Z-7262-2016

Gaithersburg
A CHARACTER COUNTS! CITY

PLANNING AND CODE ADMINISTRATION

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ZONING MAP AMENDMENT APPLICATION

All information must be complete to initiate processing of application

SUBJECT PROPERTY

Street Address or Location 700 Quince Orchard Road

APPLICANT/BILLING CONTACT

Business Name Rockside - 700 LLC

Primary Contact Jon Lastuvka

Street Address 1155 Connecticut Avenue Suite No. 700

City Washington State DC Zip Code 20036

Telephone Numbers: Work 202-835-1200 Cell _____ E-mail Address jlastuvka@rockcreekpg.com

OWNER

Business Name Rockside - 700 LLC

Primary Contact _____

Street Address _____ Suite No. 700

City _____ State DC Zip Code 20036

Telephone Numbers: Work _____ Cell _____ E-mail Address _____

DEVELOPER

Business Name _____

Primary Contact _____

Street Address _____ Suite No. _____

City _____ State Virginia Zip Code _____

Telephone Numbers: Work _____ Cell _____ E-mail Address _____

AMENDMENT METHOD: (complete information for only one method)

☐ **Standard Re-Zoning Method**

Existing Zone _____ Proposed Zone _____ Number of Acres to Re-Zone _____

☐ **Standard Re-Zoning Optional Method**

Existing Zone _____ Proposed Zone _____

SITE DETAILS:

Site Area Sq. Ft.		Commercial Sq. Ft.		Number of Dwelling Units/Lot	
Site Area Acres		Industrial Sq. Ft.		Number of Dwelling Units/Acre	
Green Area Sq. Ft.				Height of Tallest Building (Ft.)	
Green Area %				Height of Tallest Building (Stories)	

☒ **MXD with Sketch Plan Method**

Site Plan to Amend N/A

Existing Zone C-1 & E-1 Proposed Zone MXD

SITE DETAILS:	Maximum	Minimum		Maximum	Minimum
Site Area Sq. Ft.	670,224		Number of Dwelling Units/Lot	355	135
Site Area Acres	15.38		Number of Dwelling Units/Acre	18	
Green Area Sq. Ft.	190,000		Height of Tallest Building (Ft.)	60'	
Green Area %	40% res./25% com.		Height of Tallest Building (Stories)	5	
Commercial Sq. Ft.	500,000				
Institutional Sq. Ft.	0				

PROJECT DESCRIPTION

Mixed use development for residential, commercial and office.

See Next Page for Submission Requirements

THIS CHECKLIST IS A GENERAL GUIDE FOR ITEMS THAT ARE TYPICALLY REQUIRED FOR APPLICATIONS. PLEASE REFER TO CHAPTER 24, SECTION 196 (c) OF THE CITY CODE FOR COMPLETE REQUIREMENTS OR CONTACT PLANNING STAFF AT 301-258-6330 FOR FURTHER CLARIFICATION.

SUBMISSION REQUIREMENTS

- **Map or Plat, Five (5) hard copies, One (1) digital (DWF preferred) or PDF**
- **Legal Metes and Bounds, One (1) digital copy, PDF**
- **List of Affected Property Owners with Addresses, One (1) digital copy, PDF**
- **Applicant Statement**

If Optional Method Also Submit:

- **Site, Architectural and Detail Plan, Five (5) hard copies, One (1) digital copy (DWF preferred) or PDF**
- **Preliminary Affordable Housing Plan**
- **Preliminary Stormwater Management Plans, Three (3) hard copies, One (1) digital copy (DWF preferred) or PDF**
- **Preliminary Traffic Impact Study**
- **Other Planning Commission Requested Material**

If MXD Zone Also Submit:

- **Site, Architectural and Detail Plan, Five (5) hard copies, One (1) digital copy (DWF preferred) or PDF**
- **Concept Stormwater Management Plans, One (1) hard copy, One (1) digital copy (DWF preferred) or PDF**
- **Approved NRI and FSD Plans, One (1) hard copy, One (1) digital copy (DWF preferred) or PDF**
- **Proof of Compliance with MXD Regulations**
- **Other Planning Commission Requested Material**

Z-7262-2016

north

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MEMORANDUM

TO City of Gaithersburg Planning Commission and Mayor and Council

FROM Erica A. Leatham

Nydia M. Pouyes

DATE March 9, 2016

RE Application for MXD Zone for Lots 8, 9, 10, and 11 Block C Diamond Farm Subdivision; 700 Quince Orchard Road, 1 Bank Street, 5 Bank Street, 14 Firstfield Road Zoning Map Amendment

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On behalf of Rockside-700 LLC and 14 Firstfield Road, LLC (collectively, the "Applicant")[1], enclosed is a Zoning Map Amendment Application (the "Application") pursuant to Chapter 24 of the Gaithersburg City Code. The Applicant proposes rezoning Lots 8, 9, 10, and 11, Block C, Diamond Farm subdivision, as shown on Plat Numbers 22015 and 24141, and recorded in the Land Records of Montgomery County, Maryland (the "Property") to the MXD zone.

The MXD zone is requested to create a "live where you work" hub of activity within the City of Gaithersburg ("City") and to take advantage of the Property's key location adjacent to major employment and retail uses, along with a future Corridor Cities Transitway ("CCT") stop. This Application and proposed rezoning will transform an underutilized and oversized suburban block into a fine-grained, more vibrant neighborhood, creating safe and efficient opportunities to integrate employment, retail, and residential uses.

As the City urbanizes and fewer greenfields are available, infill redevelopment presents the only sustainable option to modernize the existing buildings and infrastructure; this includes re-positioning existing single-use buildings and sites into new, mixed-use neighborhoods. This part of the Quince Orchard/Firstfield corridor is a prime location to begin the transformation. Significantly, Federal

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[1] Rockside-700 LLC is the owner of Lot 9, 14 Firstfield Road, LLC is the owner of Lot 8. Letters of authorization from the owners of Lots 10 and 11, Bank Street Realty Partners, LLC and Capview Income & Value FD IV, LP, (respectively) are enclosed at Exhibit A.

Realty reinvested in the adjacent Quince Orchard Plaza and the National Institute of Standards and Technology ("NIST") continues to advance its mission and bring in the best and brightest. The proposed mixed-use development will augment these investments and act as a catalyst to stimulate further redevelopment in the future, thereby creating new, high-quality jobs.

The accompanying Sketch Plan includes a mix of commercial and residential uses, with the commercial uses located primarily along Quince Orchard Road and the for-sale, attached residences located along Firstfield Road. Specifically, the Application envisions giving the existing building a "facelift" to complement the surrounding uses in the near term and replacing it with a new, modern building in the long term.

The days of single-use, stand-alone office buildings have proved unsustainable – economically and environmentally – and employers, big and small, are looking to relocate closer to amenities, retail, and housing opportunities. The proposed development can become the hub of new activity redefining this area of Gaithersburg and bringing a 24/7 residential component to a strictly daytime environment. The success of the proposed mixed-use development will drive redevelopment throughout the corridor based on the smart growth principles underlying the MXD zone standards:

- Create an integrated, mixed-use community; attracting tenants and residents that reflect the Property's proximity to high-tech and bio-tech industries by increasing high-quality employment opportunities with adjacent amenities.

- Provide ownership opportunities that will stimulate a new investment and pride in the community from residents who will preserve and take advantage of area amenities.

- Enhance underdeveloped real estate limited by its Euclidean zoning. The Application will improve this valuable real estate by providing a mix of commercial and residential uses, including a broad range of amenities that will, in turn, improve the value of nearby residential and commercial developments.

- Reposition a vacant building that has been unable to attract a user for some time.

- Create opportunities to reduce vehicle trips because of the Property's convenient location near shopping, employment centers and other amenities (schools, community centers, transit, parks, and trails, among others).

- Provide improved, up-to-date stormwater management.

Attached at Exhibit B are letters of support from community stakeholders and neighboring property owners.

I. Applicant

The Applicant has a vested interest in revitalizing the Property and creating the first step in a series of large and small scale improvements that will bring about positive and long-term results for the residents and businesses of the City. Rockside–700 LLC is made up of local entities and individuals that have over 25 years of mixed-use development experience in the City, County, greater metropolitan area, and Mid-Atlantic region. Specifically, Rockside–700 LLC is a joint venture

between Rock Creek Fund II LLC and Quince Orchard Venture, LLC and is managed by an entity controlled by the partners of Rock Creek Property Group ("RCPG"). RCPG is owned by four full time real estate professionals that all live in Montgomery County, each with more than 25 years of experience in developing, managing, leasing, asset managing and owning existing commercial real estate in the metropolitan area. Additional information on RCPG can be found on their website at www.rockcreekpg.com.[2]

In addition, Aris Mardirossian and Herb Patterson, both long time developers in Gaithersburg, also have an interest in the Property. Their projects include, but are not limited to, Crown Farm, The Reserve at Crown Pointe and Gaithersburg Station Apartments.

As noted above, the Applicant is the owner, rather than the contract purchaser, of the DRS Building (defined below) and, therefore, has already folded the DRS Building into its portfolio and is actively marketing the site to potential tenants.

Together, the entities and individuals involved in this redevelopment are highly successful and well known for their collaborative efforts with City staff and local community leaders. In addition, they have the expertise and robust capitalization to take on the proposed redevelopment and truly transform the Property into a vibrant mixed-use community.

II. Property Description

The Property is 15.38 acres, within the block formed by Quince Orchard Road, Bank Street, Firstfield Road and an office park. The Property gently slopes to the north from an elevation of 454 to 416 and is improved with an office building, parking lot and stormwater management pond.[3] Limited areas of slope greater than 25% are noted on the plans and located adjacent to the building located on Lot 9. There are no highly erodible soils identified on the Property.

The Property spans four separate lots:

- Lot 8, zoned both E-1 and C-2, is the second largest lot at approximately 4.6 acres and is currently undeveloped. Approximately half of Lot 8 is paved and the other half contains a stormwater management pond that was designed to accommodate the entire Property.

- Lot 9, zoned E-1, is the largest lot at 8.53 acres and is improved with a three-story 164,520 square foot building that is completely vacant (the "DRS Building"). Over four acres are used as a surface parking lot.

- Lot 10, zoned C-2, is approximately 1.72 acres and currently improved with a 30,000 square foot building housing medical and general office space and surface parking.

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[2] In summary, the Applicant has successfully acquired, developed, entitled, renovated/repurposed millions of square feet of office, retail and residential spaces in all major asset classes in the Washington, D.C. metropolitan area.

[3] This facility was designed prior to the 2007 Maryland Department of Environment ("MDE") guidelines for Environmental Site Design ("ESD").

- Lot 11, zoned C-2, is the smallest lot, at approximately 0.53 acres, and currently houses an approximately 2,500 square foot bank with a drive-through, surface parking and a large retail center.

The Property is a rectangular shape bounded by Bank Street to the north, Quince Orchard Road and NIST to the east, commercial and industrial uses to the south, and Firstfield Road, churches and small personal service/office/retail uses to the west, including the Gaithersburg Veterinary Clinic, Cypath Institute, and Seneca Creek Community Church. Employment zoned (E-1) uses border the Property to the south and multi-family residential development is located further to the west of the Property.

Most of the development surrounding the Property was undertaken between the 1960s and 1980s, when driving to work and single-purpose zoning were prevalent and, as a result, there are no safe, attractive and efficient pedestrian connections from the Property to the nearby retail uses (such as Staple's, Quincey's Bar and Grille, Rite Aid Pharmacy, Shadowland Laser Adventures and Buffalo Wild Wings in Quince Orchard Plaza) or NIST.

However, transportation options are convenient to the Property:

- The Metropolitan Grove Marc Station is within 3/4 mile of the Property and accessible by foot or bicycle via the existing sidewalks.

- Several Ride-On bus lines, including 56-Lakeforest/Rockville, 61-Shady Grove/ Germantown Transit Center, 71&78-Shady Grove/Kingview Park & Ride, and MTA 201-Gaithersburg Park & Ride/BWI Airport & Marc Station, area accessible by foot or bicycle via the existing sidewalks.

- Phase I of the CCT runs along Quince Orchard Road and the Property is in between two CCT stops, each within a fourth a mile of the Property.

- Access to I-270 is within a mile via Clopper Road, Quince Orchard Road, and Montgomery Village Avenue.

- Access to Routes 117, 119, and 355 is convenient via Quince Orchard Road. Access to these major roadways facilitates convenient travel through the City, County, and greater metropolitan area.

- Clopper Road and Quince Orchard Road are both bicycle-friendly routes.

As shown below, the Property is also within walking distance (half a mile) of three shopping centers. An additional three shopping centers are also within a two miles radius.

Upon implementation of sidewalks as proposed by the Application, tenants, employees and residents can walk or bike to major attractions, using the existing multi-use and single use pathways to the north, south, and west of the Property. Robertson Park and Diamond Farms Park are within walking distance (half a mile) of the Property while Seneca Creek State Park and Metropolitan Grove Park, both larger scale parks, are within two miles of the Property. Diamond Farm Park is to the west and south of the Property and composed of three distinct but connected parks that extend eastward closer to the Property along Quince Orchard Road. Each segment of Diamond Farm Park includes a blend of open green space with amenities that include basketball courts, tennis courts, rock climbing and even a skate board park. This center of park activity will be easily accessible via the proposed sidewalk connections discussed below.

To the north of the Property, a multi-purpose pathway on Clopper Road is just one block from the Property and again, within walking distance. This pathway provides a direct bicycling connection to Seneca Creek State Park. Robertson Park, located to the west of the Property, has larger outdoor amenities like baseball fields.

III. Prior Application

The original Application requesting the MXD zone for the Property was filed on July 1, 2015 and withdrawn on September 16, 2015 after the Joint Public Hearing, but before Planning Commission and Mayor and Council consideration of the proposal.

Significant changes have been made to this Application to better align with the City's goals and objectives. For example, the list of allowable uses has been refined to focus on high quality employment uses. To that end, multi-family residences and the automobile dealership have been removed. In addition, heights and densities have been modified to complement neighboring uses. Lastly, the plans have been advanced to demonstrate a stronger external connection to Quince Orchard Plaza and the surrounding communities.

IV. Proposed Use

The Applicant is committed to developing the Property to take advantage of its unique location near a major employment user, commercial uses and future transit stops. To aid in the communication of how the alternative mix of uses will be implemented, the Property is divided into Blocks 1, 2 and 3, as shown on the Sketch Plan attached at Exhibit C.

Block 1 will include up to 400,000 square feet of non-residential space with a combination of: (1) lab/office; (2) R&D technology; (3) and retail/restaurant, among other uses. Block 1's emphasis on employment uses will ensure that future retail uses will not cannibalize nearby shopping centers and will be subordinate to the office and R&D uses at full build-out, serving a different scale of users than would be permitted under the E-1 zone. The Sketch Plan has been carefully crafted to ensure that interim and full build-out conditions for the DRS Building both provide the necessary density, open space, and targeted uses that support the requested rezoning. An interim adaptive reuse will provide significant office space while a full build-out will maximize the commercial square footage on Block 1, through allowance of an up to seven-story building in one or multiple structures, including structured parking.

Block 2 will include two sub-blocks, Block 2A and Block 2B. Block 2A will be limited to townhouse units. Block 2B will either be a combination of residential (townhouse and two-over-twos) and commercial spaces (not to exceed 5,000 square feet), to introduce small scale retail and personal service opportunities on the Property and integrate the Property with the shopping center to the north, or entirely residential, to be determined at Schematic Development Plan. Together, Blocks 2A and 2B will include the construction of 120 to 175 attached residential units. Heights of the residential units in Block 2A will be limited to four stories in order to integrate with the heights of surrounding buildings. Heights of the residential units in Block 2B may be as tall as five stories to allow for limited podium-style retail and parking below residential clusters. Residences will front on Firstfield Road and Bank Street (although Bank Street may also benefit from small scale ground level retail/personal service establishments) to create a pedestrian-scale character of streetscape/front door feel and a comfortable connection to the neighboring uses to the west and north of the Property. Landscaping and hardscape features will further connect the Property and the external community.

The residences will offer fee simple ownership in an area of the City that is predominately rental in character. This will provide more variety in housing types and enhance the character of the larger community, as well as the Property itself, through increased stability and sense of community ownership.

Block 2, to further complement the uses on the Property, is envisioned to include open/green space, including walking paths, benches, creative urban landscaping, as well as additional courtyard/common areas throughout the residential development. The location of the open/green space will be carefully sited to not only benefit the immediate uses on the Property but to also benefit the neighboring residents and employees. This allows employees and customers from Blocks 1 and 3 to have lunch outdoors or take a relaxing break during their work hours, while residents can congregate and use the space for community activities at any time.

Green space distribution is envisioned in the form of two centrally located "mini parks" within Blocks 2A and 2B, accessible from the surrounding streets and adjacent properties via smaller linear pedestrian landscaped nodes located between residences. This multi-point approach to internal "mini parks" will allow for increased connectivity for neighboring residents and employees. Green space and connection points and paths located at the southern perimeter of the Property will also be open to neighboring residents and employees and create an inviting environment for them to access the Property and take advantage of its amenities. Planted and landscaped areas along Public Streets A and B will add to the open space components. Together, the contemplated open spaces on the Property will meet the zoning requirements for green space and create internal and external connectivity.

Similar to Block 1, Block 3 will include a mix of uses, including 200,000 square feet of commercial space, including, but not limited to, the same uses identified for Block 1, with the addition of a potential hotel. As in Block 1, heights will be limited to seven stories. The commercial density among Blocks 1, 2B, and 3 will not exceed .75 FAR.

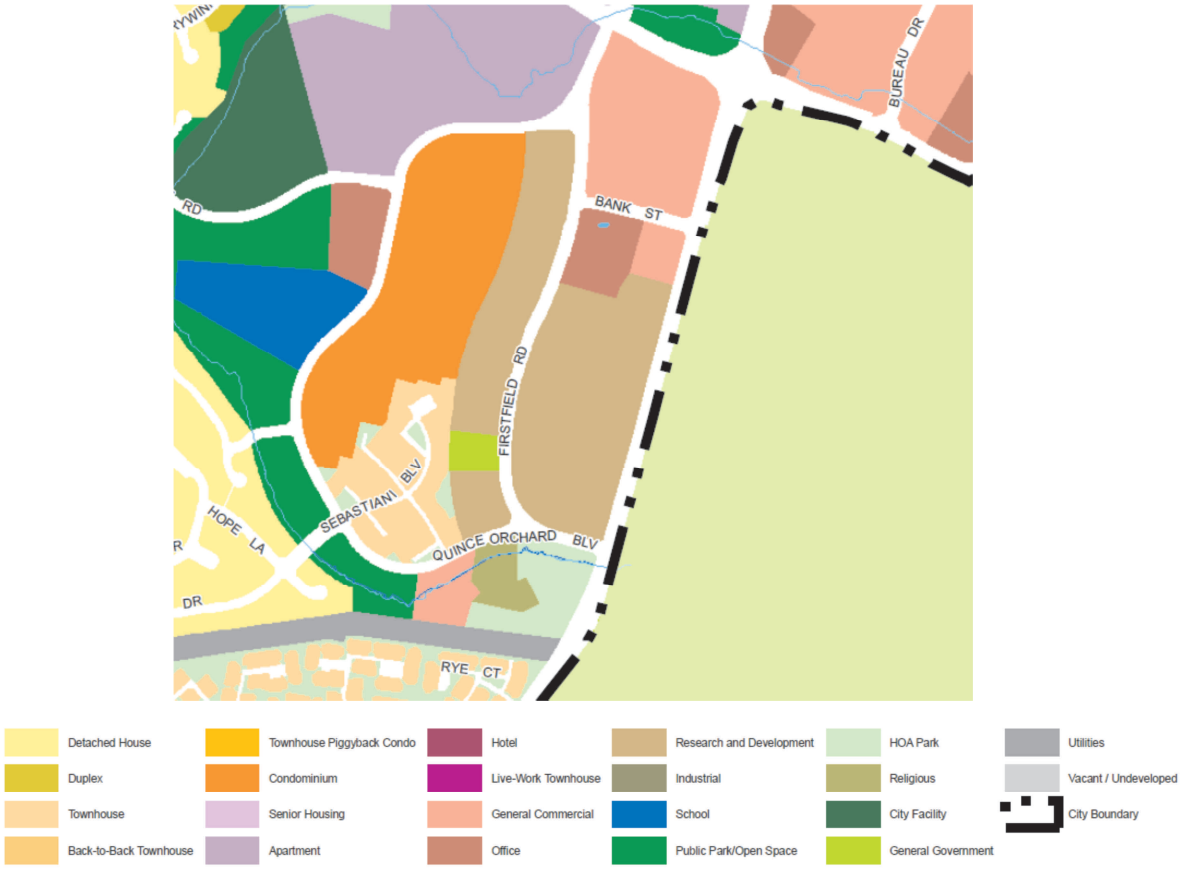
The Application creates vehicular and pedestrian connections that facilitate movement within the Property and integrate the Property with the surrounding community by automobile, bicycle, or foot. Further, residents and employees on the Property are positioned to access multiple options for transit.

The Applicant will ensure adequate parking for the residential, commercial and retail uses on the Property. For the residential development, the parking may include driveway/garage parking along with parallel or angled on-street parking. For the commercial and retail uses, parking may include surface and structured parking, along with some on-street parking. The Applicant will ultimately implement the number and type of parking spaces that comply with the City's requirements as it proceeds through other approvals with the City.

The backbone of the new community will be the two public streets. Public Street A will be a boulevard that appropriately transitions the residential development to the primarily commercial/employment area by its design and its connections to the open space. Public Street B will facilitate access between the residential development and commercial/employment uses. To knit together the residential and non-residential uses planned on Blocks 2 and 1, respectively, the Sketch Plan allows for stacked townhouse units as a transitional use and/or limited retail along the roadways.

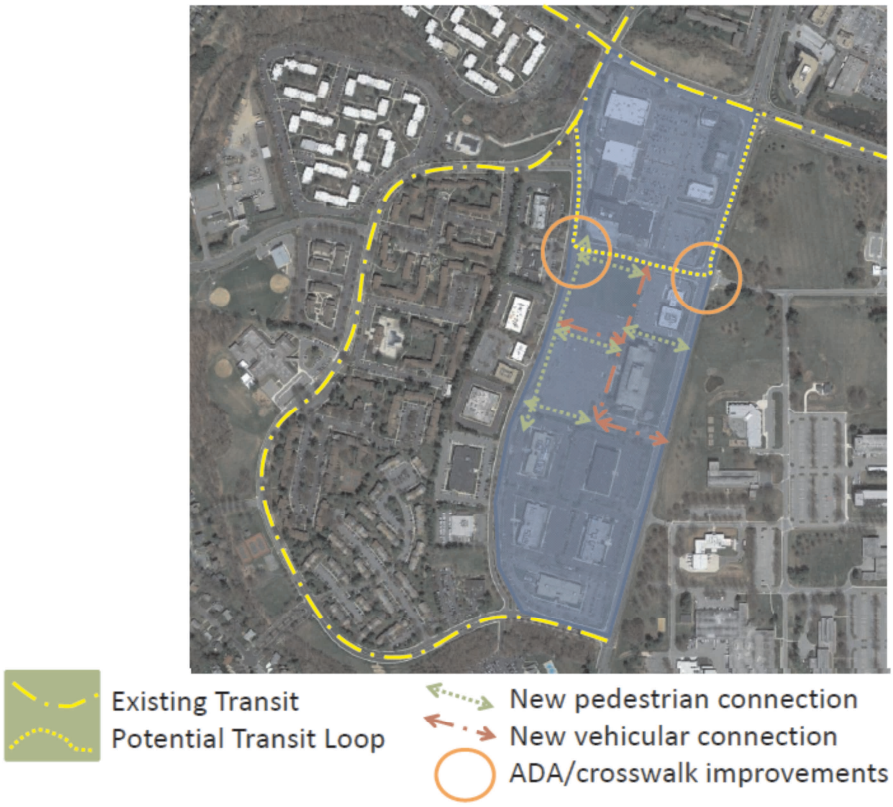
V. Context and Compatibility

As described above, varied uses surround the Property: offices, research facilities, medical labs, religious institutions, multi-family housing, retail, and restaurants. The Property is a transitional site that can serve as a hub between retail and employment uses.



The proposed mix of uses creates a microcosm of the surrounding uses, with the necessary addition of residences that will create a 24/7 environment. The proposed residences, townhomes and two-over-twos, introduce two new housing types that are currently unavailable in the neighborhood. Along the north side of the Property, two-over-two residences may be provided to transition between the taller office building across Bank Street. The proposed townhomes will be limited to four or five stories to maintain compatibility with the low and mid-rise commercial and institutional buildings to the south and west of the Property. Similarly, the townhomes are broken into strings similar in length to the neighboring commercial and institutional buildings to maintain compatibility.

Notably, a limiting condition of the Property is the superblock configuration. Breaking the Property into walkable areas will create the porosity necessary to implement paths and encourage mobility by foot and bicycle. Further, a denser, walkable site opens up the possibility for new public transit via new bus stops on Ride-On lines on the Property.



The Application focuses on maximizing employment opportunities at the Property and creating a neighborhood for residents to live, work and play. With respect to the employment uses, the Property currently supports commercial uses totaling 201,186 square feet. This Application proposes to double the existing commercial base, at the same time providing ownership opportunities for City residents that want to live near their jobs.

A broad-brush analysis of the build-out potential for various land uses allowed within a 5,000-foot radius, roughly defining the local community of the Property, finds a significant imbalance in the land use potential and smart growth principles of jobs to housing balance in the area. The City's preferred balance is five jobs per dwelling unit[4] to encourage a live-work-play mixed-use environment; the analysis of the existing uses within a 5,000 foot radius of the Property demonstrates a 12:1 ratio.[5] While this is a simplistic analysis, it identifies the need for increases in mixed-use zoning to address larger master-planning priorities until the next comprehensive plan can study the matter in more detail. As noted, employers are showing a strong preference for locating in mixed-use areas that provide amenities, retail, restaurants and housing opportunities for their employees. An appropriate insertion of housing will encourage growth of the non-residential market – filling vacancies and investing in redevelopment.

Future development planned near the Property is predominately multi-family (Orchard Pond and Watkins Mill Road, for example) or employment (the Medimmune expansion, as another example)

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4 See the Municipal Growth Element of the Master Plan.

5 The methodology was a simple multiplication of density allowed (in FAR or units per acre) by net land area under various zoning classifications. When density is not prescribed by code, assumptions were made based on, for example, coverage, and height restrictions to determine likely yields.

and, therefore, the introduction of single-family homes will produce a new dynamic in the area with ownership opportunities located closely to the main employment centers of the City. Additionally, as discussed above, ownership opportunities will stimulate a new investment and pride in the community from residents who will remain in the community long-term and seek to preserve and take advantage of its amenities. The introduction of a 24-hour community (with residents and employees on the Property throughout the day) will help the existing retailers at the nearby Quince Orchard Plaza.

Narrowing from the broad "neighborhood" perspective above, the immediately adjoining uses are also compatible to the proposed mix of uses. There are two churches on Firstfield Road, near the intersection with Bank Street, as well as a veterinary office, both of which complement the proposed residences. In addition, the adjacent Quince Orchard Plaza provides various activities and shopping for the residents and the employees that will come to the Property. The surrounding R&D and government uses create a strong center of gravity that draws new employment, retail/recreational uses and residents to the area. The densities and scale/massing of all the immediately surrounding uses are similar to that being proposed, allowing for physical compatibility between the existing and proposed uses.

Adding residences to predominantly commercial has been documented to serve as a catalyst for future development. For example, several townhouse communities have been successfully integrated within the County's office parks: (1) Montgomery Row Townhomes in Rock Spring Corporate Park (Bethesda), (2) Milestone Residential in Milestone Corporate Center (Germantown), (3) Hanover Shady Grove in Shady Grove Executive Center (Rockville), and (4) Camden Shady Grove in DANAC Corporate Campus (Rockville). As recently discussed in the "Office Market Assessment-Montgomery County, Maryland," a report prepared by Partners for Economic Solutions for the Montgomery County Planning Department, attached as Exhibit D, the report confirms that the office market in the County and surrounding areas is suffering and that office centers located in mixed-use developments that are walkable, close to transit options, and incorporate public spaces are best positioned to attract and maintain users. As the report points out, the days of isolated office parks are gone, as employees want to work in environments with thriving retail, open space, residential, and transit amenities.

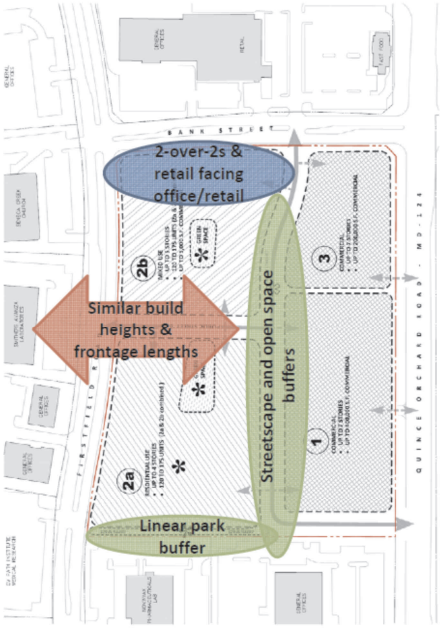
VI. Mixed-Use Relationships

The Application has the opportunity to create this same type of mixed-use development proven to be successful, where residents can live, work, and play without having to travel. Employers in the City are seeking high-quality housing to attract new employees. The Application meets this demand by providing housing opportunities that will be supported by high-paying and competitive jobs available at the Property. The jobs will have competitive salaries to support the mortgages on the residences, allowing residents to truly live, work, and play in the same development. The residences cannot be viewed in isolation or of independent of the surrounding community, as they will support the existing commercial and retail uses and introduce a new type of housing that is currently unavailable in the surrounding neighborhood.

The architecture for the residences is likely to employ a traditional yet urban style that is harmonious with the commercial uses on the Property and the existing uses surrounding the Property but maintains a residential feel. This will complement the architecture for the commercial uses, which will likely employ a contemporary aesthetic with bold colors and accents. Both the architecture and

the landscape/hardscape for the various elements will be designed to coordinate and balance one other.

Open spaces for residents and employees internal and external to the Property introduce an amenity that is not currently available on or near the Property. The proposed on-site linear and open space parks and path improvements, as shown below, will augment the pedestrian open space system, which is currently limited to sidewalks. The proposed residential development will afford the conversion of existing paved surfaces into green space and streetscape, introducing new areas for recreation, improving the tree canopy, and creating walkability. The open spaces will be framed by the roadways and residences creating a strong presence to residents and passersby.



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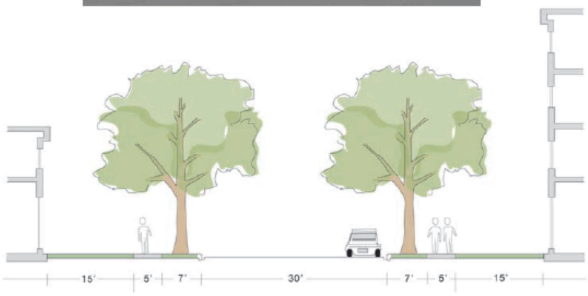
A green buffer is implemented along the southern perimeter of the Property to mitigate the view of the office parking on the parcel to the south and create a way to travel by foot from Firstfield Road to Quince Orchard Road midway through this large block.

The proposed streetscapes will unify the mix of uses on the Property, for instance, the pedestrian streetscape along the residences will relate to the commercial frontages, forming a connection between the varying uses. Each new roadway will implement parallel parking, trees, furnishings, light fixtures, and sidewalks to make it easy and attractive for residents and employees to travel by foot through the Property. A promenade is proposed between the residences and the DRS building to mitigate the height variance.



The proposed broad mix of uses and users allows multiple opportunities for the Property to develop and integrate into the greater community. Specifically, mixed-use development, either created formally (via the City's floating zones) or organically has spread across the parts of the City surrounding the Property. The implementation of the MXD zone at this Property follows this trend, but, more importantly, will be a catalyst for future growth of the kind targeted by the Master Plan.

Ultimately, the Application seeks to create a hub of all the neighboring uses that will be a functional and attractive focal point for the surrounding neighborhood. The mix of uses at the Property and in the neighboring community will sustain one another, creating a symbiotic relationship that greatly benefits the residents and employees.

VII. Connectivity and Traffic

As discussed above, the Property is well-served by several circulation networks. The Applicant proposes several ways to facilitate vehicular, bicycle, and particularly pedestrian traffic throughout the Property to integrate the Property with the surrounding community.

First, the Applicant proposes the addition of a primary two-way vehicular roadway through the Property running north to south - Public Street A.[6] Rather than have sharp 90 degree turns, the plan proposes gentle radius movements. The vehicular access includes a 60 foot wide right of way that provides the opportunity for planted and landscaped areas to serve as a buffer between the road and improvements. Public Street A also offers an appropriate definition between the residential Block 2 and the primarily commercial Blocks 1 and 3. Importantly, Public Street A creates a connection between the commercial and retail uses across Bank Street and Quince Orchard Road, opening up the Property from the island it is today.

Second, the Applicant proposes the addition of another primary two-way vehicular roadway, Public Street B, to facilitate access between the commercial and residential uses. Public Street B is also intended to have a wide right of way with planted and landscaped areas, adding to the open space components. Together with Public Street A, the roadways ensure three major access points to the Property to avoid chokepoints and create efficient internal circulation without an adverse impact to the community. Again, this street takes an internalized Property with no through connection and creates connections which can be used by employees and residents to the north, west and south. It should also be noted that with the potential 500,000 square feet commercial space on Blocks 1 and 3, the plan proposes a potential fourth access point at Quince Orchard Road in between Blocks 1 and 3, to be developed during the redevelopment of Block 3.

Third, the Applicant proposes pedestrian and bicycle paths running along the eastern perimeter of Block 2, along the southern perimeter of Blocks 1 and 2, and throughout Block 2. The pedestrian and bicycle paths will accentuate the interconnectivity between the Property and the surrounding commercial development. For instance, residents may walk to the future CCT stop or walk or bike to the nearby large employment center that NIST offers right across Quince Orchard Road. The addition of sidewalks along this Property will increase the ease of walking and bicycling for residents, employees and visitors to come and go from the Property and easily connect the Property with the broader Gaithersburg community. The access points of the pedestrian/bicycle paths on the Property also provide access to additional bicycle-friendly routes outside of the Property on Clopper Road and Quince Orchard Road permitting a broader range of travel without using an automobile. They also encourage neighboring residents and employees across Bank Street and Firstfield Road to access the Property and take advantage of its amenities. Further, the pedestrian and bicycle paths will eliminate the need for pedestrians to cut through the Property and allow them to get safely to their destination.

Finally, the Applicant proposes secondary ingress and egress points throughout the Property. These access points will reduce vehicular traffic from the commercial patrons of Blocks 1 and 3 onto the residential development on Block 2.

The Applicant will evaluate the traffic and circulation patterns at the time of the Schematic Development Plan. As the Applicant moves forward in the application process, it will ensure that all traffic studies are conducted as required by the City and minimize any unnecessary traffic impact.

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[6] Please note that Public Street A may be built in phases, to be determined at Schematic Development Plan.

VIII. Adequate Public Facilities

Adequate public facilities will be examined at the time of Schematic Development Plan. A preliminary traffic analysis, attached as Exhibit E, shows a limited impact on the transportation network. Similarly the local schools have adequate capacity to support residential development the Property: Brown Station Elementary School, Lakelands Park Middle School, and Quince Orchard High School serve the Property. (See attached Exhibit F.)

IX. Phasing

The Applicant is still in the initial phases of determining the exact phasing of redevelopment, however, it is anticipated that Blocks 2A and 2B will be developed first. The goal is to re-tenant the building on Block 1 as soon as possible. A long term goal is to redevelop Block 1 with a larger, modern building with structured parking. Block 3, by the nature of its current use and long-term leases, will likely be the final element to be developed and will, therefore, be designed to integrate into the established neighborhood upon redevelopment.

This phasing approach takes into consideration the Applicant's goal to revitalize the entire Property at once. Concurrently, the Applicant will remarket the DRS Building and develop the proposed residential uses. The Applicant has every incentive to immediately effectuate the reuse of the DRS Building in order to secure buyers for the townhomes and recoup some of its investment in the real estate by collecting rent from DRS Building tenants. To state the obvious, the visibility of the DRS Building along Quince Orchard Road and from the proposed residential area makes leasing the DRS Building critical to attracting and retaining new residents to the Property.

To this end, the Applicant has already conducted outreach to a potential lab user for Block 1 and will continue to make every effort to identify a user or users that may take advantage of the unique features of the DRS Building. Once a tenant is secured, the Applicant will enhance the exterior of the DRS Building to make it more attractive for other potential users and for those residents living behind the building.[7]

Specifically, the Applicant has already taken multiple steps to re-tenant the DRS Building, including:

- The Applicant met with the City's Economic Development staff and requested notification of any potential lab users that may be interested in leasing the DRS Building.[8]
- The Applicant engaged an award winning design team to study the DRS Building and explore repurposing it in a manner that complies with the MXD zone.
- The Applicant entered the DRS Building data into Co Star, a proprietary database for local, national and international tenants and brokers looking for lab and office space.

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[7] The design intent is to reduce the scale and massing of the building, introduce softer design elements and increase windows and open air light flow.

[8] The Applicant will continue to coordinate efforts with the City's Department of Economic Development.

- The Applicant installed new signage on the Property with a direct phone number to the Applicant for any leasing inquiries.

- The Applicant interviewed local and national brokerage firms with significant expertise in life sciences and laboratory leasing.

- The Applicant studied several successful sites that have transformed from single-use zones to mixed-use zones across the region.

To address replacement of on-site parking facilities currently located on Block 2, the ground floor of the DRS Building may be converted to a garage for approximately 150 parking spaces while the upper two floors may yield approximately 110,000 square feet of lab/office space. The remainder of the required parking spaces would be distributed on the north, south and east side of the DRS Building in the form of smaller on-grade lots with sufficient landscaped buffering. The formal building lobby entrance will remain off the internal street to maintain pedestrian-friendly access facing the proposed residences on the west side of the Property. The garage entrance is planned to front on Quince Orchard Road to isolate vehicular traffic from the residences and to create a major building presence along Quince Orchard Road.

X. Compliance with MXD Zone Standards

Pursuant to Section 24-160D.10 of the Gaithersburg City Code, the City Council shall approve a MXD zoning and the accompanying sketch plan only upon finding that: (1) the application meets or accomplishes the purposes, objectives, and minimum standards and requirements of the zone; (2) the application is in accord with recommendations in the applicable master plan for the area and is consistent with any special conditions or requirements contained in said master plan; and (3) the application and sketch plan will be internally and externally compatible and harmonious with existing and planned land uses in the MXD zoned areas and adjacent areas. Each of these findings will be discussed in turn:

(1) The application meets or accomplishes the purposes, objectives, and minimum standards and requirements of the zone. The purposes of the MXD zone as set forth at Section 24-160D.1 are as follows:

(a) To encourage design flexibility and coordination of architectural style of buildings and signage.

The Application seeks to develop a mixed-use community that will allow for various architectural styles and designs that are harmonious within the Property and with the surrounding community. The development standards of the MXD zone allow for the coordination of the re-use of the DRS Building and its unique design with new residences in a way that stricter standards of the current Euclidian zones do not (see Section VI). The signage of the Property will reflect the mixed-use community and the character of the individual blocks as developed during Schematic Development Plan.

(b) To ensure the integration and internal and external compatibility of applicable residential and nonresidential uses by providing a suitable residential environment that is enhanced and complemented by uses such as commercial, recreational, open space, employment and

institutional uses and amenities within a multi-use development. A multi-use development is defined as a single parcel or a group of contiguous parcels of land zoned MXD which, among the various parcels comprising that contiguous area, include residential, commercial, recreational, open space, employment and institutional uses and amenities.

As discussed in depth in Sections IV through VI, the Property is proposed to be developed with residential uses and commercial uses, anchored by community and recreational amenity spaces. The layout has been designed to integrate the various uses through roads, paths and green space, while still allowing each to create a distinct personality on the respective blocks. The residential uses on the Property will be enhanced and complemented by the multiple uses and amenities on the Property and in the surrounding community. Other retail and personal services may be found across Bank Street at Quince Orchard Plaza. Employment options will be in all directions, which create a distinct incentive for homebuyers in this area who want to live near their work.

As further discussed in Sections II and VII, employees of the retail or commercial uses may elect to live on the Property or use the retail or green open spaces on the Property throughout the day. Residents will use the open green spaces on the Property for recreational purposes as well the nearby Robertson Park, Diamond Farms Park, Seneca State Creek Park and Metropolitan Grove Park that are within two miles of the Property. The residents may shop at one the six shopping centers within two miles of the Property or take advantage of the nearby public transit options via the Marc Station, Ride-On, Metro Bus, or future CCT stations. The Property's close proximity to the I-270 corridor also permits easy access to other areas of the County and the greater metropolitan area. Similarly, until such time as Block 3 is redeveloped, the existing bank and general and medical office spaces on Block 3 will be served by the employees of the commercial uses, patrons of the retail uses on the Property, and residents of the Property.

(c) To assure compatibility of the proposed land uses with internal and surrounding uses by incorporating higher standards of land planning and site design than could be accomplished under conventional zoning categories and to provide a superior quality of development exceeding that which could be achieved under conventional zoning regulations and procedures.

The MXD zone allows the Property to achieve broad and compatible uses for those on the Property and for those surrounding the Property. Under the current E-1 and C-2 zones, the Applicant is limited to single-purpose development. The MXD zone, however, provides for more robust planning and architecture as well as multiple uses on the Property that are harmonious internally and externally. As discussed in Sections II, IV, V, VI, and VII (and shown graphically), the MXD zone allows the Applicant to implement uses on the Property that will be mutually beneficial to the existing amenities, such as the nearby public transit, shopping centers, recreational parks, restaurants, elementary school, and various employment opportunities.

The proposed mix of uses for the Property will create a built in customer base, in addition to the existing customers, to support the amenities on the Property and in the surrounding community, as discussed in Section V.

The future implementation plans for the Property reflect the higher quality of site design under the MXD zone by the use of structured parking and meaningfully integrated green spaces.

(d) To encourage the efficient use of land by: locating employment and retail uses convenient to residential areas; reducing reliance upon automobile use and encouraging pedestrian

and other non-vehicular circulation systems; retaining and providing useable open space and active recreation areas close to employment and residential populations; and providing for the development of comprehensive non-vehicular circulation networks, separated from vehicular roadways, which constitute a system of linkages among residential areas, open spaces, recreational areas, commercial and employment areas, and public facilities.

As discussed in Section IV and VII, residents and employees may use the proposed pedestrian/bicycle paths surrounding the Property to walk or bike to the retail or commercial uses instead of using an automobile. Residents and employees may also use the pedestrian/bicycle paths to access amenities surrounding the Property as the paths have access points on the northern portion of the Property and the southwestern and southeastern portions of the Property. Such access points provide easy access to the neighborhood amenities to which it is desirable to bike or walk, for instance public transit and recreational parks. The access points of the pedestrian/bicycle paths on the Property also provide access to additional bike-friendly routes outside of the Property on Clopper Road and Quince Orchard Road permitting a broader range of travel without using an automobile and encouraging neighboring residents and employees to access the Property. The pedestrian/bicycle paths are distinct from the vehicular roadways. The pedestrian/bicycle paths and main roadways share one main artery through the middle of the Property, however, the pedestrian/bicycle paths also have several distinct paths throughout Block 2 and along the southern perimeter of the Property.

The Application also provides open green space and active recreational areas within walking and biking distance of the commercial and retail uses, and along the southern perimeter of the Property. Such open green space and active recreational areas are connected internally and externally via the proposed and existing pathways and sidewalks, as discussed in Sections IV, V and VII. Employees may walk to the open green space to have lunch and residents may use the open space to congregate with neighbors and allow children to play. Residents and employees in the surrounding neighborhoods may also use the green space as it will be conveniently located on the Property. By co-locating residential and commercial uses, trips that otherwise travel between the residential and commercial uses that are not adjacent are removed as residents can walk to and from their jobs. Similarly, by adding viable commercial uses in a vacant space alongside other employment and commercial uses, trips between the two are shortened. Moreover, the addition of the paths and amenities opens up the Property for use by employees and residents of the surrounding area. It transforms what was a closed off "island" into a porous block fostering better east-west and north-south connections.

Finally, as stated above, the Property's convenient location near shopping, employment centers and other amenities (schools, community centers and transit, among others) further reduces vehicle trips.

(e) To provide a superior natural environment by the preservation of trees, natural topographic and geologic features, wetlands, watercourses and open spaces.

The Applicant has submitted and received approval of a NRI/FSD. The proposed plan will enhance the environment by removing impervious surfaces and reintroducing green areas. Among these green areas will be the open spaces on the residential development and landscaped buffers. The proposed plan will also replace the antiquated stormwater management system with ESD through landscape design.

(f) To allow development only in a phased or staged fashion to ensure the adequacy of the provision of public facilities and the concurrent implementation of community amenities.

As discussed in Section IX, the Application encourages the orderly development of a large multi-use development, totaling 15.38 acres, with commercial, retail, residential industrial, and other permitted uses under the MXD zone in three potential phases. The first phase of the residences on Block 2 will develop the market for the site, followed closely by the commercial use on Block 1. The infrastructure and amenities will be implemented in advance of the full build out to ensure that the community is integrated at the outset.

As discussed in Section VIII, the redevelopment will occur in a manner that ensures the adequacy of public facilities and the concurrent implementation of community amenities. While the exact phasing and timing are not finalized, the objective is to ensure that new amenities are introduced in a manner that integrates into the community and incrementally provides beneficial uses for those on the Property and the surrounding community.

(2) The application is in accord with recommendations in the applicable master plan for the area and is consistent with any special conditions or requirements contained in said master plan.

Section 24-160D.2(a) of the Gaithersburg City Code allows the Mayor and Council to apply the MXD zone to a property without a specific recommendation from the Master Plan when the proposed development otherwise satisfies the purposes and objectives of the MXD zone. While the Master Plan does not anticipate for the Property to be zoned MXD, such a designation would provide an incentive for much needed quality development, resulting in numerous public policy gains, including, but not limited to, diverse and affordable housing opportunities, and sustainable development of an enhanced caliber and enhanced storm water management.

Pursuant to the PlanMaryland Planning Areas for the City of Gaithersburg Summary of State Agencies Review, the Property is also within the City's Targeted Growth and Revitalization Area ("TGRA"). The City's intent is that areas among the TGRA are focal points for new and revitalized mixed-use developments, accommodate the bulk of the City's future growth, provide a significant supply of residential housing and nonresidential development, and facilitate well-planned land use patterns that are supported by multiple transportation options. Lastly, the Application complies with the strategies identified in the City's Strategic Plan.

The overall visions and elements of the Master Plan, the PlanMaryland TGRA, and the City's Strategic Plan will be implemented as follows:

(a) Quality of Life and Sustainability

The Master Plan encourages the following: (1) Increase public/green open space through infrastructure re-designs in existing neighborhoods, (2) Improve public and private stormwater management facility, and (3) Eliminate gaps in the pedestrian and bicycle network, creating more walkable communities and encouraging the use of transit facilities to reduce traffic congestion, conserve energy and maintain air quality goals. [9]

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[9] See Environmental and Sustainability Element, 2015.

The Application complies with all three of the foregoing principles by proposing a sustainable development that would provide a high quality of life for residents on the Property and improve the quality of life for residents in the surrounding community. First, the Application proposes open green spaces, planted areas landscaped buffers, and additional courtyard and common areas for use by residents and employees. Second, the Application will improve the antiquated stormwater management system on the Property. Third, the Application proposes extensive pedestrian/bicycle paths that will create connections with the Property as well to the surrounding community. As a result, residents and employees can walk and bike to run errands within or outside of the Property, rather than using an automobile and public transit. As well, they will have easier access to the nearby public transit, which reduces vehicular traffic and the effects thereof.

(b) Growth Areas

The Master Plan encourage the following: (1) Focus redevelopment on underutilized sites and (2) Include a mix of uses to create seven days a week activity with a balanced mix of commercial and residential uses.[10] The Application proposes to develop underdeveloped real estate that currently allows limited uses. The Application will take advantage of this valuable real estate and develop it with commercial and residential uses that will provide amenities to the community. The proposed commercial uses, including restaurant, and retail, are generally open seven days a week, which will create a daily stream of patrons on the Property.

(c) Community Design

The Master Plan encourages applying new land uses, development and design standards and rezoning of certain properties to allow for development that integrates multiple uses (employment and/or housing) on the Property.[11] The City's Strategic Plan promotes maintenance of equitable amenities and services throughout the City. The Application proposes a rezoning of the Property to allow for development of both commercial and residential uses that will provide employment opportunities as well as much needed fee simple ownership housing opportunities. The benefits of a mixed-use design are discussed in Section IV and will allow new amenities to serve the residents internal and external to the Property.

(d) Transportation

The Master Plan encourages the following: (1) Promote alternatives to single-occupant vehicle trips, such as shared ride programs, transit, bicycling, and walking to reduce pollution and promote mobility for all residents and (2) Identify and prioritize specific pedestrian and bicycle improvements including designated routes, road signage, new trails and sidewalks, and bike lanes.[12] The PlanMaryland land use and transportation objectives also encourage areas within the TGRA to increase walkability and pedestrian accessibility. The Plan Maryland transportation objectives also points out that the lack of a fine-grained street network forces a majority of trips to be made via the arterial highways, causing congestion and limiting access to the area's employment to mostly automobiles.

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[10] See Process and Overview Element, 2010.

[11] See Land Use Element, 2011, and Community Facilities Element, 2008.

[12] See Transportation Element, 2010, and Community Facilities Element, 2008.

The Application promotes transit by bicycle and foot with several pedestrian/bicycle paths within the Property and connecting to the surrounding community. Such paths provide easy access to the employment opportunities and to nearby amenities, such as recreational parks and public transit. The Applicant will also provide signage that advises residents and employees of the multiple paths on the Property.

Notably, the PlanMaryland objectives state that attention should be given to promoting more mixed-use development to not only balance the jobs to housing ratio but to also ensure investments in transit for the areas are maximized. The proposed vehicular and pedestrian and bicycle networks facilitate convenient access to the nearby public transit options. As well, the proposed networks break up the superblock configuration of the Property, creating more porosity that will reduce congestion on the existing roadways and allow travel within and external to the Property by foot and bicycle.

(e) Housing

The Master Plan encourages a wide range of housing types, preferably in a mixed-use setting.[13] The City's Strategic Plan also promotes safe and livable neighborhoods with a variety of housing types and styles served by diverse transportation options. The PlanMaryland economic development objective further points out that the area has more jobs available than housing units and therefore, fewer employees live close to employment centers to fill the available jobs.

The Application provides options for townhomes and two over twos, all within a mixed-use community with amenities within the Property and the surrounding community. The residential areas in the immediate area are predominately multifamily which allows the Property to introduce a new housing type. The addition of single family ownership housing opportunities will create a stable environment where residents will remain long term and have a sense of community ownership. Likewise, new housing opportunities will allow more employees to live within an employment zone and fill those available jobs. Lastly, the proximity of the new housing to public transit and pedestrian/bicycle paths will allow for diverse transportation options.

(f) Economic Development

The Master Plan encourages placing employment and commercial uses in close proximity to residential areas.[14] The PlanMaryland economic development objective also points out a job to housing imbalance in the City; specifically, the City has a third more jobs than housing units and less than half of the jobs are filled by City residents. The Application proposes a mix of uses that would not only locate multiple employment opportunities from the commercial and retail uses directly adjacent to the residential uses, but would also allow for those employment opportunities to be filled by City residents who reside within walking distance. The introduction of new housing opportunities will also bring better balance to the City's jobs to housing ratio. The Applicant is actively working with the City Economic Development office to reuse the existing vacant DRS building and bring high wage jobs to the Property.

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13 See Process and Overview Element, 2010, and Community Facilities Element, 2008.

14 See Process and Overview Element, 2010, and Community Facilities Element, 2008.

(g) Environmental Protection

The Master Plan encourages the use of green building principles in order to support environmentally friendly sensitive design, construction, operation, and maintenance of buildings and landscapes.[15] The City's Strategic Plan also encourages sustainable practices that promote social equity, environmental health, and economic prosperity. The Applicant proposes to implement green building principles as it moves forward with the redevelopment. The redevelopment of the Property will ensure protection of the natural resources, including trees, environmental buffers, and full compliance with Maryland's stormwater regulations, as well as green building codes.

(h) Resource Conservation

The Master Plan encourages development and redevelopment to be planned and directed so as to conserve the needed amount of space. The City's Strategic Plan further encourages attractive and beautifully maintained parks; public spaces and natural environments that are protected, respected, and enhanced; and leisure activities that meet the needs of the community . The proposed open and green spaces are integral to the redevelopment of the Property. Such spaces include "mini parks," landscape buffers, and courtyard and outdoor spaces to complement the residential and commercial uses on the Property and will be available to residents and employees on the Property and external to the Property. Together with the proposed pedestrian and bicycle paths, residents and employees will have various opportunities to engage in leisurely activities on the Property.

(i) Stewardship

The Master Plan encourages addressing broad areas of concern such as future housing mix and affordability and demographic makeup of the City.[16] The Application proposes fee simple ownership housing in an area that is predominantly rental in nature. More importantly, it provides affordable housing options in an area that lacks such options. The Applicant intends to meet the market demand for both homeownership and affordable homeownership opportunities at price points that are reasonable for singles, couples, and first time homebuyers. Providing ownership opportunities will stimulate a new investment and pride in the community from residents who will remain in the community long-term and seek to preserve and take advantage of its amenities.

(j) Implementation

The Master Plan encourages all planning and development to consider and respond to the City's environmental, transportation, economic, social and civic needs.[17] The City's Strategic Plan also encourages strong partnerships to meet the needs of the community. The Application presents a viable plan for repositioning the Property which can be achieved with the support of the City, neighboring properties, and residents. The Applicant will ensure that the proposed redevelopment continues to meets the needs of the City and represents a collaborative effort as it moves forward in the process.

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[15] See Environmental and Sustainability Element, 2015.

[16] See Process and Overview Element, 2010.

[17] See Process and Overview Element, 2010.

(k) Adaptive Re-Use

The Master Plan encourages adaptive re-use of properties into new projects when possible.[18] The Applicant will re-brand and rehabilitate the DRS Building to ensure an active environment on the Property. The long term plan for the Property foresees demolition and reconstruction of a modern building to accommodate the high-tech tenants interested in Gaithersburg.

(3) The application and sketch plan will be internally and externally compatible and harmonious with existing and planned land uses in the MXD zoned areas and adjacent areas.

The Property will be internally compatible and harmonious with existing and planned uses in the MXD zoned areas and adjacent areas. The objective of the Application is to place commercial uses along one of the City's major thoroughfares and in close proximity to residential uses to create walkability within the Property and among the surrounding community. The Applicant will create a project that supports the existing commercial and retail uses in the neighboring community without creating an imbalance in the supply of retail uses.

As discussed in Sections II and IV, the residential uses on the Property will be enhanced and complemented by the multiple uses and amenities on the Property. The residents may find employment at the neighboring commercial and retail uses or employees of those commercial and retail uses may elect to live on the Property or use the green open spaces on the Property throughout the day. Residents will use the open green spaces on the Property for recreational purposes as well the nearby Robertson Park, Diamond Farms Park, Seneca State Creek Park and Metropolitan Grove Park that are within two miles of the Property. The residents may shop at one the six shopping centers within two miles of the Property or take advantage of the nearby public transit options via the Marc Station, Ride-On, Metro Bus, or future CCT stations. The Property's close proximity to the I-270 corridor also permits easy access to other areas of the County and the greater metropolitan area. Similarly, until such time as Block 3 is redeveloped, the existing bank and general and medical office spaces on Block 3 will be served by the employees of the commercial uses, patrons of the retail uses on the Property, and residents of the Property.

Among the planned uses in the adjacent area include the future CCT stops and the future connection via Watkins Mills Road. The future CCT will provide yet another mode of public transit with multiple stops within walking distance of the Property. Likewise, the additional I-270 connection will create a new third way to gain access to other areas of the County and the greater metropolitan area.

XI. Conclusion

The Applicant proposes a vibrant mixed-use community where residents will want to work, live and play, a combination that will be made easy by the walkability and diverse amenities within the Property and those directly surrounding it. Such a community in this area represents the first step to the fully mixed-use environment envisioned by the City. The Property will be the catalyst to guide this portion of the City into becoming a more vibrant community within the balance of the area, while the design will immediately enhance the neighborhood's character.

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[18] See Historic Preservation Element, 2007.

The Application also provides a great opportunity to break up the current single-purpose zoning on the Property and instead maximize the flexibility and mix of uses permitted under the MXD zone. This will allow the Applicant to reposition the Property and meet the market demand of employers, employees, and residents now and in future years. The design prioritizes the integration of amenities for all users internal to the Property as well as external to the Property. The mix of uses harmoniously complements and enhances the neighborhood and transforms the Property from an isolated community with limited uses to an integrated one with mixed uses. The proposed redevelopment reuses an existing building, provides housing to meet the needs of existing and future City residents, and takes the pressure off of existing infrastructure by co-locating uses, and provides support for existing retail opportunities.

Applying smart growth principles and emphasizing the Property's proximity to major bio-technology industries and other employment uses, as well as the potential for non-traditional uses like a theater, have led to a Sketch Plan that exceeds the City's goals. The Applicant looks forward to completing its studies and identifying users to present at Schematic Development Plan. Smart growth advocates often respond with one word when asked where mixed-use zoning should be implemented: everywhere. This Application is a small step in the direction of implementing a more sustainable land use policy.

EAL/akm

Exhibits

Exhibit A – Letters of Authorization

Exhibit B – Letters of Support

Exhibit C – Sketch Plan

Exhibit D – Office Market Assessment for Montgomery County, Maryland

Exhibit E – Traffic Analysis

Exhibit F – School Capacity

June 26, 2015

City of Gaithersburg
31 South Summit Ave.
Gaithersburg, MD 20877-2038

Subject: QUINCE ORCHARD VENTURE, LLC

Re: 1 Bank Street
Gaithersburg MD 20878
Lot 10, Block "C", Diamond Farm, Plat No. 24141
Tax Account No. 09-03676310

Dear City of Gaithersburg and its Staff:

On behalf of Bank Street Realty partners, LLC, the owner of the above-referenced property at 1 Bank Street, QUINCE ORCHARD VENTURE, LLC (or its designee) is authorized to submit application to the City of Gaithersburg, MD for rezoning of the above-referenced property with tax account No. 09-03676310.

Should any of the agencies have any questions or comments, please direct them to call me at 301 - 948-9870.

Sincerely,

Robert C. Dickman
Principal, Avison Young

CC: Ian Duke – Vika Engineering
Erica Leatham – Ballard Spar

Joint Hearing - MCC & PC
Z-7262-2016
4a

CAPVIEW
PARTNERS

June 30, 2015

City of Gaithersburg
31 South Summit Ave.
Gaithersburg, MD 20877-2038

Re: QUINCE ORCHARD VENTURE, LLC

Subject: 5 Bank Street
Gaithersburg MD 20878
Lot 11, Block "C", Diamond Farm, Plat No. 24141
Tax Account No. 09-03676321

Dear City of Gaithersburg and its Staff:

On behalf of Capview Income & Value Fund IV, LP, the owner of the above-referenced property, QUINCE ORCHARD VENTURE, LLC (or its designee) is authorized to submit application to the City of Gaithersburg, MD for rezoning of the above-referenced property.

Should any of the agencies have any questions or comments, please direct them to call me at 972-656-6081.

Sincerely,

Kirk Klatt
Director | Capview Partners

CAPVIEW
PARTNERS

972-656-6068: Direct
214-455-1752: Cell
972-656-6077: Fax
kirk.klatt@capviewpartners.com
www.capviewpartners.com

5910 North Central Expressway
Suite 1625
Dallas, TX 75206

Joint Hearing - MCC & PC
Z-7262-2016
4b

CAPVIEW
PARTNERS

STATE OF Texas)
) ss:
COUNTY OF Dallas)

I hereby certify that on this 30th day of June, 2015, before the subscriber, a Notary Public in and for the said jurisdiction, personally appeared Kirk Klatt, ~~Trustee~~ Director of ~~the~~ CIVF IV, LP, who acknowledged that he, having been properly authorized, executed the foregoing instrument, voluntarily and for the purposes therein contained. In testimony whereof, I have set my hand and notarial seal.

Notary Public Shelley Howard

My Commission Expires: 4/29/18

SHELLEY L. HOWARD
Notary Public, State of Texas
My Commission Expires
April 29, 2018

STATE OF Maryland)
) ss:
COUNTY OF Montgomery)

MEMBER

I hereby certify that on this 26th day of June, 2015, before the subscriber, a Notary Public in and for the said jurisdiction, personally appeared Robert C Dickman, ~~Trustee~~ of the Bank Street Building Partners, who acknowledged that he, having been properly authorized, executed the foregoing instrument, voluntarily and for the purposes therein contained. In testimony whereof, I have set my hand and notarial seal.

Teresa Ziffer

Notary Public

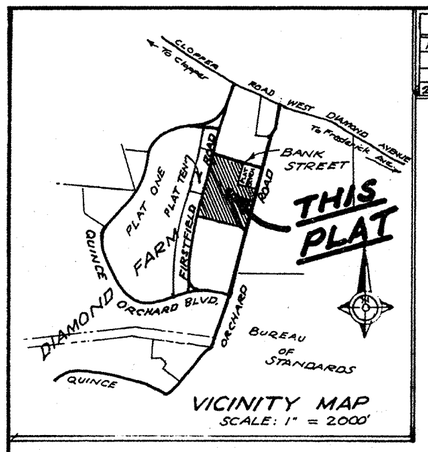
My Commission Expires: August 5, 2016

TERESA ZIFFER NOTARY PUBLIC MONTGOMERY COUNTY, MD

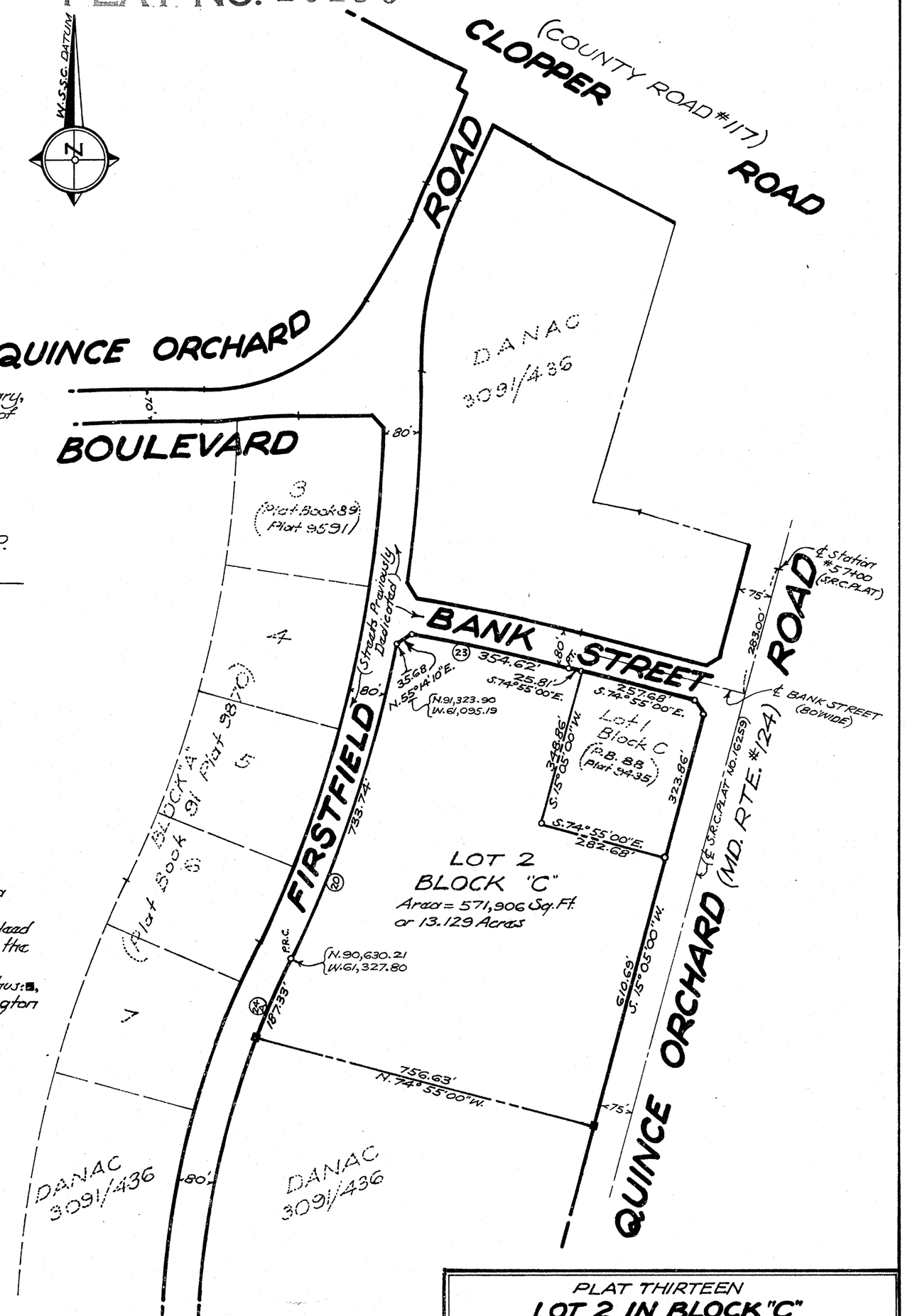
TERESA ZIFFER
Notary Public
Montgomery County
Maryland
My Commission Expires Aug 5, 2016

PLAT No. 10190

CURVE DATA						
NO.	RADIUS	DELTA	ARC	TAN	CHORD	CHD. BEARING
20	2800.00	15°00'52"	733.74	368.99	731.65	N. 18° 32' 14" E.
23	377429	05° 23'00"	354.62	177.44	354.49	S. 77° 36' 30" E.
24-A	2000.00	05° 22'00"	187.33	93.73	187.26	N. 23° 21' 41" E.



VICINITY MAP
SCALE: 1" = 2000'



OWNER'S DEDICATION

We, DANAC Real Estate Investment Corp., a Maryland Corporation by E. Austin Carlin, President, and James D. Dingwall, Secretary, owners of the property shown and described hereon, hereby adopt this plan of subdivision and establish the minimum building restriction lines.

There are no suits, actions-at-law, liens, leases, mortgages, trusts, easements or rights-of-way affecting the property included in this plan of subdivision.

Date: January 18, 1972

DANAC REAL ESTATE INVESTMENT CORP.

ATTEST: James D. Dingwall, Secretary — By E. Austin Carlin, President

SURVEYOR'S CERTIFICATE

I hereby certify that the plan shown hereon is correct; that it is a subdivision of part of the land conveyed from James C. Christopher and E. Austin Carlin, Trustees to DANAC Real Estate Investment Corp., by deed dated May 29, 1963 and recorded in Liber 3091 at Folio 436 among the land records of Montgomery County, Maryland.

I further certify that pipes shown thus: o, and monuments shown thus: ■, will be placed where indicated and that bearings shown refer to the Washington Suburban Sanitary Commission datum.

Date Jan 19 1972

Raymond A. Koenig
Professional Land Surveyor, No. 2426

NOTE: There is no street dedication by this plat.
"Previously Dedicated" Streets recorded in Plat Book 88 Plat 9435.
Lot area by this plat = 571,906 Square Feet, or 13.129 Acres.

CITY PLANNING COMMISSION
GAITHERSBURG, MARYLAND
CHAIRMAN Arthur T. Hildebrand
SECRETARY Ruth B. Finzi
DATE February 2, 1972

Joint Hearing - MCC & PC
Z-7262-2016
5a

PLAT THIRTEEN
LOT 2 IN BLOCK "C"
DIAMOND FARM
CITY OF GAITHERSBURG
MONTGOMERY COUNTY, MARYLAND
SCALE: 1" = 200' DECEMBER, 1971

ALLEN AND KOENIG, Land Planners & Surveyors
4801 MONTGOMERY LANE
BETHESDA, MARYLAND
6575

Maryland State Archives

PLAT NO.

22015

RECORDING DATE:

NOTES

1) THE PROPERTY SHOWN HEREON IS TO BE SERVED BY PUBLIC WATER AND SEWER SERVICES ONLY.

2) THE LAND HEREON IS ZONED "E-1" AND "C-2", AS SHOWN.

3) THE PROPERTY SHOWN HEREON LIES WITHIN ZONE "C" (AREA OF MINIMAL FLOODING) AS SHOWN ON FLOOD INSURANCE RATE MAP NO. 240050 0004 B FOR THE CITY OF GAITHERSBURG, MARYLAND.

4) THIS SUBDIVISION RECORD PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING THE OWNERSHIP AND USE, NOR EVERY MATTER RESTRICTING THE OWNERSHIP AND USE OF THE PROPERTY. THE SUBDIVISION RECORD PLAT IS NOT INTENDED TO REPLACE AN EXAMINATION OF TITLE OR TO DEPICT OR NOTE ALL MATTERS AFFECTING TITLE.

5) THE PROPERTY SHOWN HEREON IS IDENTIFIED ON TAX MAP FT21 AS LOT 2, BLOCK C, DIAMOND FARM

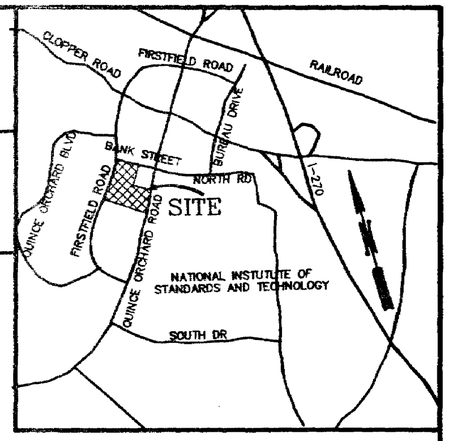
6) THE MERIDIAN/COORDINATE ORIGIN FOR THIS PLAT IS THE SAME AS THE RECORD PLAT RECORDED AT P.B. 93 P. 10190.

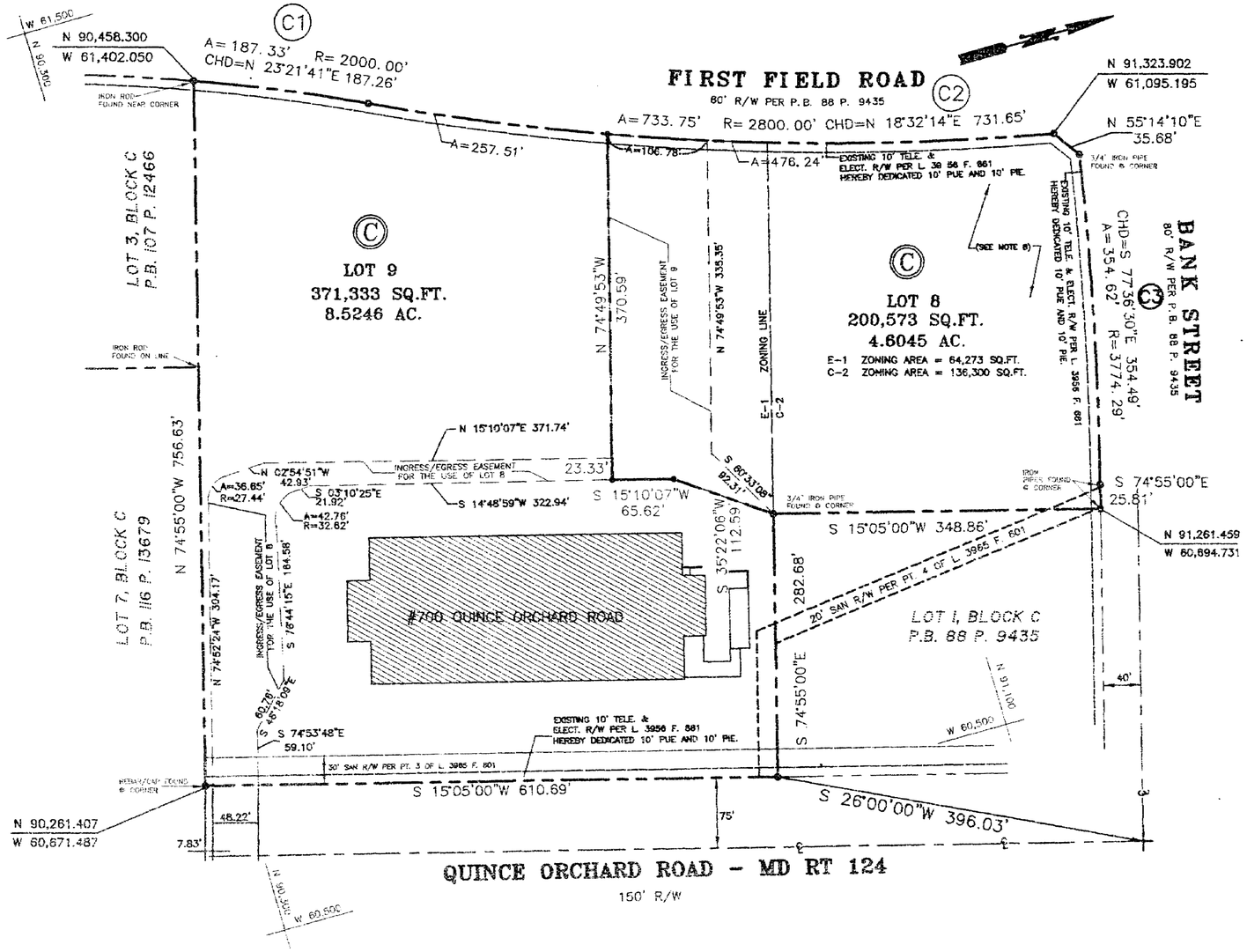
7) THIS PLAT INCLUDES 2 LOTS AND CONTAINS A TOTAL AREA OF 571,907 SQUARE FEET OR 13.1292 ACRES, NONE OF WHICH IS DEDICATED PUBLIC USE.

8) THIS SITE IS SUBJECT TO A DECLARATION OF COVENANTS RECORDED IN LIBER 19742 AT FOLIO 531, WHICH INCLUDES PARTICIPATION IN THE MAINTENANCE OF THE EXISTING SWM FACILITY CURRENTLY LOCATED ON LOT 8 (OR THE RELOCATION THEREOF) AND PROVIDES INGRESS AND EGRESS TO BANK STREET.

CURVE DATA TABLE

CURVE	RADIUS	TANGENT	ARC	DELTA	CHORD	CHORD BRG.
C1	2000.00'	93.74'	187.33'	5°22'00"	187.26'	N 23°21'34" E
C2	2800.00'	388.99'	733.75'	15°00'52"	731.65'	N 18°32'14" E
C3	3774.29'	177.44'	354.62'	5°23'00"	354.49'	S 77°36'30" E





OWNER'S CERTIFICATE

WE, THE UNDERSIGNED OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON, HEREBY ADOPT THIS PLAN OF SUBDIVISION AND ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES.

WE HEREBY GRANT TO THOSE PARTIES LISTED IN THAT CERTAIN DECLARATION RECORDED IN LIBER 3834 AT FOLIO 457 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND, TEN (10) FEET WIDE PUBLIC UTILITY EASEMENTS, DESIGNATED HEREON AS "P.U.E.", SUBJECT TO THE TERMS AND PROVISIONS FOR PUBLIC UTILITY EASEMENTS INDICATED WITH SAID DECLARATION.

WE HEREBY GRANT TO CITY OF GAITHERSBURG, MARYLAND, ITS SUCCESSORS AND ASSIGNS FOREVER AN EASEMENT, IN, ON AND OVER THE LAND HEREON IDENTIFIED AS PUBLIC IMPROVEMENTS EASEMENT (LABELED 10' P.I.E.) IN ACCORDANCE WITH THE TERMS AND PROVISIONS SET FORTH IN THAT CERTAIN DOCUMENT ENTITLED "DECLARATION OF TERMS AND PROVISIONS OF PUBLIC IMPROVEMENT EASEMENTS" RECORDED AMONG SAID LAND RECORDS IN LIBER 16984 AT FOLIO 830, WHICH SAID TERMS ARE INCORPORATED HEREON BY THIS REFERENCE.

WE HEREBY ESTABLISH AN INGRESS AND EGRESS EASEMENT, AS SHOWN HEREON, FOR THE USE OF THE INDICATED LOTS.

AS OWNER(S) OF THIS SUBDIVISION, WE, OUR SUCCESSORS AND ASSIGNS, SHALL CAUSE ALL PROPERTY CORNER MARKERS TO BE SET BY A REGISTERED MARYLAND LAND SURVEYOR, IN ACCORDANCE WITH CHAPTER 20, ARTICLE III, SECTION 20-32 AND ARTICLE V, SECTION 20-50 OF THE GAITHERSBURG CITY CIDE.

THERE ARE NO SUITS, ACTIONS AT LAW, LEASES, LIENS OR TRUSTS ON THIS PROPERTY.

OWNER — DATE 10/15/01 — WITNESS

OWNER — DATE 10/15/01 — WITNESS

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, BELIEF AND INFORMATION AND THAT THE LOTS SHOWN HEREON ARE A SUBDIVISION OF ALL OF THE LAND CONVEYED BY WATKINS-JOHNSON COMPANY TO MARCONI AEROSPACE ELECTRONIC SYSTEMS INC. BY DEED DATED JANUARY 14, 2000 AND RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN LIBER 17820 AT FOLIO 512, SAID LAND ALSO BEING ALL OF LOT 2, BLOCK C DIAMOND FARM, RECORDED AMONG SAID LAND RECORDS IN PLAT BOOK 93 AT PLAT 10190.

I FURTHER CERTIFY THAT, ONCE ENGAGED AS DESCRIBED IN THE OWNER'S DEDICATION HEREON, ALL PROPERTY CORNER MARKERS SHOWN THUS (O), WILL BE SET AS DELINEATED HEREON IN ACCORDANCE WITH SECTION 20, ARTICLE III, SECTION 20-29 AND ARTICLE V, SECTION 20-42 OF THE GAITHERSBURG CITY CODE.

THE TOTAL AREA OF THIS PLAT IS 571,907 SQUARE FEET OR 13.1292 ACRES OF LAND, NONE OF WHICH IS DEDICATED TO PUBLIC USE.

ERIC V. DAY
PROFESSIONAL LAND SURVEYOR
MARYLAND REGISTRATION NO. 10771

JULY 25, 2001
DATE

STATE OF MARYLAND — ERIC VINCENT DAY — No. 10771 — REGISTERED PROFESSIONAL LAND SURVEYOR

LOTS 8 & 9, BLOCK C

Diamond Farm

RESUBDIVISION OF LOT 2, BLOCK C, DIAMOND FARM

ELECTION DISTRICT NO. 9
CITY OF GAITHERSBURG, MARYLAND
SCALE: 1" = 100' JULY 20, 2001

CITY OF GAITHERSBURG PLANNING COMMISSION
MONTGOMERY COUNTY, MARYLAND

APPROVED: 17 October 2001

CHAIRMAN — VICE-CHAIRMAN

FILED
OCT 16 2001

LLC

Joint Hearing - MCC & PC
Z-7262-2016
5b

R-1113

MSA SSU 1249-27892

R-1113