are proposing 504?

Wallace We are taking into account a reduction in the commercial/office/retail space which would account for some reduction in parking.

Katz But you are also taking it from the residential?

Jacobus That is correct. What we are proposing a lower parking ratio for the residential portion of the project. And that comes with, by way of

introduction, Woodfield Investments is a quality apartment developer and owner in the mid-Atlantic ranging from the metro D.C. down into North and South Carolina. We have ten projects that we are in various stages of development construction and these parking ratios are consistent with what we find demand for parking for this kind of product. We have above grade parking deck which allows the resident to drive up to the level that they live on and have direct access to their unit. At a 1.6 ratio, we find that that is more than enough parking to accommodate the resident, additional guest and overflow parking for any events, special events for the leasing area and clubhouse.

Katz In the area where the projects are being done, are they in the same kind of suburban setting that this one is?

Jacobus They are in even more suburban settings. They range from Charlotte, North Carolina to Raleigh, North Carolina and then as you get more dense, the ratios go down a little bit. We have another project in Arlington, VA. I realize that is a separate jurisdiction with a separate set of issues. That is on Columbia Pike and that parking ratio is well below.

Katz Is their mass transit about the same as ours?

Jacobus As a matter of fact you have more of a connection to MARC rail and Shady Grove. Actually it is more than what you have on Columbia Pike in Arlington for us.

Ashman So we have 1.6 spaces per unit can you give us....

Jacobus That is residential by the way. There are 32 spaces that serve the retail and leasing office so it is 1.6 plus the 32.

Ashman Ok, understood. Can you give us a breakdown of the units, one, two, three bedroom?

Jacobus Our current (inaudible) is approximately 58 percent one bedroom. The remainder would be two bedrooms, there are really no three bedroom units. There are some two bedrooms and dens and perhaps some two bedroom and lofts. So given that high ratio of one bedrooms, that just kind of reinforces that ratio. Chuck you were saying? This is Chuck Travis with the Housing Studio. One parking space per bedroom metric. We are over parked about 70 spaces here. That is kind of consistent with how we have been running our developments.

Wallace And I think as noted, there is good bus service here directly to the Shady Grove Metro Station. This model called the Texas (inaudible) has a unique operational feature which allows residents to have a parking space on the same level as their apartment. Which would lend to having parking in the garage rather than on the street and having to walk.

Katz We have several projects like that in Gaithersburg today.

Wallace One of the things that we hope to do as we continue through the process with the Planning Commission and the Mayor and Council is provide more data about how operationally this works.

Drzyzgula Well, I also would like to know for instance, in the neighboring development which has similar options, how many of those people actually take public transportation now?

Jacobus I don't know off hand. I imagine that we might be a little bit more active. Our resident profile might be more actively seeking more public transportation options than perhaps the townhome community. Given the larger square footages and the number of children. I think that you are looking at more of a demographic that is not too many children. I think there will be a difference.

Drzyzgula How think it would be a difference, but it would be interesting how people there live.

Jacobus We don't have that but we can certainly look into that.

Katz Anything else?

Jacobus Let me turn it back over to Chad from the Housing Studio.

Katz Thank you.

Askew Thank you. One more thing that I wanted to point out on these boards just before we more on to the next boards were the layout of the retail and club areas in this building. This is a new site plan diagram that we put together for some neighborhood meetings and we thought it would be a better graphic for all of us to look at tonight. The retail is going to concentrated in this area of the floor plan which is right in this area along the main entry streetscape with the clubhouse and leasing center here. There is direct access with Raven Avenue and the pool deck that is on the backside of that, so just to give you that context. I am going to show you what you are seeing out here, but we haven't really talked about, but to give you an opportunity to quickly view theses.

Spiegel Can I just ask you a couple of questions about that before you move that one? Under this plan, the entrance and exit to the parking garage is that one spot right there and all traffic coming in and out of that parking garage goes through there?

Askew Yes.

Spiegel Ok. I understand the concept of parking on the same level that you live on, I actually lived in a development not so long ago here in Gaithersburg that sought of reflects that same model. For somebody who was living in that second building, say in the southern tip of the second building would basically have to walk the length of that building and then across a bridge to get to their parking space?

Askew That is correct.

Spiegel And does your plan account for multi-levels of the pedestrian bridge or it just one or two? Is it for every floor?

Askew Yes. The ground floor you will exit through here and cross over on a crosswalk across the street which is covered. But then the second, third and fourth floors all have a bridge connection across. So even if you are living in this portion of this building, you have the potential to park on your level and walk straight across.

Sesma How many deck is the parking?

Askew How many levels? Its five levels, kind of four and a half levels or tiers. It actually does extend a half level below grade so that you can park there

and get under the slope of the ramp that is going up and parking there as well.

Drzyzgula It's a open air (inaudible) bridge?

Askew Yes.

Drzyzgula So does that have a half wall or something?

Askew Yes, there would be guard rails on the side. It will probably be painted steel type, decorative railing on the sides.

Spiegel The interior courtyard is essentially gone from the new proposed plan. One of the things we discussed when we were considering the existing plan is the interior courtyard wasn't necessarily all grass. I mean, it was considered open space, but it had a significant portion that was paved or tiled or something that was still pedestrian friendly but wasn't necessarily grass. It looks like a lot of that central pedestrian friendly open space has moved to the southern tip of the proposed new plan. I'm just wondering, how much of that new proposed open space is really greenspace, grass, landscaped and how much is so sort of tiled open space.

Askew Well what you see here, in the courtyard itself, there is a hard scaped area which may be this large, maybe smaller. This is the maximum it would be. We are still developing that. We anticipate this area here to be basically completely parkland which is sidewalks. And that is part of the idea behind pulling this (inaudible) out and focusing this more as an urban streetscape and taking all that space as a part of the (inaudible) court and moving it into a more of a usable greenspace. We wanted to take this

space and try and use it for something that could give back to the residents in a better way.

Spiegel Ok. Thank you.

Katz In the previous plan, was there only one egress and exit for each parking garage or was there more?

Askew I believe there was one for each deck. There was one entrance here for this deck and one entrance here for that deck.

Katz Ok.

Askew Any questions on these particular boards? I did want to give you an opportunity to see these rearranged quickly and then I will present quickly the elevations. This is an aerial view of the project. Just for context to try and give you three dimensions which is easier to see rather than flat elevations. This is Goshen right here and this is Girard coming uphill right here. So what you are looking is these three legs of the building. Those three legs are these three legs with the courtyard in between them. Then you can see the second building back in the background here with the bridge connections between the two buildings to connect the parking. The context of what that also shows is the neighboring townhomes that are completed and under construction so you can sort of see the scale and the size of those (inaudible) buildings. And I think it is pretty indicative of the fact that our (inaudible) and scale and size is in keeping with what's established. This second rendering just is more detailed view of that Goshen Road elevation. So as you are driving down Goshen Road this is what you are going to see.

Katz Any questions on those?

Sesma So it looks like you are going to do a significant, looking at the elevations on Z-307 and the new plan, there is a significant amount of grading and leveling.

Askew There is.

Sesma You are taking the high end down and the low end up. Is that the reason for this serpentine retaining wall.

Askew Well, there is a lot of grade change here. From the highest point of the site to the lowest point of the site, what we have done to try to mitigate that is we are four stories and most of the project on this side of the building which is this area back in here. This area here, we have actually gone to a five story section of the building so it actually brings the grade down another story. And then our courtyard amenity deck is then one level lower than the street back here. Because of the extensive grade or the extensive change of grade here, we still will have a retain wall. We tried to create the serpentine retaining wall to try and play off of these three elements here and do something that is different and softer as a reaction to that. Just to create a softer element within the design. So the majority and the length of this, we are starting at three or four feet over here and then the remainder retaining wall is going to be seven or eight feet here, then it pops up higher as you come around the corner here for a short distance. We will have a 3-1/2 ft. guard rail wall that also serves to mitigate acoustical noise from the road to the development. That would be on the high side of that retain wall as well.

Sesma But the other part of the site that you bringing down the grading side.....

Askew We are coming down to this area here. This side actually comes up as it comes up towards Girard here. In order to allow the buildings to align since this bridge connection can happen, we are bringing the grade down somewhat in the portion of the building and then we are actually stepping the building, first floor up a bit as we come back along here. That does create a scenario where this portion of the site is lower than the adjacent site.

Sesma Ok. What about from Girard down, the greenspace, is that actually slopping down into the building.

Askew The greenspace is slopping down into this area, that is correct. So you are (inaudible) from about the mid point of the Raven as it ties in here, is going to be above the site and then it is below the site as it comes down this way.

Drzyzgula How does people get access moving in and out?

Askew We have for this building, there is going to be a dedicated loading space right here. Under cover here is going to be a move in staging area with an elevator, one of the elevators for the building is going to be adjacent to that. For this building, we have a pull in, pull out space here that will double here as a grocery drop-off and loading space for move in and move out. In which case people will move in their furniture and go straight to the elevator that is right here.

Drzyzgula That area has room for one vehicle to pass another?

Askew That is one-way. It is not designed for that.

Drzyzgula So if one person is moving in, nobody else can drive up there.

Sesma Or bring in groceries or (inaudible).

Askew That is only anticipated if people are going to use that for short periods of time except to move in which would be reserved in advanced.

Hopkins Tell us a little bit about your operating procedures and what you particularly do for loading?

Wallace The move ins are not just (inaudible) that are planned and they are scheduled at certain times of the day. The elevator would be locked off and residents would be notified and moving trucks would come in and off load. In the case of Building One, Chad indicated one elevator in this location. There will be other elevators in the building. Most likely, the service elevator would be here for Building One. I wish I could be more specific, but we are at schematic development plan so a lot of these details are not fully articulated. In more likelihood it would be in the vicinity of the clubhouse where the manager can have control of it and the loading area would be in this location and residents would be notified. It would be restricted to specific times of the day and that would take precedent. If there were two people wanting to move in at the same time a situation would have to be made that somebody else would have to move in later in the day or the next day.

Spiegel Correlated to that and realize again that we are still at the early stages with just a site development plan, but have you guys thought about garbage removal.

Wallace Then again, there would be compactor located in the deck area and it would be accessible through.....there would be a drop off plan for the residents to drop off their garbage and there would be a scheduled pick up time in which the truck would enter the loading area and then have the dumpsters rolled out of the parking garage entered the truck and then moved out.

Sesma And what if you are in Building Two?

Spiegel That is where I'm am going with that. This might be a little bit early for that kind of detail.

Sesma Well, we want to make sure they are thinking about that.

Askew The intent right now it is as you come across, and I think that the one thing is, Building Two is a remote building. When you actually think about travel within this projects, the units down here or over here are going to be possibly the same distance to the garage as most of the units in this building. So it looks more remote, but it is not necessarily in all cases. The opposite of this entry drive on the first floor right here is where the trash and recycling would be. We would anticipate that we would set it up with a trash shut where you can come in on each floor. Probably anticipating for instance this is how they used in other projects similar to this that we worked on. They go to their cars, grab their trash on the way out and they take it with them and they drop it down that shut whether they be in this building or that building. Then it is collected and distributed similarly as Todd described. That is what we are anticipating at this point and that is what we are seeing in other projects similar to this.

Sesma So I guess I am more interested in your reasons for reducing the retail space. This is supposed to be a mixed use project and you have taken a lot of the mix out of it.

Jacobus I appreciate that question. There was a lot of time and effort into looking into that. I guess the short answer is that we wanted the project to be viable. It's a (inaudible) leased retail center now and there is a reason for that. As a retail location, it is not ideal given some of the other options in the area. The last thing that we want is retail space with no tenants in it. It does no good for us as a operator of a project like this and it doesn't do the neighborhood any good and it doesn't do the residents any good. We feel that the previous required square footage was just unviable in this location. We want it to be a neighborhood amenity and we think the 4,000 sq. ft. given the location of this corridor away from the major retail corridors along 355 and at the regional mall are primarily where the majority of people will do their bulk shopping and this would be just a convenient location. 12,000 sq. ft. sounds small but that is a lot of sq. footage for a project this size. It all looks good on the (inaudible) and in actuality it doesn't always pan out. Like I said, it just doesn't necessarily; it would just detract from the project with vacant space.

Marraffa One of the things that we talked about at the Economic Development Committee. We have some wonderful conversations. The thing that really stuck out here and came up is that this has never been a good place for retail. And it is contiguous to the MXD Zone so, by Code it fits with or without retail. We always said this is not a great place for retail. You are only two blocks from the off price center and three blocks from Olde Towne and four blocks from Lakeforest Mall. Who else is going to put a business in here except for another nail salon. And my own personal opinion, we have enough nail salons around. This is not where retail

traffic is going to go to a convenient store (inaudible). The other thing that came up to that we talked about was in that elevation change, it really does two things. If you remember we had some conversations about pedestrian traffic along Goshen. This right here almost gives you sense of security. Not does it enhance the walkability of the neighborhood because it keeps it right around the pool and that area all at the same level, but it keeps (inaudible) traffic from coming up Goshen and Girard which is something you want in a nice community like this. So we had a chance to ask some of these and talk a little bit more in depth so I would like to share some of that with you. We did not like the two parking garages in the original one. Now that we have one there were arguments of why is it so far away. Well if you only have one it is going to be further away. The trash and so forth was very well thought out. We talked about that at the meeting. It was equal distance if you measure from each port of the building and so forth because this actually came up in our meeting. So it was pretty well centrally located and the move in was pretty satisfactory too. I think Tom Rowse was going to comment tonight if he was still here. The committee is writing a letter saying that the Economic Development Committee approves this because we have had a chance to talk about these various things. We think and I think that all the things that we have talked about earlier have been addressed here. There is more greenspace and more usable greenspace because of the way you leveled it and walked it around the buildings. It is also safer from (inaudible) pedestrian traffic. So all the things that we have looked at, I think you have done so that it why the Economic Development Committee is in favor of this project.

Katz

On your other projects that you are building now, do they have retail?

- Jacobus They vary. I guess the most retail intensive project is currently under development and will be completed at the end of year in Arlington. The project I mentioned before and it's called (inaudible) Park and it's on Columbia Pike. It has a large retail component. And interestingly, since the approval and issuance of our permits, just by way of background, its 188 apartments over about 35,000 sq. ft. of retail. So it is very retail intensive. Arlington has revisited their requirements for ground floor retail because so often is the case that the sq. footage is dedicated at approval are not economically viable and they have actually revisited that in recent sessions. We're are building as its approved obviously and we will do the best job with it but it is a challenge in mixed used environment and we want a viable environment for our residents because we are first and forth most an apartment owner and operator. A luxury class A owner and operator and we want that environment to be conducive and attractive to the residents and vacant retail space simply detracts from that.
- Sesma The reason I ask is that there is another project, the one Ryan use to live in that had first floor retail as well and has basically taken about three years to fill that space, but I don't know how many sq. ft. are there. Anybody recall what is at the Colonade in terms of sq. footage, Greg. He said that the Colonade had about 20,000 sq. ft. of retail.
- Spiegel It was a struggle and I'm not sure what the is even filled right now.
- Sesma I don't think it's all filled now. I wanted to hear what the reasons were.
- Hopkins I think there are a lot of reasons for that retail (inaudible) a lot of things that was broken with that. I think you could have had that same number within that same development; it could have been designed better and have been leased up quicker. Probably what might persuade some of

these concerns here is not a prescriptive snapshot of the market and your push against our opinion of it, but flexibility if the market changes. In the near future I would hope that a more thriving based retail would actually be a great component this neighborhood. Low-rise residential is utterly inflexible. So what I would like to have you talk a little bit about and I know that it is early, but what your major plans are and how are you going build out that amenity (inaudible) office use?

Jacobus Again as Chad said before, this is a blow up of the space here. This whole corner the kind of (inaudible) corner of the project, the front door, the curb appeal the project would be the retail component. So we proposed to build this as a true retail space not just some twist of a stick built project. It will actually be of concrete and steel with the appropriate ceiling heights to accommodate any number of uses.

Hopkins If that could transition back to that units in that wing or over to the front of the garage.

Jacobus I am going to have to hand it over to Chad.

Wallace Ask the question again, how does it transition?

Hopkins We have a couple of basic concerns. In the future if we can get more retail in there. Perhaps put that in your SDP that you can have more retail in the future. How do you come back and incorporate some of that (inaudible) face the garage into retail. Perhaps the other corner, the entrance to the street in Building Two, the 30 ft. depth is troublesome as you know in retail. It's a very hard skinny depth and very hard to retail if not near impossible.

Wallace Well, this retail is really designed for basically very small line of retailer. It is not designed for large commercial tenants. You are not going to get a national chain coming in here. But this is not really geared towards that type of retail. This is not the type of retailer that would come into a more of residential area like to this.

Hopkins Even (inaudible) relationship in terms of store front to depth. Small tenants do not need a ton of store front and no depth. They still have boxes and storage and you need a good relationship between store front and depth. And so if this is where you think the market is now, I'm not necessarily going to argue with you. What I want to know is, in six to ten years, are we going to expand that shop back and put in proper retail?

Jacobus We don't disagree that a mixed use is absolutely appropriate for the site. I guess it boils down to balancing what it takes to get the project moving now. Unfortunately you have to make those decisions now. And given the fact that, I don't want to go back and compare jurisdiction, but lets just go back to the Arlington project. That is on Columbia Pike, six lane, probably 100,000 vehicle trips a day, great retail location. This is off the beaten track for retail. Our main business is not retail, but in our experience with mixed use, it is very difficult to pull off. If this were on 355, I will still be arguing for a little bit less retail. It is just a harder thing to pull off and the sq. footage does matter. Again, we want to be a viable neighborhood and that is why we have choose the sq. footage that we have.

Hopkins So again, what are you actually building up front? Are your two rendered areas the only non-combustible construction for the whole thing?

Katz Before you do that, where for the retail, where would you park it?

- Jacobus It's parked along the streetscape here. There are few spaces maybe six, eight, ten spaces that would be actually be right inside the entrance of the garage. But the majority of the retail would be street parked. In the retail that we are providing from a structural and usability perspective, this portion here is going to be under the podium, what we call a concrete podium. So that the retail that is there has absolutely maximum flexibility that it can have. So with a concrete podium, just a column structure, any tenant can come in and rip out all of the metal stud work, none of its low bearing so everything can be ripped out. The retail can be reconfigured from one 4,000 sq. ft. space to four 1,000 sq. ft. spaces or even smaller or any mix there of. So the retail that we are providing is maximum flexibility retail. It ties in with the rest of the project as I think you were also asking how it tied into the rest of the property structurally. That podium is at the same level as the wood frame of the second story of the rest of the building. And we are getting that extra space in the retail and the club by bringing the streetscape down lower relative to that second floor as you walk down that streetscape.
- Hopkins Have you looked into extending that concrete, that podium out in front of the garage?
- Jacobus We have not. The pre-cast garage will be its own free-standing structure and which we didn't separate it on two-sides.
- Hopkins I am advocating that there is a middle ground there. We can put (inaudible) in for retail in the future and there is a modified retail agenda now (inaudible) with the infrastructure.

- Sesma So the maximum then of that space that you described for Matt and the rest of us is 4,000 sq. ft. and it will never be more than that so the flexibility has to be less than what you are actually suggesting.
- Drzyzgula And it is kind of hard to compare to a supposedly urban environment where people don't have to drive anywhere with a place that has no where to shop. I can understand with the retail environment, the way it is now that you don't want to invest a lot of money in empty store fronts, but I don't think we want to see this 20 years from now and have people not want to live there because they have to drive everywhere.
- Ashman I will make a further point in saying that you mentioned that the area was deleased retail and that that is being redeveloped, but it was deleased before a lot of what is currently there had been built. I think there is sought of a different market and there is also different conditions in terms of the retail that is available to the residents in that area. I frankly believe it was a strong belief for the Council during the sketch plan process where initially it was written up to 20,000 sq. ft. of retail and the Council amended that from the dais to say that it was going to be 20,000, not up to 20,000. It was an important value to us to have retail in that location. We think it's sustainable frankly.
- Jacobus I understand and I don't disagree. As I said before, I guess it boils down the current economic conditions, you can't ignore them. The ability for us to move forward is scrutinized in ways that have never been scrutinized before in the preceding real estate and business cycle. I would like nothing more than to show (inaudible) 12, 000 sq. ft. of retail (inaudible). People don't believe that anymore, lenders don't believe that, investors don't believe that anymore. In our estimation, in our operating experience,

4,000 sq. ft. will be a challenge here. That is our bottom line estimation of it.

Katz The question is, but the 4,000 sq. ft., if we can stick with that for the moment. The 4,000 sq. ft. what type of commercial user will want to be there?

Jacobus I envision the likes of convenience retail or convenience coffee shop perhaps. You got between the Hidden Creek townhome community and there are 300 units here. You got a nice critical mass of (inaudible) power, I can see some kind of some (inaudible) perhaps in the old shop. I'm sorry, but that's what the market bears. Also, a drop off dry cleaning, not an on premises dry cleaning, but a drop off dry cleaning. This type of convenience retail satisfies the resident profile.

Sesma Well in essence that is the same retail that we talked about before when we heard the SDP before.

Jacobus 12,000 sq. ft. is a lot.

Sesma I understand the other issues that you are talking about, but I wanted to find out what kind of flexibility would allow us to go forward. That is probably what I am more concern about.

Jacobus I think that and not to belabor the point, but I think that again it is appropriate and that is why it is at the most prominent corner of the site. It is at the main entrance of the site and it is going to have a curbside appeal for the site, but I can't talk enough about how five years of 6,000 sq. ft. of vacant retail space is going to really harm my prospects.

Katz Any other questions beyond what has been discussed?

Drzyzgula Can you show which roads are planned to be public or private.

Jacobus These are of course Goshen and Girard are existing streets. What we are proposing is the extension of Raven Avenue and that will be a private street network with the appropriate easements in place.

Katz Ok. Any other questions?

Wallace I do feel that we have a few more boards to go through if we can indulge you for just another minute or two maybe? I think it is important to show you some of the work that we have done since the submission and community involvement and participation. So Chad if you will run through those quickly. While we are doing that, I just wanted to point out the Economic Development Committee letter that Council Member Marraffa mentioned should be in the record. I think that is one of the ones that Trudy had mentioned. So that will be in your boxes tomorrow, it's on the way.

Jacobus Well, I will start with these boards and what we are going to show you are larger version of the elevations that I believe are already in your packages and then we will just briefly run through that because you have in front of you as well. I am going to show just quickly some boards that indicate the progress that we have been making since we submitted the SDP a month or so ago. We have met with City staff. We have met with the neighbors and have been taking their input seriously and trying to revise the elevations. We went in a more traditional directions with the elevations. In some areas similar to what the previous sketch plan provided and in some cases, we went a little bit more traditional then where they were at

that point. Based on our review of the context in the neighborhood, well I will just you on the board two streetscape conditions to illustrate. This is Cedar Spring Street here and this is the three story section in Building One and it faces the townhomes across Cedar Spring Street and then adjacent to that, you are seeing the Building Two elevation which that (inaudible) represents the retaining wall. Approximately, the retaining wall, the top of which is the high side (inaudible) grade at the townhomes that that faces it. This is Raven Street. Raven Avenue cuts between the two buildings. We don't have that in this elevation at that time. We had not developed the architectural language for the bridge connection so we did not show that yet. This elevation here is the Girard Street elevation. This is Building One and this is the retail corner here at the streetscape. And this is Building Two. As you can see, Raven Avenue enters onto Girard Street. These are enlargements of these two building elevations here. We tried to use more traditional detailing and still handle it in different ways (inaudible) elements with the balconies and mixing some things up there. In both this elevation, the new elevations I will show you are predominately brick masonry and (inaudible) siding or panel, mostly pitched roofs and some flat roof areas.

Hopkins Those are not your proposed elevations, right? You do have a new set?

Jacobus This is what was submitted in the SDP and we are currently working to revise these. So I have some boards to show you the revisions. These are more (inaudible) of the streetscape. You can see that this is more of a three story that actually faces those townhomes. We tried in this specific façade, which the revised version will still be very similar to this to really echo the language of the townhomes across the street. Again, the massing and proportions of them. (inaudible) flats to make them feel like they are townhomes in rhythm. This is the north elevation which faces the

Hidden Creek townhomes on the north side. That was the long façade for the entire length and this is similar architectural language. This is along Goshen Road. This is where we have the three legs of the building extending out here. We tried to match the brick and (inaudible) with different paint colors to try and create some variety on that façade. We tried to add some flat roof elements here. This is where I will transition into the new work that we are doing, the consensus that we gained from both the Planning staff and the neighbors is that they would like to incorporate along with what had previously been designed which would make a little bit more of a mix of flat roofs and pitch. There was some (inaudible) and bracket elements in the original sketch plan that everyone really liked because it gave it an unique architectural feel to what was already in the neighborhood. So we had taken that into consideration. And also, we had a (inaudible) at the end of these legs and we had the residential units turning towards the courtyards at the ends of the building. One comment that came out of the discussions were is that it would be really wonderful to turn those units to face across the street towards the greenscape on the other side of Goshen. We really thought that was a smart idea. This is the same elevation, but we had spent a good deal of time incorporating those elements into it. We developed something that is more of what we call a transitional architecture as opposed to a traditional architecture. There is a mix of some traditional detailing like (inaudible) boards and corner (inaudible) but also some more contemporary elements which include a visor and bracket condition here which really makes these ends of the buildings pop. We rotated these units so that they face out in the balconies of those units orient towards the street. Those lowest level units are actually two-story loft units. So they actually have some trellis work in here and that is kind of a two-story space where those balconies are. So you can see, we expanded the section of flat roof and tried to mix flat and pitch roofs more across the building. These pitch roofs you are

seeing there are actually set back from the end of the building so that the flat roof is more pronounced. We also were asked if it were possible to bring a little bit more of brick into those facades and we tried to do that as well and bring the brick up a little bit higher at those ends.

Drzyzgula I have one question on the lower one. Those really dark areas, there is a series of them on either side of the one section. Are those openings are just darker.

Jacobus Those are recessed covered balconies. A lot of these balconies, we recessed a couple of feet and project a couple of feet, those are completely recessed in this corner. So there are four or five ft. deep balconies that are recessed under the roof line. It is a little different type of balcony. Those corner units inside the courtyard get a little less natural light because of their position and building plan. So in order to (inaudible) that get back something to those units, we give them a much larger luxury balcony typically then other units might get.

Sesma So how many will there be public doorways or entrances to the courtyard spaces.

Jacobus That is something we have not worked out yet. There will be patios at those courtyards. Whether have a gate to allow them access or not, we have not hammered that out yet with the client. That is still open. We have not made a decision on that. We have done it both ways.

Sesma I had a similar question about the north side of those buildings which looks a lot better than the parking structure that was there before.

Jacobus The north side? The north side, they would probably not have patio stoop access because they are not really along the streetscape. That is a less visible area and maybe a less safe area for pedestrian traffic then if you were around along the streetscape.

Sesma And even the upper stories would not have that, well you do have some balconies on that.

Jacobus They all have balconies. Now all of the units that face the streets Cedar Spring and Raven, those two streets all of those units, the first floor would have stoop access along with the sidewalk. The primary interest is still the corridor inside the building but you will have a secondary entrance to the stoop from those units. And this is the final board. This is the Girard streetscape again. What we have done is we have taken that visor and bracket on it and we really developed that and around the area of the building to try and give that a more commercial feel and a little less residential feel. We have taken that language continued it along Building Two as well. So you can see that we are working to advance the design take everyone's comments into account. That concludes the presentation of architecture. Unless anyone has anymore questions, I will turn back over to Scott.

Katz Ok. Please Scott.

Wallace Again, hopefully the Mayor and Council and Planning Commission could appreciate the redesign that the proposed amends have been thoughtfully planned at this point with the community and working with staff. Again, the goal is the make the redevelopment on this vacant site feasible. And as we continue through the process that will continue to be the goal. We appreciate the comments we heard tonight and again, will continue to

refine the plan as we move through the process. We do believe the application does meet all the requirements of the MXD Zone for approval of the SDP and Sketch Plan. We are available to answer any other questions. It would be helpful if you do hear other comments for us to return. We will be happy to do that as well to provide responses if the Mayor and Council and Planning Commission would like.

Katz Thank you. Trudy or Greg, I do have some questions of you please. Either one or both. On the idea of the reduced parking, I think that we need to have a professional opinion on what the parking numbers should be not just for this project but in general. We came up with numbers way back when and if they are not appropriate, then we should know that and if they are appropriate, we should know that. So if we can get that not just for this project, but obviously this is another project that people think that our parking regulations are not where they should be. I would like to know what the real number should be, ok.

Hopkins I don't know if the Mayor is advocating for a single parking set of standards like we use to have.

Katz No I am not.

Hopkins Something flexible, but a good, intelligent review by the Department of Transportation and or requiring (inaudible).

Katz And not based on the market this week, but based on what we are dealing with.

Hopkins Particularly a project when we are getting into these MXD Zones is completely necessary.

Katz There again you can have shared parking, if there is retail space there can be shared parking from that. We need to have that discussion. Obviously each project is different and you need the flexibility.

Sesma We had that same discussion on The Suites on 355 as well and I think the concern there was overflow was going to end up in the neighborhood. I don't see any place where there is going to be a possibility of overflow parking in the neighborhood. I think that is a concern that we have to address and make sure that possibility doesn't exist once these buildings are up and the parking ratio is what it is. I think we have to be flexible with that. The door is open to that.

Hopkins You are not advocate Mike that the parking standards primary objective is to keep all cars off the streets.

Sesma No I didn't say that. I never said that.

Hopkins I just asking.

Sesma We want to make sure that where people choose to park does not create burdens for adjacent communities and neighborhoods and that is what I think our concern we had with The Suites at 355. I am not sure that it was completely resolved with the satisfaction of everybody up there, but I think that we did come to some agreement there. I think we can have the same concerns about this one. I talked about the multi-family that we are building now is kind of an experiment for us, I think and we don't know how this is going to work out. And we don't have the transportation resources that would convince people that they don't need the number of cars that they have now. Either way, I think we have to talk about it and I

am concern about the possibility that if our ratio numbers are too low that it does create burdens for adjacent communities. That is how we have to look at it. It is not that I don't want people parking on streets. They are going to park where they park and that's the problem. They will park where they see a place to park and if it is not convenient or there is not space in the building where they are suppose to park then they are going to find alternatives and we don't want that to create a burden.

Katz Parking is really one of those issues that really is quality of life. You need to have a parking space close to you, whatever it is it is a quality of life and if someone takes a parking space that you usually use, that changes your quality of life. I really would like to know what those number are and that we can build that into our system.

Drzyzgula And I also would like as we move into a slightly more urban conditions and we are encouraging public transit, I think it makes a difference if the station is $\frac{1}{4}$ mile away versus $\frac{3}{4}$ miles away. They are not equivalent in terms of how much less people use their cars. And so maybe we need to have some more final categories or (inaudible).

Hopkins One bus route that goes one way on one street and if there is not another on the other street going the other way that makes a huge difference.

Katz There has to be a formula some how with this. It (inaudible) graph paper this thing works.

Marraffa I think it is a good question to ask our staff because all of the other areas that we have heard testimony from are all (inaudible) then us now on these type of buildings. There is a reason for that. They didn't just pick a

number out of the sky and they work and they have vacant parking places. And we don't want to building structured parking \$20,000, \$25, 0000 or \$35,000.

Hopkins What Mike was just talking about the last project, \$35, 000 of space? You are earning that cost in those units and you are throwing out the entire urban idea of reducing car purchasing and trips and encouraging mass transit.

Katz Any other questions of staff.

Spiegel I just have a question Sidney, what is graph paper? (laughter)

Katz Ok. Any other questions for our staff? Any other questions at all, if not, we are going to hear from the public? Ok. This is the time that the Mayor and Council and Planning Commission hear from anyone who would like to speak on this consolidated joint public hearing topic. We ask that you please keep your remarks to no more than three minutes. Please note the timer will beep and blink yellow when you have 30 seconds left of your three minutes so that you can begin to finish your statement. The timer will beep and turn red when your three minutes is up. Please note that any additional testimony that you might have can be submitted to the City in written form and will be a part of the record just as your oral testimony. Please state your name and address for the record. And I see that we already have a speaker, please?

Preuninger Chantal Preuninger, 4 Sanders Court, I want to thank you for the opportunity to pour out my heart to you. That story has not begun this year, but had begun in 2003 when you starting building Hidden Creek next door. I must remind you and go back to Hidden Creek in 2003 for a

minute. And I quote "I am pleased to announce tonight that the negotiating team believes the revised plan meets the Council (inaudible) objects. If accepted by the Council, (inaudible) reduction of 265 units. The revised plan eliminates the 451 rental apartments and replaces them with 186 townhouses (inaudible) reduction of 265 dwelling units." And that was Mayor Katz' own words that was said in 2003. Do you remember?

Katz I do, but that wasn't for this piece of property.

Preuninger Yes, but we are next door.

Katz Well I understand, but that was not same piece of property.

Preuninger So you are just adding to that. Mayor Katz, when you say that to us, to me, when those words were pronounced, they were believed. It never occurred to me that six years later, you would forget about those words and just put those units back on the table. (inaudible) is an increase (inaudible). Now, if my understanding is correct, you are talking about (inaudible), right? (inaudible). Are the schools more ready to absorb the increase 300 units (inaudible), I don't know? And are those ready for 600 more cars? By the way, I don't believe that the projected two cars but unit. The (inaudible) the bigger, the more traffic you get. We can increase the size of the road and more cars and for a while it looks better but not long if you keep on building. (inaudible). I listen to their presentation (inaudible) there is an issue to you too because (inaudible) parking space per unit, that means if (inaudible) husband, each one of us will have a car and that means that one of us will have to share a parking space with the people next door. (inaudible)

Katz Any additional testimony, please submit in written form, it will be handle

just as your oral testimony. Ok. I do want to be very clear that the project that you originally spoke about was not for this piece of property.

Preuninger I know but you are putting it just a few feet away and this is just not fair.

Katz But this is additional land.

Preuninger It is additional land, but this is not fair that it was not correct for next door, but it is correct there.

Katz I understand your point. Thank you.

Greenspun Thank you Mayor and Council. My name is Julian Greenspun. I live at 615 Whetstone Glen Street. I am disappointed about the reduction in retail space. I was counting on a Golf Galaxy with a practice driving range, but what we really need is a mini market or a convenient market in there. The neighborhood really could use that. And 50 percent of something is better than 100 percent or nothing, unless you plan to bulldoze the whole property and make a Maddy Stepanek park. The Rockville Town Center has had some vacancies in retail; it is not good to see a store close up. It is not good for rentals. I am in favor of this project. I think it would be good for the neighborhood. I think there are quality developers involved. I am going to go back to the previous point I made. I want to talk about the MPDUs in this neighborhood. My objection and I offered a compromise the last time that it be 50 percent MPDUs, 50 percent workforce, Mr. Felton in a memo just dismiss it saying it was unfounded without explaining why, but I had a lot good reasons. One of the Council Member said we all have to bear our fair share. So I would like to mention that for a minute and I would like to ask each one of you, how many of you live in a neighborhood, if we are talking about

transparency where you have a MPDU building plopped down right where you live. How many of you wanted to live in a neighborhood where you had that done to you. One, I would like to see a majority. I don't think many of you. If a majority of you didn't fine, then I am with you. If you didn't, and we as tax payers we brought in this neighborhood which had no MPDUs and then suddenly we have this hoisted upon us. We were talking about a very diverse and mixed neighborhood and a compromised was rejected out of hand. And if you didn't want it done to you, why would you do it to us. There is a book a very old book written around that whole principal. I do not think it is right to ignore that and I am asking you to please consider that. I am not happy that Mr. Felton dismissed that out of hand. Maybe he had some marching orders, but it is not right. If you don't want it for yourselves, if you were looking for a different neighborhood, it is not right to do it to us. You are our elected officials. I do hope I see a conscientious, I watch the Planning Commission meetings, I appreciate them and I appreciate your hard work.

Katz First off, when I actually moved into a house that we now own, there was no MPDUs in Gaithersburg as an official title, but where I live actually in Pheasant Run, is the first place that they actually have duplexes. I live in a single family home and there are duplexes right behind me and across the street from me, the next street over and it has worked very well, quite candidately. You wouldn't know it expect for the parking. There is more cars next to a duplex then there are in a single family home in most cases.

Greenspun And now they are saying lets reduce the income level even another ten percent. We already have that in the housing right across the street, a lot of it and that was one of my arguments. Why add a lot more? And now they are going to add more and no compromise whatsoever, just a dismissal, it unfounded.

Katz Anybody else want to comment on that, if not, we are going to go back to the public?

Drzyzgula Yes, I just wanted to point out in general. You might already know this is the reason Hidden Creek doesn't have affordable housing is in part because of an annexation agreement that was signed decades before it was developed and the City could not require it there. It has become our policy to require affordable housing in all new developments and part of the reason for that is have a better distribution of affordable units. I live across, the other side of Asbury from you and we both know there are many affordable units in that part that town. But we cannot displace all those people and have them have no where to go.

Greenspun Are you doing it in Olde Towne, the redevelopment project? Are you requiring MPDUs there?

Drzyzgula No because of the number of units that are already there, affordable units.

Katz Thank you. Please next speaker.

Preuninger Madeline Preuninger, 4 Sanders Court. As a representative of the next generation, I would like to share my thoughts on this development and I trust that you will demonstrate the six pillars of CHARACTER COUNTS! that this City is proud to promote. Six years ago, I appreciated that you cared about the citizens nearby and remove 265 units from Hidden Creek. Now here is back right next door in addition to a shopping center, I'm confused. Just because there might be more room on the roads does not mean that we need to add more cars. I understood that the work on the roads were to reduce the traffic we had and not make room for more. Just

because there might be more room in schools doesn't mean that we need to bring more students. Just because we might have a nice looking architectural plan does not mean that we need to build the development. Just because there is land that could be developed does not mean that we need to put businesses on it or dwellings on it either. Someone wanting to develop is not reason enough to develop vacant land. Where do those that want to develop live? Do they live next door or intend to move nearby to enjoy to fruit of their labor. Before you decide what you will do, I ask you to answer three questions. What do the existing neighbors think and not just visit Hidden Creek (inaudible), think about this? Indeed do we need this development and if so, why?

Katz Thank you very much. Any other speakers please?

Rush Hi, I'm Kelly Rush, 525 Cedar Spring Street. My husband and I brought our house on Cedar Spring in November of 2007 and we see what is currently the condemned Summit Shopping Center which is quite an eyesore and quite the headache. I guess the only question that I have with this in regards to Raven Avenue, the mention that it was going to be a one-way street. It is currently a one-way street and I am wondering if it is going to continue in the same direction that it is in now? The concern that I have with that is that the only way to enter is through the Hidden Creek neighborhood. And so it was mentioned that for dropping off groceries and moving in and out that entrance I believe is a one-way.

Sesma I don't believe it is suppose to be a one-way street once it is built? It is going to be a two-way.

Rush Ok. That's my question.

Drzyzgula Just the little drop off aisle was one-way.

Rush But the street is going to be two-way through Hidden Creek? That was really my question; I was a little bit confused as to the one-way, two-way kind of thing because I do have concerns about the traffic going through Hidden Creek, as well as the parking. So that is really all that I had.

Katz If you would like to answer that please?

Jacobus Both directions on Raven Avenue and I believe if I am correct that you were asking also about Cedar Spring? It is currently one-way. Part of our rezoning requires us to build that to a full two-way through and that is what we will be doing.

Rush Ok. Thank you.

Katz Thank you. Any other speakers please?

(inaudible) (inaudible), I live at 622 Hurdle Mill Place which is the road over from Raven. I bought in April 2008. In the last year I've watched my housing price go significantly down in a year, but I have full confidence in the community that it will bounce back. This development will help that. It has to help when you have a condemned site there. No one is going to want to buy there when it is just sitting there as a condemned area. An area that is developed will help property values and help prevent crime because there is stuff that goes on over there. People has gotten into the area and has damaged stuff. The police has looked out for it and has put light up and stuff but I think this is only positive. Have a developed area is a good idea, keeping it out of trouble and keeping the property values is an important thing and I think it will encourage growth in other areas in

the future.

Katz Thank you very much. Any other speakers please?

Shaikh Hi my name is Shahzad Shaikh at 589 Raven Avenue. I just have a few questions and clarifications. Chad you mentioned in building 2, the elevation was going to be the same height as the three story townhomes being constructed? Those townhomes are actually four stories, so I am wondering is building 2 going to be the same as the four story townhomes or one story lower.

Katz Let him all his questions and use his three minutes and then you can answer.

Shaikh The second point was on the eastside of building 2, there appear to be a real lack of greenspace and so I just want get some clarification as to how much space we are talking about and whether a retaining wall will be placed right there on the eastside of building 2. My last point is on the MPDUs. I would like to suggest that if we are keeping them, that 100 percent of them be allocated to low income senior citizens. Thank you.

Katz Thank you. And if someone can answer his questions please?

Askew I have to throw a question back so I can answer it. I believe that if those townhomes are similar to the ones that already built, the fourth story is kind of in the slopping portion. If it is a full four story then we will be below that. If it is a story that is in the slopping portion then it would really kind of appear as a three stories, plus attic from the outside, then we will be on level with it. I believe this is in the range of 18 to 20 feet to the retaining wall, but I have asked for some.....it is 26 feet to the property line over on

that side of building 2 and the retaining wall is about six to eight feet off the property line as well. The third question again, I'm sorry?

Katz The MPDUs.

Sesma And the top of the retaining wall basically is the same level as the top of the first story correct, on building 2?

Askew Roughly, this is about a 10 foot retaining wall.

Drzyzgula Is the property line along there at the edge of the greenspace or does it include.....

Askew (inaudible) greenspace, the retaining wall is about eight feet in from that and then there is another 18 feet from that (inaudible).

Katz Alright. Any other speakers from the audience please?

Hudson Hi, I'm Toni Hudson and I live at 214 Tulip Drive in the Deer Park neighborhood. I became aware of this development in the Gaithersburg Gazette last week and ironically, the information was positioned with two articles that were of interest to me. The first article was about a young girl, a daughter of a diplomat who found herself homeless in subsidized housing. She overcame her family's instability beautifully and was an outstanding student at Wooten High School and has received a scholarship from the Housing Opportunities Commission. And then just below was an article about Hidden Creek. What I focused on was the objection to having the MPDUs. And I thought it was interesting that both of those articles were together. I am a wife of a teacher and mother of a nurse and a teacher and I know that my family are moderately priced

people basically. So, I just wanted to put in a plug for hardworking people. I think that if you look around at the human beings in the neighborhood, they are working hard in the jobs that they can get and they deserve a safe community and the opportunity to live amongst us because we need them. Thank you.

Katz Thank you. Any other speakers please?

Johnson Reed Johnson, 593 Raven Avenue. My question is for the developer. Approximately from getting the appropriate City approvals, when do you estimate the construction to start, not in terms of a date, but the amount of time from getting approvals?

Jacobus Thanks for the question. We expect, that there are two parallel tracts, there is the City process which involves the SDP followed by a final site plan and the recorded plat and the building permits all processed through the City of Gaithersburg which you can follow online, through public notices and all. If all is good and everything goes well, I expect that to be probably six to nine months. And then there is the parallel tract which is our financing. Financing is not what it once was. In all likelihood processing a HUD application and that will probably be the more critical path for this particular project. I would hope that it is a similar time frame. So this time next year we will be on the way.

Katz I guess if we can duck tail that same question and, I guess one of the great questions is when are you going to tear down what you have.

Jacobus That is a good question. We want to be a good neighbor and good person of the community and recognize that it is considered a nuisance. We have had some problems over there from the time we had closed to now which

is less than a month. We are doing our best to maintain the property and keep it up and not be a nuisance for our neighbors. You have my word and my pledge that we will continue to do that. To answer your question, it is complicated. With a HUD application because they want everything one way before you start construction. In other words, when you come in and file an application with them and they are considering it and it's a long process, they don't want anything done to the property from the time that you submit, including the demolition of the existing structures. I wish I can say yes, we will have that down by November or something but at this point and especially, we are new owners and we just close on June 25th and we filed the schematic development plan in early June. That is kind of an ongoing question and we will know more as we go through the process. There is one different from the previous business cycle where all the financing and construction financing was private.

Katz Thank you. Pamela please.

Lindstrom Pam Lindstrom, I live at 421 Gaither Road and I am a member of the Gaithersburg Affordable Housing Coalition. I just wanted to point out but I know you all know is that MPDUs are not housing for poor people. The income of people that can afford MPDUs is substantially then the income of the people in the current low income apartments, low cost apartments along Summit Avenue. It would range from \$50,000 to \$70,000 per household which is truly moderate income and I defy practically anyone in the room to say that there wasn't a time in their life cycle when they need housing in the low to moderate income range. Thank you.

Katz Thank you. Anyone else please? It has been suggested that the Planning Commission hold their record open until August 19th, who is going to be handling this?

Levy I will.

Schwarz Just to remind you that there should be two motions.

Levy First we will deal with Z-307(A). Can we have a motion on that?

Kaufman Move that the Planning Commission hold their record open until 5 p.m. on August 19, 2009, with the anticipated recommendation on September 2, 2009.

Lanier Second.

Levy It's been moved and seconded. All in favor?

Commission Ayes.

Levy Opposed? That carries 4-0.

Katz Ok. And what is the pleasure of Council. It has been suggested that the record be held open until 5 p.m., Thursday, September 3, 2009 and then with an anticipated policy discussion on September 21, 2009.

Sesma So moved.

Ashman Second.

Katz It's been moved and seconded. All those in favor please say aye?

Council Ayes.

Katz Opposed? That carries unanimously (5-0) as well. The Planning Commission please for SDP-09-002.

Levy Ok. For SDP-09-002 staff has recommends the Planning Commission hold their record open until 5 p.m. on August 19, 2009, with the anticipated recommendation on September 2, 2009.

Hopkins So moved.

Lanier Second.

Levy All in favor of the motion for SDP-09-002 please say aye?

Commission Ayes.

Levy Opposed? That also carries unanimously (4-0), Mr. Mayor.

Katz Thank you. Then again, it is the same recommendation as the previous. What is the pleasure of the Council?

Sesma Same motion.

Spiegel Second.

Katz It's been moved and seconded. This also will be 5 p.m., September 3, 2009 for our record to be closed. All those in favor please say aye?

Council Ayes.

Katz Opposed? That carries unanimously (5-0) as well. This concludes this evening's joint public hearing. Thanks to the Planning Commission.

End of Consolidated Joint Public Hearing
Z-307(A) and SDP-09-002