

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

April 5, 2010

CALL TO PODIUM:

**Eliza Voigt
Planner**

RESPONSIBLE STAFF:

Eliza Voigt, Planner

**Greg Ossont, Director
Planning and Code
Administration**

**Lauren Pruss,
Planning Director
AGENDA ITEM:**

(please check one)

<input type="checkbox"/>	Presentation
<input type="checkbox"/>	Proclamation/Certificate
<input type="checkbox"/>	Appointment
<input type="checkbox"/>	Joint Public Hearing
<input type="checkbox"/>	Historic District
<input type="checkbox"/>	Consent Item
<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Resolution
<input checked="" type="checkbox"/>	Policy Discussion
<input type="checkbox"/>	Work Session Discussion Item
<input type="checkbox"/>	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	12/16/09
	12/23/09
Hearing Date	1/4/09
Record Held Open	3/26/09
Policy Discussion	4/5/09

TITLE: Z-312 and SDP-09-001

The Applicant is Requesting a Change from the R-20 (Medium Density Residential) Zone to the Mixed Use Development (MXD) Zone on Approximately 43.33 Acres of Land known the Orchard Pond Apartments. The Subject Property is bounded by Clopper Road (MD 117), Quince Orchard Road (MD 124), and Metropolitan Grove Road and a State Highway Facility. In conjunction with the Change in Zone, SDP-09-001 proposes a 410 unit multi-family residential building with a structured above-ground parking garage and 9,000 square feet of amenity/retail-ready space located on an 11 acre portion of the site at Clopper, Quince Orchard, and Firstfield Roads.

SUPPORTING BACKGROUND:

A consolidated joint public hearing was held by the Mayor and City Council and the Planning Commission regarding these applications on January 4, 2010. At this meeting, the development team made their presentation. In addition to the comments from the Mayor and City Council and Planning Commission, there were two speakers from the public.

It was determined that a work session was necessary to respond to the issues raised at the joint public hearing. Accordingly, at their January 20, 2010, meeting, the Planning Commission moved to extend their record until March 17, 2010. Subsequently, the Mayor and City Council moved to extend their record until March 26, 2010.

A work session was held on March 8, 2010. The purpose of this work session was for the development team to present the Orchard Pond rezoning and schematic development plans in more detail and respond to issues raised at the joint public hearing.

At their March 24, 2010, regular meeting, the Planning Commission made a recommendation for approval for both Z-312 and SDP-09-001. A staff analysis and CPCs from the Planning Commission recommending their approval of both Z-312 and SDP-09-001 are attached, along with exhibits received since the March 8, 2010 joint work session.

Attachments:

- Draft Ordinance and Resolution
- CPC to Mayor and City Council from Planning Commission, Z-312
- CPC to Mayor and City Council from Planning Commission, SDP-09-001
- Staff Analysis
- Z-312 Index of Memoranda and Exhibits identified in **bold**.
- SDP-09-001 Index of Memoranda and Exhibits identified in **bold**

DESIRED OUTCOME:

Mayor and City Council's record on both Z-312 and SDP-09-001 closed as of March 26, 2010. A draft ordinance to adopt Z-312 and a draft resolution to adopt SDP-09-001 as recommended by the Planning Commission are available if the Mayor and City Council choose to take final action.

ORDINANCE No. _____

AN ORDINANCE OF THE MAYOR AND COUNCIL
OF THE CITY OF GAITHERSBURG GRANTING APPROVAL
TO Z-312, TO RE-ZONE 43.33 ACRES OF LAND FROM THE R-20 (MEDIUM
DENSITY RESIDENTIAL) ZONE TO THE MXD (MIXED USE DEVELOPMENT) ZONE
IN ACCORDANCE WITH §24-196 (MAP AMENDMENTS) AND §24-160G.6
(PROCEDURE FOR APPLICATION AND APPROVAL) OF THE CITY CODE. THE
PROPERTY IS BOUNDED BY CLOPPER ROAD (MD 117), QUINCE ORCHARD
ROAD (MD 124), AND METROPOLITAN GROVE ROAD AND
A STATE HIGHWAY FACILITY

Z-312

BE IT ORDAINED, by the Mayor and Council of the City of Gaithersburg, in public meeting assembled, that they find the following facts from the evidence of record in Zoning Map Amendment Application Z-312:

A. The application Z-312, filed by Jody Kline, for 893 Clopper Road Investors, requests rezoning 43.33 acres of land from the R-20 (Medium Density Residential) Zone to the MXD (Mixed Use Development) Zone. The property is bounded by Clopper Road (MD 117), Quince Orchard Road (MD 124), and Metropolitan Grove Road and a State Highway Facility.

B. The Sketch Plan submitted as part of Z-312, proposes a mix of uses, including retail, office, hotel and residential. The project is to be developed in two phases. Phase 1 includes an area of 11.14 acres and proposes a four-story residential building with 410 units, a structured parking garage and 9,000 square feet of amenity/retail-ready space. Phase 1 is also the subject of the Schematic Development Plan (SDP 09-001). Phase 2 consists of the balance of the project and is approximately 32.22 acres. Approximately 700-1,000 residential units are proposed in this phase in addition to the mix of uses.

C. A consolidated joint public hearing was held by the Mayor and City Council and the Planning Commission regarding these applications on January 4, 2010. Mr. Jody Kline, counsel for the applicants, introduced the applications for rezoning and schematic development plan. Presentations were made by the development team. In addition to the comments from the Mayor and City Council and Planning Commission, there were two speakers from the public. The Planning Commission made a motion to close their records for Z-312 and SDP-09-001 on January 27, 2010, and the Mayor and City Council made a motion to close their records on February 4, 2010.

It was determined that a work session was necessary to respond to the issues raised at the joint public hearing. Accordingly, at their January 20, 2010, meeting, the Planning Commission moved to extend their records until March 17, 2010. Subsequently, the Mayor and City Council moved to extend their records until March 26, 2010.

A joint work session was held on March 8, 2010. The purpose of this work session was for the development team to present the Orchard Pond rezoning and schematic development plans in more detail and respond to issues raised at the joint public hearing.

D. The Planning Commission's record for Z-312 closed on March 17, 2010. The Commission made its recommendation on March 24, 2010, and forwarded their recommendation of approval to the Mayor and City Council for Z-312. The Mayor and City Council closed their record on March 26, 2010.

F. During their policy discussion meeting on April 5, 2010, the City Council carefully reviewed the evidence of record, including 28 exhibits, and considered all submitted testimony, documents and correspondence presented, including the Planning Commission's recommendation for approval, and made the following findings with respect to Application Z-312 as required under §§ 24-10A(2) and 24-160D.1 through 24-160D.13 of the City Code:

(1) The application meets (complies) or accomplishes the purposes, objectives, (intent) and minimum standards and requirements of the zone:

Purposes, Objectives and Intent:

- a) The 2003 City of Gaithersburg Land Use Master Plan recommends that the subject property be redesignated as mixed use residential-office-commercial with a zoning classification of MXD. "This is another ideal location for future redevelopment of higher density residential and/or office uses. The site has immediate access to three roadways and is in close proximity to the transit station."
- b) The project proposes a flexible mix of residential and commercial/retail uses that would not be allowed with Euclidian zoning categories. The Plan provides a higher standard of development than could be done under a conventional zoning category by using enhanced site design, a mix of uses, diverse and high quality architectural elements (to be further defined at Schematic Development Plan review), structured parking and well landscaped amenity spaces.
- c) The project encourages orderly staged development of a large scale project by staging the project into two phases. Phase 1 incorporates a new residential development, and Phase 2 will provide for a mix of uses which will interrelate with the other new mixed use developments such as Watkins Mill Town Center and the Spectrum project.
- d) The project efficiently uses the land by retaining continuous circulation through the site by connecting to existing vehicular and pedestrian connections and enhancing those connections through new sidewalks and intersection improvements. The residential project is convenient to existing and proposed retail, residential and employment areas. In addition, the property is served by

multiple Montgomery County Ride-On routes and is within walking distance of a MARC train station and future CCT transit stations.

- e) The Applicants have submitted and received approval of a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD). The proposed plan will enhance the environment by adding passive amenities to the stream valley buffer area, performing stream remediation and complying with stormwater management regulations which will reduce the impact of water runoff, improve the water quality coming from the property, and minimize erosion of existing water courses.

Minimum Standards:

1. As stated above, the application and exhibits comply with the 2003 Master Plan Land Use Element, which proposes mixed use development for this site. The application complies with the minimum land area for the zone.
2. The subject property is located adjacent to existing roadways, Clopper Road (MD 117), Quince Orchard Road (MD 124), Metropolitan Grove Road and Firstfield Road which, according to the Traffic Impact Analysis, are adequate to service the development.
3. The property is currently serviced by all utilities, including water and sewer. The utilities have been given the opportunity to review the plans.
4. As mentioned above, the public facilities comply with the requirements of the City's Adequate Public Facility Ordinance (APFO).

(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:

As stated above, the 2003 City of Gaithersburg Land Use Master Plan recommends that the subject property be developed as a mixed use residential-office-commercial area as a location for future redevelopment of higher density residential and/or office uses. Therefore, the plan is in accord with the 2003 City of Gaithersburg Master Plan. There were no special conditions or requirements contained in the master plan.

(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 (surrounding areas):

The plan, schematic architecture, and other exhibits of this application create a development that is compatible and harmonious to the surrounding areas by creating vehicular and pedestrian connections. The planned uses for this project fully support and augment the existing uses in the area. The architectural design is complementary and enhances the character of the area.

Conclusion

This application Z312 conforms to the purpose of the MXD Zone, is consistent with the purpose of the 2003 Master Plan Land Use Element and the Master Plan themes. The densities and uses proposed in this sketch plan are harmonious and consistent with the proposed surrounding development. The plan is integrated into the area, with both vehicular and pedestrian access. The architecture, as shown in the exhibits, will be compatible, harmonious and enhance the architecture in the surrounding area. The proposed plan will provide redevelopment of an aging apartment community and provide an economic stimulus to the area with the increased number of apartment units.

For the reasons stated above, application Z-312 is granted.

ADOPTED by the City Council this 5th day of April, 2010.

Sidney A. Katz, Mayor and President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this 5th day of April, 2010. APPROVED by the Mayor of the City of Gaithersburg, this 5th day of April, 2010.

Sidney A. Katz, Mayor

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the Mayor and Council of the City of Gaithersburg, in public meeting assembled, on the 5th day of April, 2010, and that the same was approved by the Mayor of the City of Gaithersburg on the 19th day of June, 2010. This Ordinance will become effective on the ___ day of ___, 2010.

Angel L. Jones, City Manager

RESOLUTION No. _____

RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF GAITHERSBURG GRANTING APPROVAL OF
SCHEMATIC DEVELOPMENT PLAN SDP-09-001,
KNOWN AS ORCHARD POND, FOR
APPROXIMATELY 11.14 ACRES OF PROPERTY
ZONED MIXED USE DEVELOPMENT (MXD)

SDP-09-001

OPINION

Schematic development plan (SDP) application SDP-09-001, zoned Mixed Use Development (MXD), has come before the Mayor and City Council for approval. The City Council's authority in this matter is pursuant to §24-160D.9(b)(3) of the City of Gaithersburg Zoning Ordinance (Chapter 24 of the City Code), which authorizes the Council and Commission to conduct public hearings on a schematic development plan application following appropriate notification procedures and to take action on the application following receipt of a recommendation by the City Planning Commission.

The subject case involves approximately 11.14 acres of land and concerns the development of the subject property ("Property") known as the Orchard Pond Apartments. The subject property is located in the northwest quadrant of Clopper Road (MD Rt 117) and Quince Orchard Road (MD Rt 124) in Gaithersburg, Maryland. The site is bound on the west by Metropolitan Grove Road, on the north by a Maryland State Highway facility, Clopper Road to the south and Quince Orchard Road to the east. It is bisected by Firstfield Road. The schematic development plan application was initially submitted to the City Planning and Code Administration on February 25, 2009. This application was designated as SDP-09-001.

OPERATIVE FACTS

A. Background

A consolidated joint public hearing was held by the Mayor and City Council and the Planning Commission regarding these applications on January 4, 2010. At this meeting, the development team made their presentation. In addition to the comments from the Mayor and City Council and Planning Commission, there were two speakers from the public. The Planning Commission made a motion to close their records of Z-312 and SDP-09-001 on January 27, 2010, and the Mayor and City Council made a motion to close their record on February 4, 2010.

It was determined that a work session was necessary to respond to the issues raised at the joint public hearing. Accordingly, at their January 20, 2010, meeting, the Planning

Commission moved to extend their record until March 17, 2010. Subsequently, the Mayor and City Council moved to extend their record until March 26, 2010.

A joint work session was held on March 8, 2010. The purpose of this work session was for the development team to present the Orchard Pond rezoning and schematic development plans in more detail and respond to issues raised at the joint public hearing.

On March 24, 2010, the Planning Commission considered the plan at its public meeting recommended approval of Schematic Development Plan SDP-09-001, finding the application is in conformance with the MXD (Mixed Use Development) Zone of the City's Zoning Ordinance with the following conditions:

1. Applicant shall continue to work with Staff and the Maryland State Highway Administration to develop a plan to improve and enhance the geometrics and pedestrian connections at the intersections located at Firstfield Road and Clopper Road and Firstfield Road and Quince Orchard Road prior to final site plan approval;
2. Applicant shall refine and detail, with amenities such as increased sidewalk width, way finding, and lighting, the primary pedestrian connection from Phase 1 and Phase 2 to the Metropolitan Grove MARC Station prior to final site plan approval;
3. Applicant shall continue to work with Staff to create a natural pathway system and other passive open space amenities within the area defined as the stream valley buffer. All work shall be done in accordance with the City's Environmental Standards for Development;
4. Applicant shall provide a stream channel enhancement plan in accordance with the City's Environmental Standards for Development. All plans must be submitted to MDE and other required entities for approval and all applicable permits obtained prior to the issuance of any building permits by the City;
5. Applicant is to continue to work with staff to develop tenant relocation, demolition staging, and construction staging plans prior to final site plan approval;
6. Final signing lane marking, turning radii plans, lighting plans, paving and storm drain plans, grade establishment plans, and details are to be reviewed and approved by DPW prior to the issuance of public works permits;
7. Applicant shall continue to work with planning and public works staff to establish a pedestrian linkage plan between Firstfield Road and Clopper Road along Quince Orchard Road; and
8. Applicant to coordinate with DPW to conduct new traffic counts for the intersection of MD117/MD124 prior to final site plan submission. The results shall be reviewed by the DPW to determine if traffic study revisions are required

C. Evaluation and Findings

The City Council, upon careful review of the evidence of record, agrees with the findings, conclusions and the recommendation of approval for schematic development plan SDP-09-001 by the City Planning Commission and City staff. The City Council finds those recommendations to be well reasoned and adopts and incorporates their findings as part of this action. The City Council further agrees with the Planning Commission in that the procedures governing the application for the schematic development plan and approvals necessary to seek building permits, are subject to a multi-step process; and that this is only one of several steps of the process, that subsequently includes Final Site Plan reviews and approvals.

In reviewing the subject application for the approval of Schematic Development Plan SDP-09-001, the City Council finds the application and development proposal meets or accomplishes the purposes, objectives, and minimum standards and requirements of the MXD Zone that are set forth in Chapter 24 (Zoning), Article III, Division 19 of the City Code.

The City Council finds that the application meets the submission requirements and the standards and requirements for approval of the subject schematic development plan, as set forth in § 24-160.D.9(b)(3) in that:

- 1) The applicant filed, together with the prescribed application fee, an application for approval of a schematic development plan;
- 2) The schematic development plan is scaled appropriately and contains: a) boundary survey; b) the uses of all buildings and structures within the schematic development plan area, as well as existing uses of adjacent property external to the MXD zoned area and proposed uses within adjoining zoned areas; c) the location, height, approximate dimensions and conceptual elevations of all buildings and structures, and the setbacks and densities and/or square footage thereof; d) the location of points of access to the site and all public and private roads, pedestrian paths; e) the location and setbacks of parking areas; f) existing topography, including, contour intervals of not more than two (2) feet; an approved forest stand delineation and forest conservation plan; one-hundred-year floodplains; other natural features; utility easements; g) all landscaped areas, proposed conceptual screen planting, open spaces, plazas, malls, courts, community identification signage, recreation and amenity areas; and h) demonstration of general compliance with any Master Plan recommendations for the property, including any special conditions or requirements related to the property set forth in the Master Plan;
- 3) The City Council and City Planning Commission have conducted a joint public hearing(s) on the application and complied with the notification procedures in § 24-196 of this Code;
- 4) The Planning Commission delivered its recommendation to the City Council

on March 24, 2010, within thirty (30) days of the close of the commission's hearing record of March 17, 2010;

- 5) The Council is taking action on the application within ninety (90) days after the close of the Council's hearing record on March 26, 2010;
- 6) The approval of this schematic development plan with its degree of detail shall substitute for preliminary site plan approval; and
- 7) The schematic development plan demonstrates compliance with Master Plan recommendations for the property, including any special conditions or requirements related to the property set forth in the master plan for among other reasons, the nature, and density, and mix of uses posed, future accessibility to public transportation improvements, retention of forested areas, and interrelationship and compatibility of uses.

Furthermore, the City Council finds from the evidence of record that the application for schematic development plan approval, SDP-09-001, as currently amended, fulfills the findings required under §24-160D.10 (b):

(1) The plan is substantially in accord with the approved sketch plan.

The schematic development plan is consistent with the sketch plan Z-312 in terms of nature, density, height of buildings, location of use, access, circulation, amenities, and afforestation and landscape features.

(2) The plan meets or accomplishes the purposes, objectives and minimum standards and requirements of the zone.

PURPOSES AND OBJECTIVES OF THE MXD ZONE

(Section 24-160D.1 of the Zoning Ordinance)

It is the objective of this zone to establish procedures and standards for the implementation of master plan use recommendations for comprehensively planned, multi-use projects. It is also intended that this zone provide a more flexible approach to the comprehensive design and development of multi-use projects than the procedures and regulations applicable under the various conventional zoning categories. In so doing, it is intended that this zoning category be utilized to implement existing public plans and pertinent city policies in a manner and to a degree more closely compatible with said city plans and policies than may be possible under other zoning categories. The specific purposes of this zone are:

- (a) *To establish standards and procedures through which the land use objectives and guidelines of approved and adopted master plans can serve as the basis for evaluating an individual development proposal, as well as ensuring that development proposed will implement the adopted master plan and other relevant planning and development policies and guidelines for the*

area considered for MXD zoning.

The plan provides for the redevelopment of a residential development with increased density, as recommended in the Master Plan and as demonstrated by the exhibits included in the record.

- (b) To encourage orderly, staged development of large-scale comprehensively planned, multi-use developments by providing procedures for various zoning and plan approvals, including development phasing.*

The applicant intends to proceed with development in an orderly and continuous fashion consistent with market demand. The project will be developed in two phases.

- (c) To encourage design flexibility and coordination of architectural style building and signage.*

The architecture of the new residential structure provides a design that will enhance the community and complement the surrounding area as shown in architectural elevations, and design guidelines. The design guidelines establish the parameters to promote design flexibility, material standards, and landscape design for the proposed project.

- (d) 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.*

The plan for the property will enhance and complement the neighborhood with the redevelopment of the existing residential community to a denser residential structure with a retail component. The surrounding area is a varied mix of retail, office, and technology uses. The National Institute of Standards and Technology (NIST), a major federal employment center is adjacent to the site. In order to integrate the proposed development with the adjoining neighborhood, the applicant is proposing enhancing the existing pedestrian connections with better pedestrian accessibility at key intersections, and providing new connections such as a sidewalk along Firstfield Road, and a possible sidewalk along Quince Orchard Road. As described above, the property is located in close proximity to various public transportation options, providing alternative connections to other commercial, employment, and recreational uses. Moreover, the integration of this project into the community will be further refined during the final site plan review process.

- (e) *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 project proposes a mix of residential and commercial/retail uses that would not be allowed by conventional zoning categories. The project provides a higher standard of development than that of a conventional zone by using enhanced site design, a mix of uses, diverse and high quality architectural elements, structured parking, and well landscaped amenity spaces that are internally and externally linked by pedestrian and roadway connections as shown in the exhibits in the record.

- (f) *To encourage the efficient use of land by: locating employment retail uses convenient to residential areas; reducing reliance upon automobile use and encourage pedestrian and other nonvehicular 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 nonvehicular 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.*

The proposed redevelopment project efficiently uses the property by enhancing the existing circulation through the site and by linking to existing pedestrian connections. Sidewalks will be added along Firstfield Road, and possibly, Quince Orchard Road to connect to existing sidewalks. In addition, the property is currently served by multiple Ride-On busses and is in walking distance to the MARC Station at Metropolitan Grove. This connection will be enhanced in the Phase 1 development with possible amenities such as lighting, increased sidewalk width, and wayfinding signage to make the trip to the MARC station a more obvious pedestrian connection. In addition, a future CCT transit station is planned for the site. Accordingly, the property's proximity to the various transportation options will reduce reliance upon automobile use and encourages the pedestrian system.

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

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) has been approved for the site. In addition, the applicant will comply with the current State and City stormwater management laws and regulations, which will reduce the impact of water run off, improve the water quality coming from the property, and minimize erosion of existing water courses as shown on the submitted Concept Stormwater Management Plan. Additionally, the applicant plans to create a natural pathway system and other passive open space amenities within the area defined as the stream valley buffer and provide a stream channel enhancement plan for the portion the Long

Draught Branch of Great Seneca Creek located on-site.

- (h) *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 above, the proposed project will be developed in two phases and complies with the City's APFO requirements.

MINIMUM LOCATION AND DEVELOPMENT REQUIREMENTS

(Section 24-160D.2 of the Zoning Ordinance)

- (a) *Master plan. No land shall be classified in the Mixed Use Development Zone unless the land is within an area for which there is an approved and adopted master plan which recommends mixed use development for the land which is the subject of the application, or unless the proposed development otherwise satisfies the purposes and objectives of the MXD Zone. Approval of the MXD Zone for land which is not recommended for this zone in an approved master plan shall require the affirmative vote of four (4) members of the city council.*

The proposed project is in compliance with the 2003 City of Gaithersburg Master Plan recommendations as the property is specifically mentioned in the document for redesignation as mixed use: "Redesignate as mixed use residential-office-commercial with a zoning classification of MXD. The medium density residential complex (Orchard Pond) contains 747 apartment units that were constructed in 1975. This is another ideal location for future redevelopment of higher density residential and/or office uses. The site has immediate access to three roadways and is in close proximity to the transit station."

- (b) *Minimum area. No land shall be classified in the Mixed Use Development Zone unless it contains a minimum of ten (10) acres. Parcels or tracts less than the minimum acreage may be permitted if they are contiguous to an existing MXD zoned area and may be harmoniously integrated into the MXD area, consistent with the objectives and purposes of this zone. Such parcels are not required to contain multiple uses but contribute to a multi-use development and are subject to the provisions of 24-160D.9(a)(1).*

The project contains approximately 40 acres of land area.

- (c) *Location. Such land shall be located adjacent to and readily accessible from existing or planned highways that are in an approved construction program and are adequate to service the proposed development. It is intended that adequate access be available to such sites so that traffic does not have an adverse impact on the surrounding area or cause internal circulation or safety problems.*

As previously mentioned, the property is in close proximity to a well-established transportation network including MD 117 and MD 124. The property is served by Ride-On bus service and is within a ¼ mile radius to the MARC Station at Metropolitan Grove. Accordingly, adequate access is currently available to the property so that traffic does not have an adverse impact on the surrounding area or cause internal circulation or safety problems.

- (d) *Public water and sewer. No development shall be permitted unless served by public water and sewer.*

The property is currently served by all utilities, including public water and sewer.

- (e) *Signage. Signage shall be coordinated between adjoining uses and be thematic in approach, in accord with the purposes of this zone and overall character of the surrounding area.*

The applicant will submit further Design Guidelines that will incorporate sign design as part of the Final Site Plan. The proposed sign design will be coordinated between adjoining uses within the development and will be thematic in approach in accord with the purposes of the MXD zone and overall character of the surrounding neighborhood.

- (f) *Frontage on public streets. Anything to the contrary notwithstanding in any regulation in this Code, lots in this zone shall not be required to have direct access to a public street provided that such condition will promote the creation of affordable housing, or will be designed in such a way as to foster the purposes and objectives of this zone, provided that satisfactory access to a public street is provided over private rights-of-way.*

The property has frontage on three public streets – Clopper Road, Quince Orchard Road, and Firstfield Road.

COMPATIBILITY STANDARDS

(Section 24-160D.5 of the Zoning Ordinance)

- (a) *All uses shall conform to the purposes of the Mixed Use Development Zone and shall be compatible with all uses, existing or proposed, in the vicinity of the area covered by the proposed planned development. In order to assist in accomplishing such compatibility, the following requirements shall apply:*
 - (1) *All right-of-way requirements, setbacks, height limits, open space or buffer areas recommended in an area master plan or special conditions or requirements stated therein to protect properties adjacent to the MXD zoned areas shall be incorporated into all plans subject to approval under the zone.*

There were no special conditions or requirements for the property in the Master Plan.

- (2) *Where setback, height limits, open space or buffer areas are not recommended in an area master plan or special conditions or requirements stated therein to protect properties adjacent to the MXD zoned areas, the following requirements shall be incorporated into all plans subject to approval under this zone.*
 - a. *No buildings other than single-family detached dwellings shall be constructed within one hundred (100) feet of adjoining property not zoned MXD or in a residential category that is developed with one-family detached homes unless the city planning commission finds that topographical features permit a lesser setback. In all other situations, setbacks from adjoining properties may be less than 100 feet, with the setback approved by the city planning commission.*
 - b. *No building proposed for commercial, employment, industrial use shall be constructed less than one hundred (100) feet from any adjoining property not zoned MXD recommended for residential zoning and land use on the applicable master plan. The setbacks shall be determined as part of the final site plan approval.*
 - c. *No building shall be constructed to a height greater than its distance from any adjoining property not zoned MXD recommended for residential zoning and land use of the applicable master plan, unless the city planning commission finds that approval of a waiver of this requirement will not adversely affect adjacent property.*

These provisions are not applicable because there are no adjoining properties since the subject property is surrounded on all sides by roads.

MINIMUM GREEN AREA

(Section 24-160D.6 of the Zoning Ordinance)

(a) *The amount of green area, including designated parks, public and private open space, active and passive recreational areas, required for the residential portion of a mixed use development shall be not less than forty (40) percent of the total area shown for residential use. ... for the commercial/employment/industrial portion of a mixed use development shall be not less than twenty-five (25) percent of the total area devoted to commercial/employment/industrial uses, except that comparable amenities and/or facilities may be provided in lieu of green area if the city council determines that such amenities or facilities are sufficient to accomplish the purposes of the zone, and*

would be more beneficial to the proposed development than strict adherence to the specific green area requirement.

The Sketch Plan indicates that green space must not be less than 40% for residential uses and 25% for commercial uses.

(b) *All recreation areas, facilities and amenities, and all open space and landscaped areas shall be reflected on the final site plans for approval by the city planning commission.*

All recreation areas, facilities and amenities, and all open space and landscaped areas will be reflected on the final site plans.

(3) The plan is in accord with the area master plan and any accompanying special condition or requirements contained in said master plan for the area under consideration;

As stated above, the proposed project is in compliance with the 2003 City of Gaithersburg Master Plan recommendations as the property is specifically mentioned in the document for redesignation as mixed use: *“Redesignate as mixed use residential-office-commercial with a zoning classification of MXD. The medium density residential complex (Orchard Pond) contains 747 apartment units that were constructed in 1975. This is another ideal location for future redevelopment of higher density residential and/or office uses. The site has immediate access to three roadways and is in close proximity to the transit station.”*

(4) The plan will be internally and externally compatible and harmonious with existing and planned land uses in the MXD zoned area and adjacent areas;

As discussed above, the plan enhances and complements the neighborhood with the redevelopment of this existing residential project. The plan creates a development that is compatible and harmonious with the surrounding neighborhood.

(5) That existing or planned public facilities are adequate to service the proposed development contained in the plan;

As mentioned above, the property is currently served by all utilities and complies with the City's APFO requirements.

(6) That the development staging or phasing program is adequate in relation to the provision of public facilities and private amenities to service the proposed development;

As discussed above, the proposed project will be developed in two phases, which will be adequate in relation to the provision of public facilities and private amenities to serve the proposed development.

(7) That the plan, if approved, would be in the public interest.

This plan will implement the Master Plan recommendations for the property and redevelop an existing multi-family residential community at a higher density. The retail, office, and technology uses located in the adjacent properties are very compatible with the addition of residential development. Future increases in residents at the site will promote the redevelopment of the retail and employment in this area. Increased pedestrian connectivity will result with this project and create a more pedestrian-oriented location.

In summary, the City Council finds SDP-09-001, containing 410 multi-family dwelling units and 9,000 square feet of amenity/retail-ready space to be in accordance with Zoning Ordinance §§ 24-160D.9(b) and 24-160D.10(b) and, as hereafter conditioned, is in the public interest and should be approved due to the presence of substantial evidence in the record to indicate that the subject Schematic Development Plan has accomplished the purposes of the Mixed Use Development (MXD) Zone, as well as generally accepted City planning and land use policies, subject to the applicant complying with the conditions listed below.

SCHEMATIC DEVELOPMENT PLAN SDP-09-001

RESOLUTION

NOW, THEREFORE BE IT ORDAINED by the City Council of Gaithersburg, that SDP-09-001, being an application filed by Jefferson Apartment Group, requesting approval of Schematic Development Plan is hereby approved subject to the following conditions required of the applicant:

1. Applicant shall continue to work with Staff and the Maryland State Highway Administration to develop a plan to improve and enhance the geometrics and pedestrian connections at the intersections located at Firstfield Road and Clopper Road and Firstfield Road and Quince Orchard Road prior to final site plan approval;
2. Applicant shall refine and detail, with amenities such as increased sidewalk width, way finding, and lighting, the primary pedestrian connection from Phase 1 and Phase 2 to the Metropolitan Grove MARC Station prior to final site plan approval;
3. Applicant shall continue to work with Staff to create a natural pathway system and other passive open space amenities within the area defined as the stream valley buffer. All work shall be done in accordance with the City's Environmental Standards for Development;
4. Applicant shall provide a stream channel enhancement plan in accordance with the City's Environmental Standards for Development. All plans must be submitted to MDE and other required entities for approval and all applicable permits obtained prior to the issuance of any building permits by the City;

5. Applicant is to continue to work with staff to develop tenant relocation, demolition staging, and construction staging plans prior to final site plan approval;
6. Final signing lane marking, turning radii plans, lighting plans, paving and storm drain plans, grade establishment plans, and details are to be reviewed and approved by DPW prior to the issuance of public works permits;
7. Applicant shall continue to work with planning and public works staff to establish a pedestrian linkage plan between Firstfield Road and Clopper Road along Quince Orchard Road; and
8. Applicant to coordinate with DPW to conduct new traffic counts for the intersection of MD117/MD124 prior to final site plan submission. The results shall be reviewed by the DPW to determine if traffic study revisions are required

ADOPTED by the City Council this 5th day of April, 2010.

SIDNEY A. KATZ, MAYOR and
President of the Council

THIS IS TO CERTIFY that the foregoing
Resolution was adopted by the City Council
in public meeting assembled on the 5th
day of April, 2010.

Angel L. Jones, City Manager

COMMUNICATION: PLANNING COMMISSION

MEMORANDUM TO: Mayor and City Council
FROM: Planning Commission
DATE: March 25, 2010
SUBJECT: Z-312 – Orchard Pond

This application requests rezoning 43.33 acres of land from the R-20 (Medium Density Residential) Zone to the MXD (Mixed Use Development) Zone. The property is bounded by Clopper Road (MD 117), Quince Orchard Road (MD 124), and Metropolitan Grove Road and a State Highway Facility and is commonly known as the Orchard Pond Apartments.

Upon consideration of the rezoning application Z-312, the Planning Commission noted that the application clearly complies with the purpose and intent of the MXD zone and is in accord with the recommendations of the applicable master plan. At its regular meeting on March 24, 2010, the Planning Commission made the following motion:

Commissioner Levy moved, seconded by Commissioner Winborne, to recommend Z-312 Orchard Pond, for APPROVAL to the Mayor and City Council.

Vote: 5-0

COMMUNICATION: PLANNING COMMISSION

MEMORANDUM TO: Mayor and City Council

FROM: Planning Commission

DATE: March 25, 2010

SUBJECT: SDP-09-001 -- Jefferson Apartment Group
Application for approval of a Schematic Development Plan (SDP), for the redevelopment of 11.14 acres of land located at Firstfield, Clopper and Quince Orchard Roads, and is commonly known as the Orchard Pond Apartments. The plan proposes a 410-unit multi-family residential building with structured parking and 9,000 square feet of amenity/retail-ready space.

In consideration of SDP-09-001, the Planning Commission noted the merits of the redevelopment plan generally and its appropriateness as it relates to the surrounding land uses. The Commission stressed the importance of a fine detailed final site plan and that a sound base has been provided for that next level of detail.

Specifically, the Planning Commission encouraged the applicant to build upon the conceptual architecture and insisted on enhancements of the sidewalk area along the Firstfield Road frontage to include the characteristics of an urban streetscape rather than the existing suburban conditions. The design guidelines should reflect this effort and include elements such as wider sidewalks, urban styled lighting, street trees and other urban hardscape elements.

The Planning Commission made the following motion:

Commissioner Levy moved, seconded by Alternate Commissioner Lanier, to recommend Sketch Plan SDP-09-001, Orchard Pond, for APPROVAL to the Mayor and City Council, with the following conditions:

1. Applicant shall continue to work with Staff and the Maryland State Highway Administration and develop a plan to improve and enhance the geometrics and pedestrian connections at the intersections located at Firstfield Road and Clopper Road and Firstfield Road and Quince Orchard Road prior to final site plan approval;
2. Applicant shall refine and detail, with amenities such as increased sidewalk width, way finding, and lighting, the primary pedestrian

3. Applicant shall continue to work with Staff to create a natural pathway system and other passive open space amenities within the area defined as the stream valley buffer. All work shall be done in accordance with the City's Environmental Standards for Development;
4. Applicant shall provide a stream channel enhancement plan in accordance with the City's Environmental Standards for Development. All plans must be submitted to MDE and other required entities for approval and all applicable permits obtained prior to the issuance of any building permits by the City;
5. Applicant is to continue to work with staff to develop tenant relocation, demolition staging, and construction staging plans prior to final site plan approval;
6. Final signing lane marking, turning radii plans, lighting plans, paving and storm drain plans, grade establishment plans, and details are to be reviewed and approved by DPW prior to the issuance of public works permits;
7. Applicant shall continue to work with planning and public works staff to establish a pedestrian linkage plan between Firstfield Road and Clopper Road along Quince Orchard Road; and
8. Applicant to coordinate with DPW to conduct new traffic counts for the intersection of MD117/MD124 prior to final site plan submission. The results shall be reviewed by the DPW to determine if traffic study revisions are required.

Vote: 5-0

COMMUNICATION: PLANNING COMMISSION

MEMORANDUM TO: Mayor and City Council
Planning Commission

FROM: Eliza Voigt, Planner

DATE: March 24, 2010

SUBJECT: Staff Analysis: Orchard Pond Applications Z-312 and SDP-09- 001

APPLICANT

Jefferson Apartment Group
8300 Greensboro Drive Suite 600
McLean, Virginia 22102

PROPERTY OWNER

893 Clopper Road Investors Corporation

TAX ACCOUNT NUMBERS

02899812, 02899823, 00820363, 01483581

REQUEST

This application requests rezoning (Z-312) 43.33 acres of land from the R-20 (Medium Density Residential) Zone to the MXD (Mixed Use Development) Zone in accordance with §24-196 (Map Amendments) and §24-160G.6 (Procedure for Application and Approval) of the City Code. The property is bounded by Clopper Road (MD 117), Quince Orchard Road (MD 124), and Metropolitan Grove Road and a State Highway Facility. Additionally, an application has been submitted for a Schematic Development Plan (SDP 09-001) for a 410 unit multi-family residential building with 9,000 square feet of amenity/retail-ready space, and a structured parking garage bounded by the portion of the property located at Clopper, Quince Orchard, and Firstfield Roads.

BACKGROUND

A consolidated joint public hearing was held by the Mayor and City Council and the Planning Commission regarding these applications on January 4, 2010. Mr. Jody Kline, counsel for the applicants, introduced the applications for rezoning and schematic development plan. Presentations were made by the development team including Malcolm Van de Riet from Jefferson Apartment Group who discussed the development concept, Steve Tawes from Loiderman Soltesz Associates discussed the engineering and environmental site deign, and Joe Schnieder from Lessard Group discussed the schematic

development plans and the architecture. In addition to the comments from the Mayor and City Council and Planning Commission, there were two speakers from the public. The Planning Commission made a motion to close their records of Z-312 and SDP-09-001 on January 27, 2010, and the Mayor and City Council made a motion to close their record on February 4, 2010.

It was determined that a work session was necessary to respond to the issues raised at the joint public hearing. Accordingly, at their January 20, 2010, meeting, the Planning Commission moved to extend their record until March 17, 2010. Subsequently, the Mayor and City Council moved to extend their record until March 26, 2010.

A work session was held on March 8, 2010. The purpose of this work session was for the development team to present the Orchard Pond rezoning and schematic development plans in more detail and respond to issues raised at the joint public hearing. The following items outline the main points of discussion at the work session: approach to the proposed rezoning to the MXD Zone and two-part phasing as it relates to surrounding areas and uses; site design including specimen trees, environmental site design and pedestrian connections/enhancement opportunities; conceptual building architecture; and the “living wall” design for the parking garage.

REQUIRED ACTIONS

Zoning Map Amendment Z-312

The applicant is requesting a map amendment from the R-20 Zone to the MXD Zone, which is identified by §24-10A of the City Code as a floating zone. According to §24-10A(2) of the City Code:

(2) The approval of and placement of floating zones may only occur upon a finding by the city council that the application therefore:

(a) Complies with the purposes and intent of the zone as stated in the zoning ordinance; and

(b) As applied will be compatible and harmonious with existing and planned land uses in the surrounding area.

Section 24-160D.10(a) states that the City Council may approve the MXD zoning and accompanying sketch plan when they find the following:

(1) The application meets or accomplishes the purposes, objectives, and minimum standards and requirements of the zone; and

(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.

Therefore, the applicants have the burden of showing that this application complies with the purpose and intent of the MXD Zone. In addition, they must show that the accompanying sketch plan will be compatible and harmonious with the surrounding planned and existing land uses. The sketch plan must also meet or accomplish the objectives and minimum standards and requirements of the zone.

Schematic Development Plan SDP-09-001

Section 24-160D.10(b) outlines the findings for approval of the schematic development plan (SDP) as follows:

- (1) The plan is substantially in accord with the approved sketch plan; and*
- (2) The plan meets or accomplishes the purposes, objectives and minimum standards and requirements of the zone; and*
- (3) The plan is in accord with the area master plan and any accompanying special condition or requirements contained in said master plan for the area under consideration; and*
- (4) The plan will be internally and externally compatible and harmonious with existing and planned land uses in the MXD zoned area and adjacent areas; and*
- (5) That existing or planned public facilities are adequate to service the proposed development contained in the plan; and*
- (6) That the development staging or phasing program is adequate in relation to the provision of public facilities and private amenities to service the proposed development; and*
- (7) That the plan, if approved, would be in the public interest.*

With the schematic development plan application, the applicant again must show that that the standards of the zone and the master plan are a part of the plan. The applicant has the burden of showing that there are adequate public facilities and private amenities to serve the proposed development and that the plan will be in the public interest.

GENERAL INFORMATION

LOCATION:

The subject property is located in the northwest quadrant of Clopper Road (MD Rt 117) and Quince Orchard Road (MD Rt 124) in Gaithersburg, Maryland. The site is bound on the west by Metropolitan Grove Road, on the north by a Maryland State Highway facility, Clopper Road to the south and Quince Orchard Road to the east. It is bisected by Firstfield Road. The Orchard Pond property is shown on ADC Map page 18-Grid B-8, Tax Map FT 22 sections 1,2, and 3 (Parcels A&B) and covers approximately 43.33 acres.



Location Map Z-312 and SDP-09-001

MASTER PLAN, ZONING, AND SITE PLAN HISTORY:

The site was part of annexation application X-076 containing approximately 73 acres of land. At the time of annexation in 1965, the property was designated R-20 (Medium Density Residential). Below is a chart of the development history related to this property.

Application Number	Year	Request	Status
Annexation X-076	1965	R-20	Adopted 1965 Zoned R-20 Resolution R-15-65
S-192	1970	Final Site Plan	PC Approved 1/7/70
S-263	1971	Final Site Plan 312 units	PC Approved 9/30/71 Constructed
S-355	1973	Final Site Plan 435 units	PC Approved 8/1/73 Constructed
S-355 (A)	5/8/88	Minor Site Plan Amendments	PC Approved 5/8/88 Constructed

Application Number	Year	Request	Status
S-355 (B)	1990	Amendment to Final Site Plan Re-subdivison	PC Approved 5/2/1990
S-355 (E)	1998	Amendment to Final Site Plan Club house	PC Approved 3/18/1998 Constructed
Neighborhood Five Master Plan 1997	1997	Study Area 9 Zoning remains R-20	Adopted by M&CC 2/97
City of Gaithersburg 2003 Master Plan	2003	Special Study Area 6 Casey-Metropolitan Grove Road Re-zoning recommended as MXD	Adopted 12/15/2003 Section completed April 6, 2004

1997 Master Plan

The 1997 Land Use Plan continues to designate the Orchard Pond property as R-20, the zoning use established at the time of annexation. The property was a part of the Neighborhood 5 Land Use Plan and was specified as Study Area 9. The Study Area states: *“This study area is bounded on the north by the CSX railroad line right-of-way, on the east by Quince Orchard Road, on the south by Clopper Road, and on the west by West Watkins Mill Road. Study Area 9 is entirely developed with land uses equally split between a medium density residential apartment complex to the east, called Orchard Pond, and to the west of Metropolitan Grove Road, industrial-research-office buildings. Orchard Pond is a 747-unit, R-20 zoned apartment complex that was constructed in 1975....”*

Land Use Element of the 2003 Master Plan

The 2003 Master Plan Land Use Map also specifically mentions the Orchard Pond Property in the section, Special Study Area 6: Casey-Metropolitan Grove Road and states:

“The Casey-Metropolitan Grove Study Area properties south of the CSX right-of-way have been entirely developed with land uses equally split between a medium density residential apartment complex to the east of Metropolitan Grove Road, called Orchard Pond, and to the west as industrial-research-office buildings. Orchard Pond is a 747-unit, R-20 zoned apartment complex that was constructed in 1975.”

The Casey-Metropolitan Road study area is divided into two distinct areas: the Northern properties which are primarily the undeveloped land located north of the CSX right-of-way and the southern properties, which are the developed properties, including Orchard Pond, to the south of the CSX right-of-way. The transit-oriented nature of the area was emphasized with the recommendation to:

“Redesignate as mixed use residential-office-commercial with a zoning classification of MXD. The medium density residential complex (Orchard Pond) contains 747 apartment units that were constructed in 1975. This is

another ideal location for future redevelopment of higher density residential and/or office uses. The site has immediate access to three roadways and is in close proximity to the transit station.”

EXISTING LAND USE/ENVIRONMENTAL CHARACTERISTICS:

The existing Orchard Pond Apartments complex is a mature, medium-density residential complex containing 747 apartment units in multiple, three-story brick buildings that were constructed in the mid-1970s. The site includes associated parking and landscaped areas. There is no forest area on the property, but there are numerous specimen trees on and adjacent to the property. The attached exhibit shows that there are currently 29 specimen trees located on the Phase 1 portion of the site. Of these specimen trees, 21 will be removed, and eight will be retained.

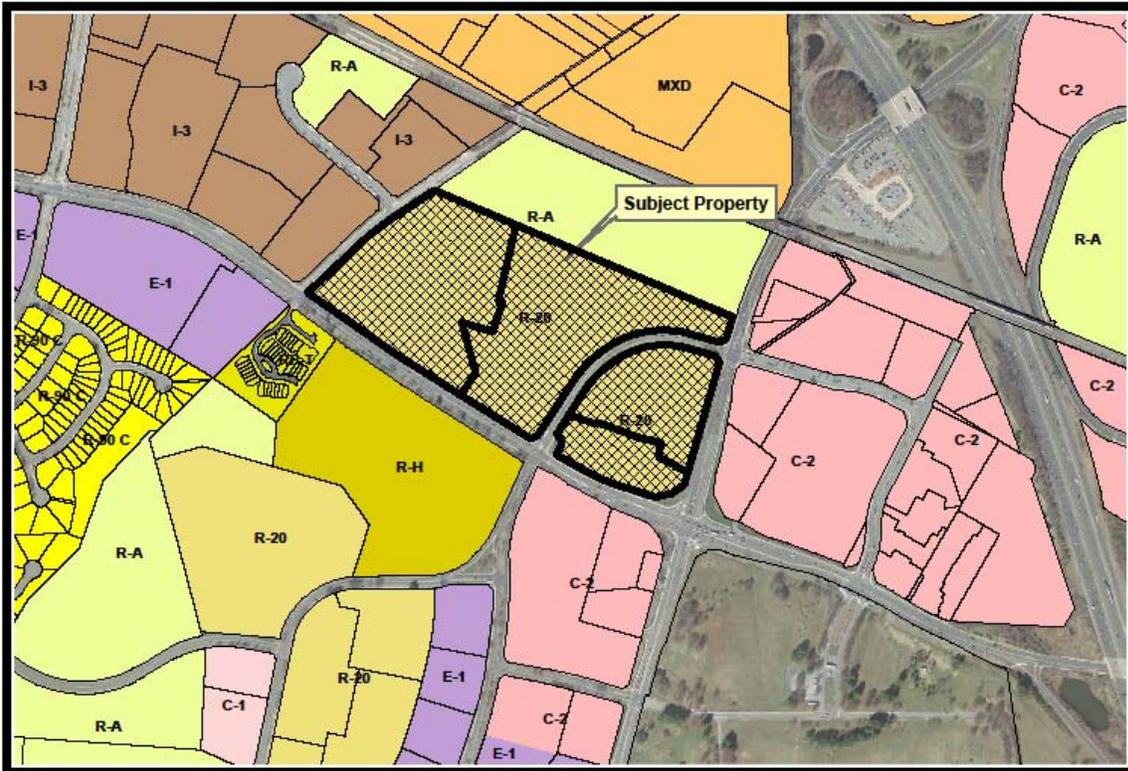
The Orchard Pond property drains to the Long Draught Branch of Great Seneca Creek, which is a tributary to the Potomac River. Long Draught Branch bisects the southeast corner of the property at the intersection of Quince Orchard Road and Clopper Road. A stream valley buffer, located on the southeastern portion of the site at the Clopper Road and Quince Orchard Road intersection, is approximately 3.64 acres.

The Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) was approved by the City’s Environmental Affairs Division on July 15, 2009.

A noise study has been submitted as part of the SDP application and will be evaluated further regarding noise attenuation requirements for the site.

NEIGHBORHOOD LAND USE AND ZONING:

The surrounding land use consists of multi-family apartment buildings and single-family town homes, interspersed with commercial and light industrial properties. The subject property is currently zoned R-20. The area to the north of the subject property is zoned R-A (low density residential) and is currently the location of a Maryland State Highway facility. South of the property, located across Clopper Road, the property is zoned R-H (High Density Residential) and is the location of the Grove Park apartment complex, and the Quince Orchard Shopping Center, zoned C-2 (General Commercial). The C-2 Zone is also located east, across Quince Orchard Road from the site and is the location of the Diamond Square Shopping Center. The area to the west of the site is zoned I-3 (Industrial Office Park). The Motor Vehicles Bureau and a storage facility are located in this area. Further, the site is located diagonally across the Quince Orchard/Clopper Roads intersection from the 578-acre headquarter campus of the National Institute of Standards and Technology (NIST).



Surrounding zoning of Z-312/SDP-09-001 Site

PUBLIC FACILITIES:

Water and Sewer Services and Public Utilities

The subject proposal is a redevelopment project of an existing residential use; therefore, the site maintains W-1 and S-1 categories (areas served by community systems which are either existing or under construction). Service does exist and, therefore, the application complies with the requirements of the City's Adequate Public Facility Ordinance (APFO) for water and sewer, § 24-247.

Fire and Emergency Services

The Gaithersburg/Washington Grove Fire Station 8 (Montgomery Village Avenue) provides an eight-minute response time to the majority of the property. The northeast portion of the property is also served by Fire Station 29 (Crystal Rock Drive in Germantown) within an eight-minute response time. Therefore, the site complies with the requirements for the Adequate Public Facilities requirements for Emergency Services. Any further approval of this plan will again require review and compliance with the standards of § 24-248, Fire and Emergency Services.

Adequacy of School Capacity

The Adequate Public Facilities Ordinance, § 24-246, states "With the exception of age restricted development, schematic development plan or preliminary site plan for residential development shall not be approved if the subject property is within the attendance area of a Montgomery County Public School that is forecasted to have a student population that exceeds 110% of Montgomery County Public Schools Program Capacity two (2) years in the future."

The property is currently located within the Quince Orchard Cluster of the Montgomery County Public School (MCPS) system. Within the cluster, the schools that currently serve the proposed development are Thurgood Marshall Elementary School, Ridgeview Middle School and Quince Orchard High School. Based on a suggestion at the January 4, 2010 joint public hearing, an inquiry was sent to Montgomery County Public Schools ("MCPS") asking for information about: a) the number of students presently residing in the 156 apartments that will be removed in the Phase I development, and b) the number of anticipated students who will reside in the 410 unit replacement multi-family community. The study found that currently there are 47 MCPS students in the development and that this number is expected to remain constant in the proposed project, although the student composition is expected to change from primarily younger to older students. The MCPS letter (attached) also states that the capacity of the relevant schools will be adequate to accommodate the students who will reside in the new Phase I section of Orchard Pond upon redevelopment. Therefore, the subject application complies with §24-246, Adequacy of School Capacity, at this time.

Traffic Impacts

The applicant submitted a Traffic Impact Analysis (TIA) by The Traffic Group, in accordance with the City of Gaithersburg's Adequate Public Facilities Ordinance (APFO). Engineering Services Director Mumpower reviewed the findings of the study, which indicate that all the intersections in the study area will continue to operate within the City's acceptable standards for Critical Lane Volumes in both the AM and PM peak hours. Mr. Mumpower agreed with the findings detailed in the study and has granted approval of the TIA for this project.

The applicant is exploring methods to improve pedestrian crossings and connections at public streets in order to improve movement between the Orchard Pond community and the neighboring shopping, entertainment and employment sites. These pedestrian enhancements will help better integrate the new Orchard Pond apartments with the immediate neighborhood which surrounds it. Specifically, improvements to the intersections at Firstfield /Clopper Roads and Firstfield/Quince Orchard Roads are being studied.

Public Transportation

The site is serviced by Montgomery County Ride On Bus routes #56, #61 and #71 with numerous bus stops along Firstfield Road, Clopper Road and Quince Orchard Road. The property is also located within a 1/4 mile radius of the Maryland Area Rail Connection

(MARC) train station at Metropolitan Grove. There are nine morning trains to Washington D.C. and nine trains from Washington D.C. in the afternoon.

The current alignment of the Corridor Cities Transitway (CCT) is adjacent to the site along Quince Orchard Road. A future transit station is proposed for the site in this area. A CCT transit station is also proposed at the Metropolitan Grove Marc station and is expected to be built before the station at the Orchard Pond property.

SKETCH PLAN Z-312:

The Sketch Plan proposes a mix of uses in two phases. Phase 1 includes a gross area of 11.14 acres and proposes a four-story residential building with 410 units. This reflects a density of approximately 37 units per acre. Phase 1 is also the subject of the Schematic Development Plan (SDP 09-001). As discussed in the consolidated joint work session on March 8, 2010, the surrounding area context guided the formulation of the Sketch Plan. In initially considering how the Orchard Pond community should be redeveloped and its associated timing, the existing nearby retail, office, technology and employment (NIST) uses were considered as fixed features that would not be changing in character and use in the foreseeable future. The best strategy, therefore, is to place the multi-family residential development at the Phase 1 location, and to improve the pedestrian movement between Orchard Pond and the surrounding commercial and employment centers. This theory dictated that more concentrated multi-family residential uses should be located in the Phase 1 section of the Orchard Pond property at Quince Orchard Road, Clopper Road and Firstfield Road, particularly since limited access to the site (from Firstfield Road only due to driveway prohibitions on Quince Orchard and Clopper Roads) made this section of the community less attractive for nonresidential uses.

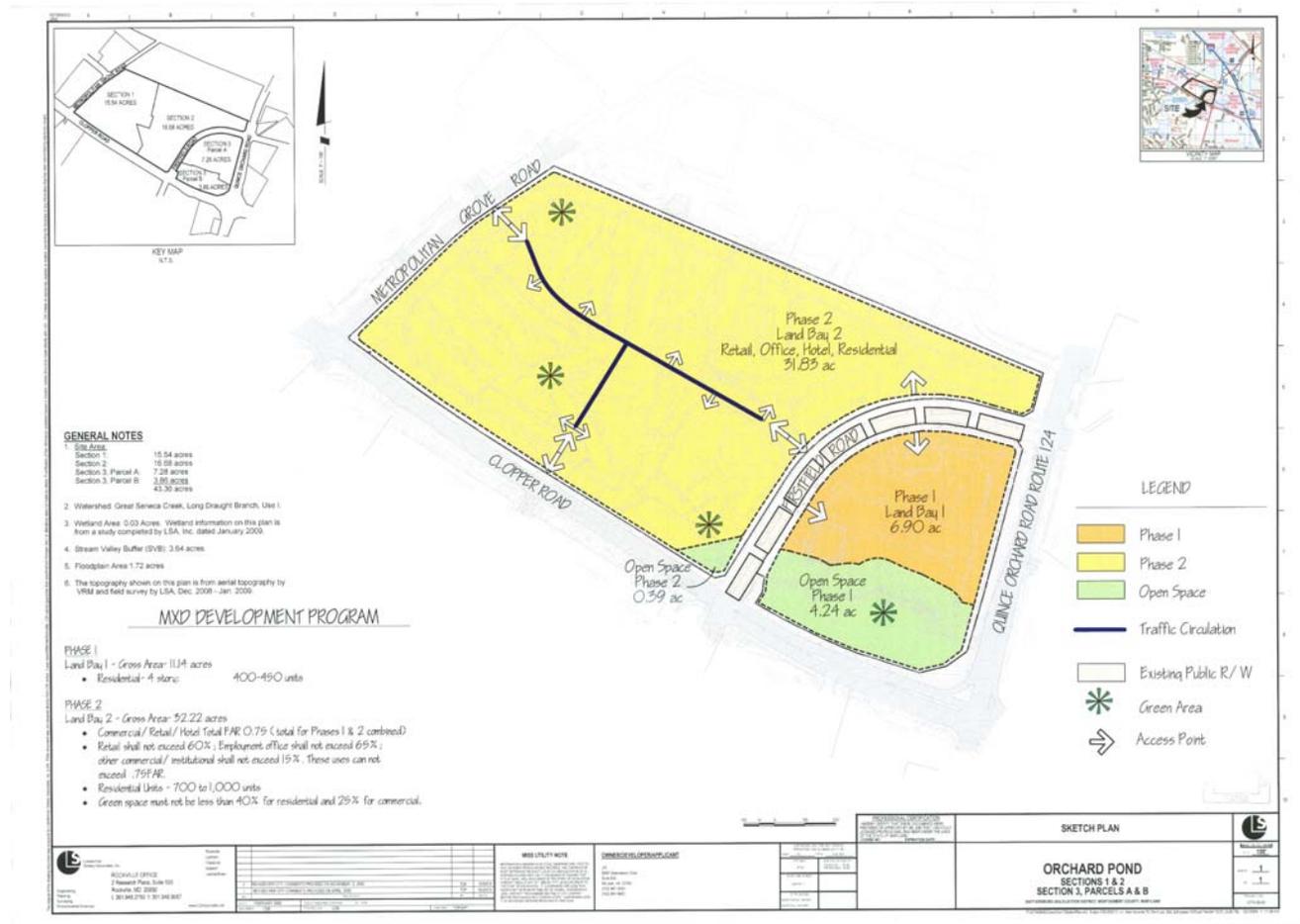
Phase 2 consists of the balance of the project and is approximately 32.22 acres. The development orientation of the Orchard Pond property was initially recognized in the City's 2003 Land Use Plan. As mentioned above, the subject property was included within "Special Study Area No.7 - Casey Metropolitan Grove Road", which was centered on the Metropolitan Grove Road MARC station and had as its boundaries Clopper Road (south) and Quince Orchard Road (east). Accordingly, as envisioned in the 2003 Master Plan, the "area of influence" affecting the Orchard Pond community was towards the west towards the "Casey-Metropolitan Grove Road" properties, now known as "Watkins Mill Road Town Center." In establishing a form and a schedule for re-development of the Orchard Pond apartments, Phase 2 will orient its development to contribute to, and to benefit from, the dynamic mixed use development anticipated to occur to the west. By placing in the Phase 2 stage of development that part of the Orchard Pond community west of Firstfield Road, the project retains flexibility to react to the new growth that will occur surrounding the MARC station, as well as a CCT station that will come on line before the stop adjacent to the proposed Phase I multi-family building. Understanding that Phase 2 of the project will not occur for some time, the Phase 1 development will enhance the existing pedestrian connection from the multi-family building to the Metropolitan Grove Marc station with way finding signage, a prominent sidewalk, and lighting, so a true pedestrian connection exists with the transit station at the on-set of the project.

As shown below, the Sketch Plan currently proposes a mix of uses including retail, office, hotel and residential. Approximately 700-1,000 residential units are proposed reflecting a density of 32 units per acre. The mix of commercial uses reflected on the Sketch Plan are as defined in Section 24-160D.3.b.(2):

In order to establish an appropriately mixed character within the MXD zoned area the following percentages of floor area proposed on site as shown on a sketch plan shall not exceed:

<i>Retail commercial</i>	<i>60%</i>
<i>Employment/office</i>	<i>65%</i>
<i>Other commercial/intentional</i>	<i>15%</i>

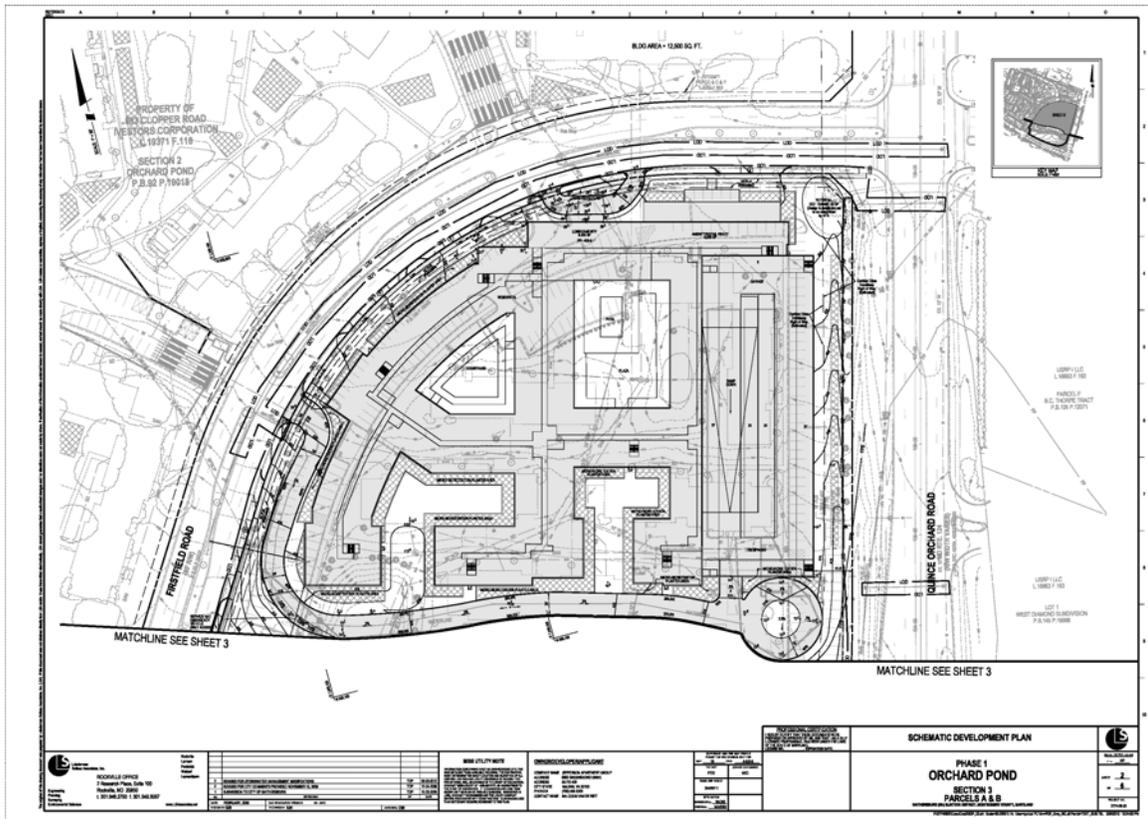
In addition, Section 24-160D.4(1)(b) states: *the maximum density of the commercial/employment/industrial shall not exceed a floor area ratio of .75.* This is also reflected on the sketch plan.



SCHEMATIC DEVELOPMENT PLAN SDP-09-001

The applicant is proposing a 410-unit multi-family building with structured parking. The proposed unit per acre ratio is 37. There is 9,000 square feet of floor area, which initially

will be used for amenities, but has the ability to be programmed as retail space in the future. It is located in the vicinity of the proposed CCT transit station. The building has a maximum building height of 60 feet and will be primarily 4 stories high. The entrance to the project is located off Firstfield Road. A secondary entrance will be located south of this on Firstfield Road for service delivery and emergency access. The structured parking garage will be located along Quince Orchard Road, south of Firstfield Road, and north of Clopper Road. The CCT right-of-way abuts the parking garage and will be the future location of the CCT elevated track. The future CCT transit station is shown on the plan at the intersection of Firstfield/Quince Orchard Road.



Illustrative Site Plan

Since the public hearing in January 2010, the site plan had been revised. It now includes micro-retention planter areas in the courtyard locations, along the entrance driveways, and along the CCT right-of-way on Quince Orchard Road. The planters consist of a combination of herbaceous plants, perennials, and shrubs, providing storm water management in these areas. A new sidewalk will be located along Firstfield Road tying into the existing sidewalk on Clopper Road. A sidewalk is also being studied for the area along Quince Orchard Road at the CCT right-of-way.

A question was raised at the public hearing concerning the mix of units in the Phase I development. Although the development is in the conceptual plan stage, a proposed unit

mix has been developed. Shown below is the proposed unit breakdown, and relative percentages of unit types within the project:

Unit Type	No. of Units	Percentage
Studio	62	15%
1 Bedroom	184	45%
2 Bedrooms	143	35%
3 or more Bedrooms	21	5%
Total	410	100%

The new project will offer a full range of unit types and mix. Primarily, the building will be composed of one and two bedroom units consistent with the trends in multi-family residential development. In addition, 15 percent of the units will be studios offering a lower cost alternative for singles. Further, the project will provide approximately 21 (5%) three bedroom units, a unit type that is rarely found in new projects. The existing 156 units which will be demolished for the new project, consist of one and two bedrooms units, and do not offer the range of living alternatives.

AFFORDABLE HOUSING

The proposed project will be required to provide an affordable housing component per City Ordinance O-12-06 and will be implemented under City Regulation 02-07. The applicant submitted and received approval of the Affordable Housing Plan by the City in January 2010. The applicant will be required to provide fifteen percent (15%) of the 410 multi-family units as moderately priced dwelling units (MPDU's). This will equal sixty-two (62) units. The final distribution of units within the multi-family structure will be determined at final site plan, in accordance with the City regulations.

Conceptual Architectural Elevations

Firstfield Facade

At the January public hearing, the Mayor and City Council and Planning Commission requested that architecture of the residential building and garage be studied and further enhanced. The refined concept designs were presented at the March work session. Below is the elevation presented by the applicants' team:



 LESSARD GROUP INC. 8521 MEDBURG PIKE, SUITE 700 VIENNA, VA 22182 P: 703.760.9344 F: 703.760.9338 WWW.LESSARDGROUP.COM	CONCEPT SITE DEVELOPMENT PLAN PERSPECTIVE FEBRUARY 28, 2018	ORCHARD POND CITY OF GAITHERSBURG, MD JPI JPL 015A
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This elevation shows the view of the front façade of the residential building on Firstfield Road. The building now reflects a “transitional-modern” design taking into consideration the location of the building in an area of varied building designs. There are two basic expressions shown minimizing the long façade and complimenting the curve of Firstfield Road as it moves from the Quince Orchard Road intersection to the Clopper Road intersection. At the intersection of Firstfield Road and Quince Orchard Road, and the site of the future CCT transit station, is the retail amenity which protrudes into the sidewalk and pedestrian area providing a more urban feel. The building is five stories here, with the residential use above the retail podium. It is designed with a tower and flat roof. The entrance to the residential building is adjacent to this area with more masonry materials and a sign feature to announce the entrance. As the building turns the bend of Firstfield Road, the architecture becomes more residential in nature, with a lower, smaller scale and a pitched roof.

Parking Garage at Quince Orchard Road

As the garage will be the primary facade along Quince Orchard Road until the time the CCT is constructed, the applicant has enhanced the approach to its design. The proposal is for the garage to be faced with a “living wall system”, a green solution in which frames with panels of plantings cover the exterior walls. It is planned to have a variegated color scheme with a possible pattern. At some point in the future, this façade will be located behind the elevated berm with the CCT track, platform, and station.



 <p>LESSARD GROUP INC. 8521 LEESBURG PARK, SUITE 709 VIENNA, VA 22182 P: 703.760.9344 F: 703.760.9328 WWW.LESSARDGROUP.COM</p>	<p>CONCEPT SITE DEVELOPMENT PLAN CONCEPT ELEVATIONS FEBRUARY 16, 2018</p>	<p>ORCHARD POND CITY OF GAITHERSBURG, MD</p> <p>JPI JPL/LSA</p>  <p>A2.2</p>
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Parking

As mentioned above, the plan proposes a structured parking garage on the eastern side of the site facing Quince Orchard Road and adjacent to the CCT right-of-way. The applicant has provided a target parking ratio of 1.6 cars per unit, for a total of 656 required spaces for the 410 residential units. The garage currently provides 650 spaces. The plan also provides for 20 on-street parking spaces along Firstfield Road for a total of 670 parking spaces provided on-site. Section 24-219(4)(b) presents the required parking for residential development by unit type. The required number of parking spaces ranges from 1 space per studio unit to 2.5 spaces per 3 bedroom unit or larger. The applicant has provided a statement in support of the fixed parking rate request which is included as an exhibit. In this statement, the applicant illustrates that a 1.6 parking ratio is one that is based on similar apartment projects, the Orchard Pond project is located along major public transportation routes, it is in close proximity to shopping and employment centers, and there is a future CCT connection planned at the site. Below is a chart outlining the parking requirements for surrounding jurisdictions and a list of currently approved City projects with structured parking and the associated parking ratios. These factors all indicate that an overall 1.6 parking ratio is reasonable for this project.

Parking Requirements for area jurisdictions:

	Gaithersburg	Rockville*	Montgomery County*	City of Frederick**	Alexandria, VA***
Efficiency/Studio	1 space	1 space	1 space	1 space	1.3 spaces
One bedroom	1.75 spaces	1 space	1.25 spaces	1 space	1.3 spaces
Two bedroom	2 spaces	1.5 spaces	1.5 spaces	2 spaces	1.75 spaces
Three bedroom	2.5 spaces	1.5 spaces	2 spaces	2 spaces + .5 spaces fore each bedroom over two	2.2 spaces
<p>*Waivers may be granted to reduce requirements if certain requirements are met **In downtown zones, parking may not be required or can be reduced by up to 50% ***Parking transit districts only require one parking space per unit. Special use permits may be granted reducing the parking requirements</p>					

Currently Approved Parking projects with structured parking:

- Colonnade at Kentlands: 1.9 spaces/unit
- Fairfield: 2 spaces/unit
- Park Station: 1.55 spaces/unit
- Archstone at Olde Towne: 1.6 spaces/unit
- Residences at Olde Towne: 1.4 spaces/unit
- Suites 355: 1.65 spaces/unit
- Residences at Hidden Creek:1.6 spaces/unit

Section 24-160D.8 (a) states that “The Council at the time of schematic development plan review shall determine the appropriate number of spaces...”

PROPOSED AMENITIES

On-site amenities include a proposed outdoor swimming pool and deck area, and courtyards for outdoor gathering. There is also a proposal to create a natural pathway system and other passive open space amenities within the area defined as the stream valley buffer. In Phase 1, the interior amenity space will consist of apartment-use only functions such as a fitness facility and a clubroom.

The proposed Orchard Pond development is located within a ten-minute walk of Robertson Park, an 8.9-acre active park that offers softball/baseball, soccer, and football fields, as well as the Robertson Park Youth Center. Numerous retail and employment facilities are located within walking distance of the site, as well as the MARC rail station at Metropolitan Grove. As mentioned throughout this report, a CCT transit station is proposed for this site, as well as a CCT station within walking distance at Metropolitan Grove.

LEED

According to the applicant's Leadership in Environmental and Energy Design (LEED) checklist, the project would be rated as a LEED Certified building.

STAFF RECOMMENDATION

Z -312

Staff recommends approval of Zoning Map Amendment Application Z-312 to rezone the subject property from the existing R-20 (Medium Density Residential) Zone to the MXD (Mixed Use Development) Zone based upon the following findings as required under §§ 24-10A(2) and 24-160D.1 through 24-160D.13 of the City Code:

(1) The application meets (complies) or accomplishes the purposes, objectives, (intent) and minimum standards and requirements of the zone:

Purposes, Objectives and Intent:

- a) The 2003 City of Gaithersburg Land Use Master Plan recommends that the subject property be redesignated as mixed use residential-office-commercial with a zoning classification of MXD. "This is another ideal location for future redevelopment of higher density residential and/or office uses. The site has immediate access to three roadways and is in close proximity to the transit station."
- b) The project proposes a flexible mix of residential and commercial/retail uses that would not be allowed with Euclidian zoning categories. The Plan provides a higher standard of development than could be done under a conventional zoning category by using enhanced site design, a mix of uses, diverse and high quality architectural elements (to be further defined at Schematic Development Plan review), structured parking and well landscaped amenity spaces.
- c) The project encourages orderly staged development of a large scale project by staging the project into two phases. Phase 1 incorporates a new residential development, and Phase 2 will provide for a mix of uses which will interrelate with the other new mixed use developments such as Watkins Mill Town Center and the Spectrum project.
- d) The project efficiently uses the land by retaining continuous circulation through the site by connecting to existing vehicular and pedestrian connections and enhancing those connections through new sidewalks and intersection improvements. The residential project is convenient to existing and proposed retail, residential and employment areas. In addition, the property is served by multiple Montgomery County Ride-On routes and is within walking distance of a MARC train station and future CCT transit stations.

- e) The Applicants have submitted and received approval of a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD). The proposed plan will enhance the environment by adding passive amenities to the stream valley buffer area, performing stream remediation and complying with stormwater management regulations which will reduce the impact of water runoff, improve the water quality coming from the property, and minimize erosion of existing water courses.

Minimum Standards:

1. As stated above, the application and exhibits comply with the 2003 Master Plan Land Use Element, which proposes mixed use development for this site. The application complies with the minimum area.
2. The subject property is located adjacent to existing roadways, Clopper Road (MD 117), Quince Orchard Road (MD 124), Metropolitan Grove Road and Firstfield Road which, according to the Traffic Impact Analysis, are adequate to service the development.
3. The property is currently serviced by all utilities, including water and sewer. The utilities have been given the opportunity to review the plans.
4. As mentioned above, the public facilities comply with the requirements of the City's Adequate Public Facility Ordinance (APFO).

(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:

As stated above, the 2003 City of Gaithersburg Land Use Master Plan recommends that the subject property be developed as a mixed use residential-office-commercial area as a location for future redevelopment of higher density residential and/or office uses. Therefore, the plan is in accord with the 2003 City of Gaithersburg Master Plan. There were no special conditions or requirements contained in the master plan.

(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 (surrounding areas):

The plan, schematic architecture, and other exhibits of this application create a development that is compatible and harmonious to the surrounding areas by creating vehicular and pedestrian connections. The planned uses for this project fully support and augment the existing uses in the area. The architectural design is complementary and enhances the character of the area.

Conclusion

This application conforms to the purpose of the MXD Zone, is consistent with the purpose of the 2003 Master Plan Land Use Element and the Master Plan themes. The densities and

uses proposed in this sketch plan are harmonious and consistent with the proposed surrounding development. The plan is integrated into the area, with both vehicular and pedestrian access. The architecture, as shown in the exhibits, will be compatible, harmonious and enhance the architecture in the surrounding area. The proposed plan will provide redevelopment of an aging apartment community and provide an economic stimulus to the area with the increased number of apartment units.

SDP-09-001

Staff recommends approval of the schematic development plan application SDP-09-001 located in the MXD (Mixed Use Development) Zone, based on the applicant meeting all the submission requirements and standards for approval of a schematic development plan and upon the following findings as required under § 24-160D.10(b) of the City Code:

- (1) The plan is substantially in accord with the approved sketch plan.

The schematic development plan is consistent with the sketch plan Z-312 in terms of density, height of buildings, location of use, access, circulation, amenities, and afforestation and landscape features;

- (2) The plan meets or accomplishes the purposes, objectives and minimum standards and requirements of the zone.

PURPOSES AND OBJECTIVES OF THE MXD ZONE

(Section 24-160D.1 of the Zoning Ordinance)

It is the objective of this zone to establish procedures and standards for the implementation of master plan use recommendations for comprehensively planned, multi-use projects. It is also intended that this zone provide a more flexible approach to the comprehensive design and development of multi-use projects than the procedures and regulations applicable under the various conventional zoning categories. In so doing, it is intended that this zoning category be utilized to implement existing public plans and pertinent city policies in a manner and to a degree more closely compatible with said city plans and policies than may be possible under other zoning categories. The specific purposes of this zone are:

- (a) *To establish standards and procedures through which the land use objectives and guidelines of approved and adopted master plans can serve as the basis for evaluating an individual development proposal, as well as ensuring that development proposed will implement the adopted master plan and other relevant planning and development policies and guidelines for the area considered for MXD zoning.*

The plan provides for the redevelopment of a residential development with increased density, as recommended in the Master Plan and as demonstrated by the exhibits submitted.

- (b) *To encourage orderly, staged development of large-scale comprehensively planned, multi-use developments by providing procedures for various zoning and plan approvals, including development phasing.*

The applicant intends to proceed with development in an orderly and continuous fashion consistent with market demand. The project will be developed in two phases.

- (c) *To encourage design flexibility and coordination of architectural style building and signage.*

The architecture of the new residential structure provides a design that will enhance the community and complement the surrounding area as shown in architectural elevations, and design guidelines. The design guidelines establish the parameters to promote design flexibility, material standards, and landscape design for the proposed project.

- (d) *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.*

The plan for the property will enhance and complement the neighborhood with the redevelopment of the existing residential community. As mentioned previously, the surrounding area is a varied mix of retail, office, and technology uses. The National Institute of Standards and Technology (NIST), a major federal employment center is adjacent to the site. In order to integrate the proposed development with the adjoining neighborhood, the applicant is proposing enhancing the existing pedestrian connections with better pedestrian accessibility at key intersections, and providing new connections such as a sidewalk along Firstfield Road, and a possible sidewalk along Quince Orchard Road. As described above, the property is located in close proximity to various public transportation options, providing alternative connections to other commercial, employment, and recreational uses. Moreover, the integration of this project into the community will be further refined during the final site plan review process.

- (e) *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 project proposes a mix of residential and commercial/retail uses that would not be allowed by conventional zoning categories. The project provides a higher standard of development than that of a conventional zone by using enhanced site design, a mix of uses, diverse and high quality architectural elements, structured parking, and well landscaped amenity spaces that are internally and externally linked by pedestrian and roadway connections as shown in the exhibits in the record.

- (f) *To encourage the efficient use of land by: locating employment and retail uses convenient to residential areas; reducing reliance upon automobile use and encourage pedestrian and other nonvehicular 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 nonvehicular 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.*

The proposed redevelopment project efficiently uses the property by enhancing the existing circulation through the site and by linking to existing pedestrian connections. Sidewalks will

be added along Firstfield Road, and possibly, Quince Orchard Road to connect to existing sidewalks. In addition, the property is currently served by multiple Ride-On busses and is in walking distance to the MARC Station at Metropolitan Grave. This connection will be enhanced in the Phase 1 development with possible amenities such as lighting, increased sidewalk width, and wayfinding signage to make the trip to the MARC station a more obvious pedestrian connection. In addition, a future CCT transit station is planned for the site. Accordingly, the property's proximity to the various transportation options will reduce reliance upon automobile use and encourages the pedestrian system. .

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

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) has been approved for the site. In addition, the applicant will comply with the current State and City stormwater management laws and regulations, which will reduce the impact of water run off, improve the water quality coming from the property, and minimize erosion of existing water courses as shown on the submitted Concept Stormwater Management Plan. Additionally, the applicant plans to create a natural pathway system and other passive open space amenities within the area defined as the stream valley buffer and provide a stream channel enhancement plan for the portion the Long Draught Branch of Great Seneca Creek located on-site.

- (h) *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 above, the proposed project will be developed in two phases and complies with the City's APFO requirements.

MINIMUM LOCATION AND DEVELOPMENT REQUIREMENTS

(Section 24-160D.2 of the Zoning Ordinance)

- (a) **Master plan.** *No land shall be classified in the Mixed Use Development Zone unless the land is within an area for which there is an approved and adopted master plan which recommends mixed use development for the land which is the subject of the application, or unless the proposed development otherwise satisfies the purposes and objectives of the MXD Zone. Approval of the MXD Zone for land which is not recommended for this zone in an approved master plan shall require the affirmative vote of four (4) members of the city council.*

The proposed project is in compliance with the 2003 City of Gaithersburg Master Plan recommendations as the property is specifically mentioned in the document for redesignation as mixed use: *"Redesignate as mixed use residential-office-commercial with a zoning classification of MXD. The medium density residential complex (Orchard Pond) contains 747 apartment units that were constructed in 1975. This is another ideal location for future redevelopment of higher density residential and/or office uses. The site has immediate access to three roadways and is in close proximity to the transit station."*

- (b) **Minimum area.** *No land shall be classified in the Mixed Use Development Zone unless it contains a minimum of ten (10) acres. Parcels or tracts less than the minimum acreage may be permitted if they are contiguous to an existing MXD zoned area and may be harmoniously integrated into the MXD area, consistent with the objectives and purposes of this zone. Such*

parcels are not required to contain multiple uses but contribute to a multi-use development and are subject to the provisions of 24-160D.9(a)(1).

The project contains approximately 40 acres of land area.

- (c) **Location.** *Such land shall be located adjacent to and readily accessible from existing or planned highways that are in an approved construction program and are adequate to service the proposed development. It is intended that adequate access be available to such sites so that traffic does not have an adverse impact on the surrounding area or cause internal circulation or safety problems.*

As previously mentioned, the property is in close proximity to a well-established transportation network including MD 117 and MD 124. The property is served by Ride-On bus service and is within a ¼ mile radius to the MARC Station at Metropolitan Grove. Accordingly, adequate access is currently available to the property so that traffic does not have an adverse impact on the surrounding area or cause internal circulation or safety problems.

- (d) **Public water and sewer.** *No development shall be permitted unless served by public water and sewer.*

The property is currently served by all utilities, including public water and sewer.

COMPATIBILITY STANDARDS

(Section 24-160D.5 of the Zoning Ordinance)

- (a) *All uses shall conform to the purposes of the Mixed Use Development Zone and shall be compatible with all uses, existing or proposed, in the vicinity of the area covered by the proposed planned development. In order to assist in accomplishing such compatibility, the following requirements shall apply:*
- (1) *All right-of-way requirements, setbacks, height limits, open space or buffer areas recommended in an area master plan or special conditions or requirements stated therein to protect properties adjacent to the MXD zoned areas shall be incorporated into all plans subject to approval under the zone.*

There were no special conditions or requirements for the property in the Master Plan.

- (2) *Where setback, height limits, open space or buffer areas are not recommended in an area master plan or special conditions or requirements stated therein to protect properties adjacent to the MXD zoned areas, the following requirements shall be incorporated into all plans subject to approval under this zone.*
- a. *No buildings other than single-family detached dwellings shall be constructed within one hundred (100) feet of adjoining property not zoned MXD or in a residential category that is developed with one-family detached homes unless the city planning commission finds that topographical features permit a lesser setback. In all other situations, setbacks from adjoining properties may be less than 100 feet, with the setback approved by the city planning commission.*
- b. *No building proposed for commercial/employment/industrial use shall be constructed less than one hundred (100) feet from any adjoining property not zoned MXD recommended for residential zoning and land use on the applicable master plan. The setbacks shall be determined as part of the final site plan approval.*

- c. *No building shall be constructed to a height greater than its distance from any adjoining property not zoned MXD recommended for residential zoning and land use of the applicable master plan, unless the city planning commission finds that approval of a waiver of this requirement will not adversely affect adjacent property.*

These provisions are not applicable because there are no adjoining properties since the subject property is surrounded on all sides by roads.

MINIMUM GREEN AREA

(Section 24-160D.6 of the Zoning Ordinance)

- (a) *The amount of green area, including designated parks, public and private open space, active and passive recreational areas, required for the residential portion of a mixed use development shall be not less than forty (40) percent of the total area shown for residential use. ... for the commercial/employment/industrial portion of a mixed use development shall be not less than twenty-five (25) percent of the total area devoted to commercial/employment/industrial uses, except that comparable amenities and/or facilities may be provided in lieu of green area if the city council determines that such amenities or facilities are sufficient to accomplish the purposes of the zone, and would be more beneficial to the proposed development than strict adherence to the specific green area requirement.*

The Sketch Plan states that green space must not be less than 40% for residential uses and 25% for commercial uses.

- (b) *All recreation areas, facilities and amenities, and all open space and landscaped areas shall be reflected on the final site plans for approval by the city planning commission.*

All recreation areas, facilities and amenities, and all open space and landscaped areas will be reflected on the final site plans.

(3) The plan is in accord with the area master plan and any accompanying special condition or requirements contained in said master plan for the area under consideration;

As stated above, the proposed project is in compliance with the 2003 City of Gaithersburg Master Plan recommendations as the property is specifically mentioned in the document for redesignation as mixed use: *“Redesignate as mixed use residential-office-commercial with a zoning classification of MXD. The medium density residential complex (Orchard Pond) contains 747 apartment units that were constructed in 1975. This is another ideal location for future redevelopment of higher density residential and/or office uses. The site has immediate access to three roadways and is in close proximity to the transit station.”*

(4) The plan will be internally and externally compatible and harmonious with existing and planned land uses in the MXD zoned area and adjacent areas;

As discussed above, the plan enhances and complements the neighborhood with the redevelopment of this existing residential project. The plan creates a development that is compatible and harmonious with the surrounding neighborhood.

(5) The existing or planned public facilities are adequate to service the proposed development contained in the plan;

As mentioned above, the property is currently served by all utilities and complies with the City's APFO requirements.

(6) The development staging or phasing program is adequate in relation to the provision of public facilities and private amenities to service the proposed development;

As discussed above, the proposed project will be developed in two phases, which will be adequate in relation to the provision of public facilities and private amenities to serve the proposed development.

(7) The plan, if approved, would be in the public interest.

This plan will implement the Master Plan recommendations for the property and redevelop an existing multi-family residential community at a higher density. The retail, office, and technology uses located in the adjacent properties are very compatible with the addition of residential development. Future increases in residents at the site will promote the redevelopment of the retail and employment in this area. Increased pedestrian connectivity will result with this project and create a more pedestrian-oriented location.

Conclusion

The schematic development plan is substantially in accord with the sketch plan Z-312. The plan meets and accomplishes the purposes, objectives and minimum standards and requirements of the MXD Zone as shown by the exhibits submitted into the record. The plan is in accord with the applicable master plan recommendations of the 2003 Master Plan. The plan is internally and externally compatible with existing and planned land uses in the MXD zoned area and adjacent areas. The existing and planned public facilities are adequate to service the proposed development contained in the plan. The development phasing program is adequate in relation to the provision of public facilities and private amenities to service the proposed development. Finally, the schematic development plan is in the public interest.

STAFF RECOMMENDATION

Z-312

The Planning Commission is to provide a recommendation to the Mayor and Council for the Sketch Plan Z-312. **Staff recommends that the Planning Commission give a favorable recommendation of the sketch plan to the Mayor and City Council.**

STAFF RECOMMENDATION

SDP-09-001

The Planning Commission is to provide a recommendation to the Mayor and Council for the Schematic Development Plan. **Staff recommends that the Planning Commission give a favorable recommendation of SDP-09-001 to the Mayor and City Council with the following conditions:**

1. Applicant shall continue to work with Staff and the Maryland State Highway Administration and develop a plan to improve and enhance the geometrics and pedestrian connections at the intersections located at Firstfield Road and Clopper Road and Firstfield Road and Quince Orchard Road prior to final site plan approval;
2. Applicant shall refine and detail, with amenities such as increased sidewalk width, way finding, and lighting, the primary pedestrian connection from Phase 1 and Phase 2 to the Metropolitan Grove MARC Station prior to final site plan approval;
3. Applicant shall continue to work with Staff to create a natural pathway system and other passive open space amenities within the area defined as the stream valley buffer. All work shall be done in accordance with the City's Environmental Standards for Development;
4. Applicant shall provide a stream channel enhancement plan in accordance with the City's Environmental Standards for Development. All plans must be submitted to MDE and other required entities for approval and all applicable permits obtained prior to the issuance of any building permits by the City;
5. Applicant is to continue to work with staff to develop tenant relocation, demolition staging, and construction staging plans prior to final site plan approval;

6. Final signing lane marking, turning radii plans, lighting plans, paving and storm drain plans, grade establishment plans, and details are to be reviewed and approved by DPW prior to the issuance of public works permits; and
7. Applicant shall continue to work with planning and public works staff to establish a pedestrian linkage plan between Firstfield Road and Clopper Road along Quince Orchard Road.

INDEX OF MEMORANDA
SDP-09-001-ORCHARD POND

Note: Exhibits in **bold** are attached.

1. Application for Schematic Development Plan, 2/25/09 and Receipt for Application Fee
2. Aerial Photo/Vicinity Map
3. ALTA Survey
4. Statement of Master Plan Compliance
5. Schematic Development and Landscape Plan (6 sheets)
6. Conceptual Building Elevations
7. Turning Radius Plan
8. Architectural Design Guidelines
9. Staff Comments on Sketch Plan and SDP 11/10/2009
10. Response to Staff Comments 12/7/09
11. Preliminary Forest Conservation Plan
12. Preliminary Forest Conservation Staff Comments 10/27/09
13. Sediment Control Plan
14. Stormwater Management Concept Computations
15. Stormwater Management Plan
16. Stormwater Management and Sediment Control Receipt
17. Traffic Impact Analysis (TIA) by the Traffic Group, 12/09
18. Rental Agreement between JPI Development Services and Montgomery County
19. Environmental Noise Measurement, Analysis, and Noise Preliminary Impact

20. LEED 2009 for New Construction and Major Renovation Project Scorecard
21. Montgomery County Department of Transportation Comments 11/24/09
22. WSSC Comments 11/16/09
23. SHA Comments 12/16/09
24. Gazette Legal Notice for 12/16/09 and 12/23/09
25. Joint Public Hearing Notice sent 12/11/09
26. Joint Public Hearing Notice Labels for owners within 200 feet of the property
27. Letter to the Current Residents from the Management Company concerning the Proposed Redevelopment 12/10/09
28. Email from Ollie Mumpower, Engineering Services Director, approving the TIA
29. Statement in Support of Fixed Parking Rate Request 12/15/09
30. Email from Rick Kiegel, Maryland Transportation Authority Project Manager 1/4/10

-----**Post Public Hearing**-----

- 31. Public comment email from Rich Koch 1/5/10**
- 32. Public comment email from Robyn Trower 1/9/10**
- 33. J. Kline letter to MCPS 1/12/10**
- 34. Potential Unit Mix**
- 35. Joint public hearing coversheet**
- 36. Approved Affordable Housing Plan**
- 37. Memo to Mayor and City Council extending the record**
- 38. Memo to Planning Commission extending the record**
- 39. Letter from Bruce Crispell, MCPS, 1/27/10**
- 40. Storm water management meeting minutes 1/21/10**
- 41. Existing Pedestrian Circulation Exhibit**
- 42. Proposed Pedestrian Circulation Exhibit**

- 43. Specimen Tree Exhibit**
- 44. Orchard Pond Area Land Use Exhibit**
- 45. J. Kline letter to Mayor and City Council and Planning Commission 2/19/10**
- 46. J. Kline letter to Mayor and City Council and Planning Commission 2/23/10**
- 47. Revised SDP plans 2/22/10**
- 48. Revised landscape plans 2/22/10**
- 49. Revised Firstfield Road elevation**
- 50. Revised garage elevation**
- 51. Revised Design Guidelines**
- 52. Revised statement in support of parking**
- 53. Joint worksession cover**
- 54. Proposed connection to the MARC and CCT stations**
- 55. Email and letter with attachments from P. Henry 3/19/10**
- 56. Email from Ollie Mumpower 3/24/10 re: Discrepancy in CLV volume for MD 117/MD 124 intersection**
- 57. Z-312-SDP-09-001 –Orchard Pond Staff Analysis**
- 58. Planning Commission Recommendation CPC 10-21-09**
- 59. Letter and attachments from P. Henry – 3/25/09**

INDEX OF MEMORANDA
Z-312 Orchard Pond

Note: Exhibits in **bold** are attached.

1. Application for Amendment to Zoning Map, filed February 24, 2009
2. Rezoning fee receipt 2/26/09
3. Statement in Support of Rezoning 2/25/09
4. Page 134 from 2003 Master Plan: Land Use Plan
5. Location Map/Aerial Photo
6. Record Plat
7. Adjacent Zoning Map
8. Sketch Plan revised 12/04/09
9. Natural Resource Inventory (NRI) /Forest Stand Delineation (FSD)Application
10. NRI/FSD Report
11. NRI/FSD Plan
12. NRI/FSD Staff Comments 3/3/09
13. Public Hearing Notice, sent 12/11/09
14. Letter to Gaithersburg Gazette, requesting legal advertisement for December 16, 2009 and December 23, 2009
15. Public Hearing Labels

-----**Post Public Hearing**-----

- 16. Joint public hearing coversheet**
- 17. Memo to Mayor and City Council extending the record**

- 18. Memo to Planning Commission extending the record**
- 19. Storm water management meeting minutes 1/21/10**
- 20. Orchard Pond Area Land Use Exhibit**
- 21. J. Kline letter to Mayor and City Council and Planning Commission 2/19/10**
- 22. J. Kline letter to Mayor and City Council and Planning Commission 2/23/10**
- 23. Joint worksession cover**
- 24. Proposed connection to the MARC and CCT stations**
- 25. Email and letter with attachments from P. Henry 3/19/10**
- 26. Email from Ollie Mumpower 3/24/10 re: Discrepancy in CLV volume for MD 117/MD 124 intersection**
- 27. Z-312-SDP-09-001 –Orchard Pond Staff Analysis**
- 28. Planning Commission Recommendation CPC 10-21-09**
- 29. Letter and attachments from P. Henry – 3/25/10**

From: [Sidney Katz](#)
To: [Richard Koch](#); [CityHall External Mail](#); [Trudy Schwarz](#)
Cc: [jskline@mmcanby.com](#); [Greg Ossont](#); [Cathy Drzyzgula](#); [Henry Marraffa - External](#); [Jud Ashman - External](#); [Michael Sesma](#); [Ryan Spiegel - External](#); [Sidney Katz](#); [Angel Jones](#); [Doris Stokes](#); [Marie Best](#); [Monica Sanchez](#); [Tony Tomasello](#)
Subject: RE: SDP-09-001
Date: Tuesday, January 05, 2010 10:58:52 AM

Rich,

Thank you for your email. I am sending a copy of it to City staff and will ask them to include it in the record.

Sidney

From: Richard Koch [mailto:rkoch@keystonere.com]
Sent: Tuesday, January 05, 2010 10:46 AM
To: Sidney Katz; CityHall External Mail; Trudy Schwarz
Cc: jskline@mmcanby.com; Greg Ossont
Subject: SDP-09-001

Mayor, Council and Planning Commission:

In my opinion this SDP failed to live up to the hype created by Mr. Kline's opening remarks during the meeting last evening.

As you know the site is adjacent to one of two proposed CCT stations in the city. For that reason I ask the city leadership to be creative to think outside the box to explore how this transit oriented development (TOD) project and the CCT station are going to function and be developed into an asset and an amenity for the city.

Is this station going to operate like a Metro station in DC that is supported by high density development all around it or is it going to operate like a suburban Metro station where riders drive to the station, park and ride and therefore provisions for a public parking garage on the site might be needed? Should there be provisions for public buses loading and unloading? Should the lane proposed for parking on Firstfield Road be eliminated to provide a drop off area like the lane on north bound Route 355 at the Grosvenor Station? Should the residential density be higher? Should 5 story or taller buildings be allowed? Should there be pedestrian bridges across "Quincy" Orchard Road and Clopper Road?

I do not oppose this project in its current form but before you simply approve what appears to be a reasonably well designed 410 unit apartment community adjacent to the proposed CCT station please brainstorm ways to make this 11 acres and the proposed CCT station more of an asset and amenity to the city. In addition to the 410 multifamily dwelling units, much more could be done with this 11 acre site to accrue benefits to the city from its location which is in the center of the city, next to NIST, surrounded by public roadways and quick access to the proposed CCT, the MARC station and I-270. The MXD zone in its current form may not be the best zone for the site because it was intended for TND neighborhoods with relatively low density and therefore the MXD zone may need to be modified for TOD projects like this.

Thank you for your consideration of my comments.

Best regards,

Rich Koch
103 Leekes Lot Way

Eliza Voigt

From: Myriam Gonzalez
Sent: Monday, January 11, 2010 8:51 AM
To: UDT
Subject: FW: Z-312

Myriam González
Planning & Code Administration
301-258-6330

Get weekly e-mail updates of upcoming City meetings and events by registering for myGaithersburg at www.gaithersburgmd.gov/mygaithersburg

The opinions expressed in this message are not necessarily those of the City of Gaithersburg Staff, Mayor or Council.

From: Britta Monaco
Sent: Monday, January 11, 2010 8:30 AM
To: Doris Stokes; Myriam Gonzalez
Cc: Angel Jones
Subject: FW: Z-312

This e-mail came in through the City Hall e-mail box.

From: robynkate@netzero.com [mailto:robynkate@netzero.com]
Sent: Saturday, January 09, 2010 11:17 PM
To: CityHall External Mail
Subject: RE: Z-312

I watched to the City Council meeting on television the other night and was interested in the plans for Quince Orchard/Clopper/Firstfield roads.

I have lived in the City for over 35 years. I have lived in a condo for over 25 years and have been looking for a 3 bedroom one. The developer of this property is wrong when they say that 1 and 2 bedrooms are the primary interest. It is extremely difficult to find an apartment or condo in the area that is larger than 2 bedrooms. People today are interested in having a primary bedroom, a guest room, and an office or den. And, if children are included, of course people will want more than 2 bedrooms. Please urge the developer to have a significant number of 3 bedrooms in this property. Unless the developer is encouraging transience, studios are a waste of time and space. I hope the upcoming Archstone project on Diamond Avenue will be more in keeping with residents needs.

I was a little amused to hear the Council's concerns over pedestrian traffic. While I agree that the street crossings needs to be updated, besides walking to bus stops, where, exactly, are people going to walk to? Until Diamond Square and the shopping center where Magruder's are updated, there really isn't much of anything to walk to. Encouraging those centers' owners to upgrade them would be in order.

Thank you.

Robyn Trower

Joint Hearing - MCC & PC
SDP-09-001
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LAW OFFICES
MILLER, MILLER & CANBY

CHARTERED

PATRICK C. McKEEVER (DC)
JAMES L. THOMPSON (DC)
LEWIS R. SCHUMANN
JODY S. KLINE
ELLEN S. WALKER
MAURY S. EPNER (DC)
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200-B MONROE STREET
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ROBERT E. GOUGH
DONNA E. McBRIDE (DC)
GLENN M. ANDERSON (FL)
MICHAEL G. CAMPBELL (DC, VA)
SOO LEE CHO (CA)
AMY C. GRASSO

** All attorneys admitted in Maryland and where indicated*

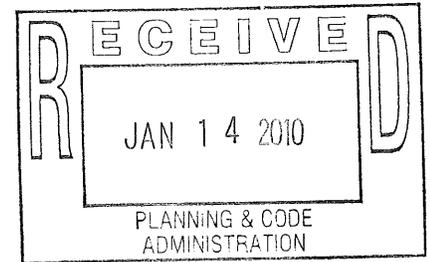
JSKLINE@MMCANBY.COM

January 12, 2010

Mr. Bruce Crispell
Department of Planning
Montgomery County Public Schools
2096 Gaither Road, Suite 200
Rockville, MD 20850



RE: City of Gaithersburg applications;
Zoning Application No. Z-312 and
Schematic Development Plan Application SDP09-001;
"Orchard Pond"



Dear Bruce:

Thank you for talking to me the other day about our client's plans to redevelop a portion of the "Orchard Pond" apartment complex located at the intersection of Quince Orchard Road (Maryland Route 124) and Clopper Road (Maryland Route 117) in the City of Gaithersburg.

A joint (Mayor/City Council and Planning Commission) public hearing on a rezoning application and a schematic development plan application was conducted by the City on Monday, January 4th. After the Applicant's presentation, questions were asked by Councilmembers and Planning Commissioners. The Applicant was asked to provide information about the number of students who currently reside in the portion of the Quince Orchard community intended to be redeveloped in Phase I, and how many students would likely be generated by the apartments created by the new construction.

Obviously, your office is the most reliable resource for such information.

In order to assist you in providing the information requested by the Mayor, City Council and Planning Commission, I have enclosed excerpts from the Staff Reports for both the rezoning application and the schematic development plan application.

Joint Hearing - MCC & PC
SDP-09-001
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As you can see from the attached materials, the property owner has a long range plan to redevelop the entire Orchard Pond community which today contains a total of 747 apartments. However, the Council is interested in pupil information for Phase I only. That is, how many students in the public system presently reside in the 156 apartments that will be razed and how many students will be generated by the 410 new apartments that will be constructed on the property?

I know that your pupil generation rates are nuanced enough that the form of development contemplated is important in determining the number of pupils that might be generated by a new project. Accordingly, I have enclosed a copy of an article from a recent issue of the "Gaithersburg Gazette" published just before the January 4th public hearing. The article highlights many of the features of the project that we stressed during the public hearing, including upgrading of the quality of the housing units, proximity to the future corridor City's transit line (and the existing Metropolitan Grove MARC station) and the retail service component that may be included in the first phase.

Hopefully, the enclosed information is adequate for you to be able to prepare an estimate of the number of students that will be generated by the new 410 unit multi-family residential building with structured above ground parking garage. In order to assist you in determining the number of students that are presently enrolled in the public school system coming from this section of the Orchard Pond apartment complex, please be advised that the addresses of the buildings that would be removed and replaced with the new 410 apartments are all odd-numbered buildings (13 total) from 867 through 891 Clopper Road, Gaithersburg.

Although the City Council and Planning Commission asked the Applicant to provide the pupil generation information requested above, this information is, obviously, of interest to Staff as well. So, in responding to this request, would you please send a copy to Mr. Greg Ossont, Director, and Ms. Eliza Voigt, Planner, with the City of Gaithersburg Planning Department (address: 31 South Summit Avenue, Gaithersburg, MD 20877-2098; telephone number: 301-258-6330). Indeed, if you are more comfortable providing the information requested directly to a public agency, please feel free to address your response to the City of Gaithersburg, in care of Ms. Voigt, with a copy to me.

If there is any additional information that you need in order to respond to this inquiry, please give me a call.

Thank you again for your attention to this request and for your continuing work in addressing student population issues in Montgomery County and in the City of Gaithersburg.

Sincerely yours,

MILLER, MILLER & CANBY

A handwritten signature in black ink that reads "JODY". The signature is written in a bold, slightly slanted, sans-serif font. Above the signature is a thick, horizontal black line that spans the width of the signature.

Jody S. Kline

JSK/dlt

Enclosures

cc: Eliza Voigt
Greg Ossont
Lauren Pruss
Malcolm Van de Riet
Joe Schneider
Steve Tawes

Jefferson at Orchard Pond
City of Gaithersburg MD
Comparison of Potential Unit Mix to Existing Unit Mix

PHASE 1 ONLY

A. Potential Unit Mix - Proposed Development	%	Units	NRSF	Total NRSF	Provided	
					Ratio	Parking Spaces
1. Studio	15%	62	500	30,750	1.0	62
2. One Bedroom	45%	185	800	147,600	1.5	277
3. Two Bedroom	35%	144	1,015	145,653	2.0	287
4. Three Bedroom	5.0%	21	1,215	24,908	2.2	45
Total	100%	410	851	348,910	1.6	670

B. Existing Unit Mix - Units To Be Demolished	%	Units	NRSF	Total NRSF		
1. One Bedroom						
A1	4%	7	729	5,103		
A2	16%	25	742	18,550		
A3	3%	4	777	3,108		
A4	5%	8	782	6,256		
A5	0%	-	789	-		
A6	6%	10	882	8,820		
A7	8%	12	900	10,800		
Total One Bedroom	42%	66	798	52,637		
2. Two Bedroom						
B1	2%	3	877	2,631		
B2	10%	15	890	13,350		
B3	0%	-	994	-		
B4	8%	12	1,020	12,240		
B5	31%	48	1,025	49,200		
B6	0%	-	1,017	-		
B7	0%	-	1,159	-		
B8	8%	12	1,143	13,716		
Total Two Bedroom	58%	90	1,013	91,137		
Total Existing Unit Mix - Units To Be Demolished	100%	156	922	143,774		

Joint Hearing - MCC & PC
SDP-09-001
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MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

January 4, 2010

CALL TO PODIUM:

Eliza Voigt

RESPONSIBLE STAFF:

**Greg Ossont, Director
Planning and Code
Administration**

Lauren Pruss, Planning Director

Eliza Voigt, Planner

AGENDA ITEM:

(please check one)

<input type="checkbox"/>	Presentation
<input type="checkbox"/>	Proclamation/Certificate
<input type="checkbox"/>	Appointment
<input checked="" type="checkbox"/>	Joint Public Hearing
<input type="checkbox"/>	Historic District Commission
<input type="checkbox"/>	Consent Item
<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Resolution
<input type="checkbox"/>	Policy Discussion
<input type="checkbox"/>	Work Session Discussion Item
<input type="checkbox"/>	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	N/A
Advertised	12/16/09
	12/23/09
Hearing Date	1/4/10
Record Held Open	
Policy Discussion	

TITLE: SDP-09-001 JOINT PUBLIC HEARING

This application requests approval for a Schematic Development Plan (SDP-09-001) for a 410 unit multi-family residential building with a structured above-ground parking garage located at Clopper, Quince Orchard, and Firstfield Roads.

SUPPORTING BACKGROUND:

The applicant, JPI, represented by Mr. Malcolm Van de Riet II, and Mr. Jody Kline of Miller, Miller and Canby, has submitted an application, SDP-09-001, for the redevelopment of the 11-acre portion of the Orchard Pond Apartments site located at the intersection of Clopper Road and Quince Orchard Road. The SDP proposes a 410-unit multi-family residential building with a structured parking garage and entrance on Firstfield Road. The property is currently the location of the Orchard Pond Apartments, a medium-density residential complex containing 747 apartments constructed in the mid-1970s.

Please refer to the attached Preliminary Background Report which provides further discussion of the proposal for SDP-09-001.

This joint public hearing will be a consolidated hearing for both Z-312 and SDP-09-001.

Attachments:

SDP-09-001 Index of Memoranda and Exhibits

DESIRED OUTCOME: Hold public hearing

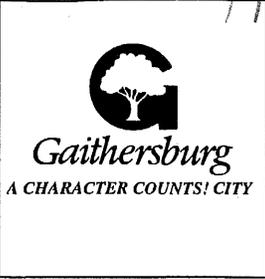
Staff recommends that the Planning Commission hold the record open until 5 PM, January 27, 2010, (23 days) with anticipated recommendation on February 3, 2010.

Staff recommends that the Mayor and City Council hold their records open until 5 PM, February 4, 2010, (31 days) with anticipated policy discussion on March 1, 2010.

Joint Hearing - MCC & PC
Z-312
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Joint Hearing - MCC & PC
SDP-09-001
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approved copy - Planning



**CITY OF GAITHERBURG
DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT
MPDU AND WFHU PROGRAM
AFFORDABLE HOUSING PLAN**

This report must be submitted to the City of Gaithersburg prior to SDP or site plan approval

Instructions: Please fill out this form completely and return it to staff of the Housing and Community Development Division. Pursuant to City Regulation No. 01-09, this Plan must be submitted, signed and approved prior to approval of any relevant schematic development plan and before receiving Planning Commission approval of any relevant site plan.

1. Developer Information

Name of Developer	893 Clopper Road Investors LLC	Tax ID	06-1623806
Contact Person	Malcolm Van de Reit	Title	Vice President
Address	8300 Greensboro Dr., Ste. 400, McLean, VA	Zip Code	22102
Phone Number	703-563-5200	Fax	703-485-6017

2. Project Information

Project Name	Orchard Pond (Redevelopment Area)
Project Location	Between Firstfield Road, Quince Orchard Road, and Clopper Road
Subdivision Name	Orchard Pond
Project Type: rental/sale	Rental
Total Number of Units	410
Number of Units by Type (1 BR, 2 BR, etc)	TBD

3. Project Description

Briefly describe the development concept and design of this project.

Four (4)-story rental development containing approximately 410 residential units, structured parking containing approximately 650 parking spaces, and amenities planned to include an outdoor swimming pool, club room, conference room, computer room, and leasing office.

4. MPDU and WFHU Information:

Total Number of Units	410	Planned MPDU/WFHU Location in Development	
Number of MPDUs by type (sale)		MPDU (Sale)	
Number of MPDUs by type (rental)	62	MPDU (rental)	
Number of WFHUs by type		WFHU	

1/27/10
AR DSR

Joint Hearing - MCC & PC
SDP-09-001
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5. Proposed Construction Schedule

Start Date		Finish Date	
MPDU/WFHU	January 2012	MPDU/WFHU	January 2014
Market Units	January 2012	Market Units	January 2014

6. Attachments

1. Attach applicable covenants in recordable form; *N/A*
2. Attach a statement attesting that the MPDUs and WFHUs shall be of the same appearance and use comparable exterior materials to the market rate units of the same unit type; *n*
3. Attach a statement attesting that the MPDUs and WFHUs shall be generally dispersed throughout the development; *n*
4. Attach a statement attesting that the MPDUs and WFHUs shall be built along with, or before, other units in the development. *n*

Signature _____ Title _____ Date _____

Brad Dyer

VP

1-21-10

SUPPLEMENT TO AFFORDABLE HOUSING PLAN

Name of Developer: 893 Clopper Road Investors LLC

Project Name: Orchard Pond (Redevelopment Area)

Project Location: Between Firstfield Road, Quince Orchard Road, and Clopper Road, Gaithersburg, Maryland

Total Number of Units: 410 Rental Units

Number of Rental MPDUs: 62

The undersigned Developer hereby acknowledges and agrees to the following:

- (1) The MPDUs for the above-referenced Project shall be of the same appearance and use comparable exterior materials as the market rate units of the same unit type in the Project.
- (2) The MPDUs shall be generally dispersed throughout the Project.
- (3) The MPDUs shall be built along with or before the other units in the Project.

Further, the Developer shall enter into MPDU covenants for the Project, in recordable form, at such later date as shall be requested by the City of Gaithersburg in accordance with City Regulation No. 01-09 (the Affordable Housing Regulations), as may be amended.

DEVELOPER:

893 Clopper Road Investors LLC

By: Brad Davy

Name: Brad Davy

Title: VP

Date: Jan 21, 2010

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

February 1, 2010

CALL TO PODIUM:

**Greg Ossont, Director
Planning and Code
Administration**

RESPONSIBLE STAFF:

Eliza Voigt, Planner

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing
	Historic District Commission
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
<input checked="" type="checkbox"/>	Other: From Staff

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	12/16/09
	12/23/09
Hearing Date	1/4/10
Record Held Open	
Policy Discussion	

TITLE: Z-312 & SDP-09-001 Records

Staff is seeking guidance on the Mayor and City Council announcing the closing of the Z-312 and SDP-09-001 records.

SUPPORTING BACKGROUND:

Staff is seeking guidance on the attached memorandum.

DESIRED OUTCOME:

Provide guidance to staff.

Joint Hearing - MCC & PC
Z-312
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Joint Hearing - MCC & PC
SDP-09-001
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MEMORANDUM TO: Mayor and City Council
VIA: Angel L. Jones, City Manager
FROM: Eliza Voigt, Planner
DATE: January 21, 2010
SUBJECT: Orchard Pond Z-312 and SDP-09-001

The Mayor and City Council and the Planning Commission held a consolidated joint public hearing on January 4, 2010, for the rezoning and schematic development plan (SDP) of the Orchard Pond property. At the public hearing, the Mayor and City Council and the Planning Commission announced dates for the closing of their records.

A work session is now planned on March 8, 2010, to discuss the Orchard Pond rezoning and schematic development plans in more detail. Accordingly, staff recommends that the Mayor and City Council announce at their February 1, 2010, meeting an extension to the closing of the Z-312 and SDP-09-001 record until March 26, 2010, at 5 PM. The Mayor and City Council policy discussion on this topic is scheduled for the April 5, 2010, meeting.

Should you have any questions, please contact me at evoigt@gaitthersburgmd.gov or 301-258-6330.

cc: Greg Ossont
Lauren Pruss

MEMORANDUM TO: Planning Commission
VIA: Lauren Pruss, Planning Director
FROM: Eliza Voigt, Planner
DATE: January 20, 2010
SUBJECT: Orchard Pond Z-312 and SDP-09-001

The Planning Commission and the Mayor and City Council held a consolidated joint public hearing on January 4, 2010, for the rezoning and schematic development plan (SDP) of the Orchard Pond property. At the public hearing, the Planning Commission and the Mayor and City Council announced dates for the closing of their records.

The Mayor and City Council are now planning a work session on March 8, 2010, to discuss the Orchard Pond rezoning and schematic development plans in more detail. Accordingly, staff recommends that the Planning Commission announce at their January 20, 2010, meeting an extension to the closing of the Z-312 and SDP-09-001 Planning Commission record until March 17, 2010, at 5 PM. The Planning Commission recommendation is now scheduled for the March 24, 2010, Planning Commission meeting.

Should you have any questions, please contact me at evoigt@gaitthersburgmd.gov or 301-258-6330.

cc: Greg Ossont

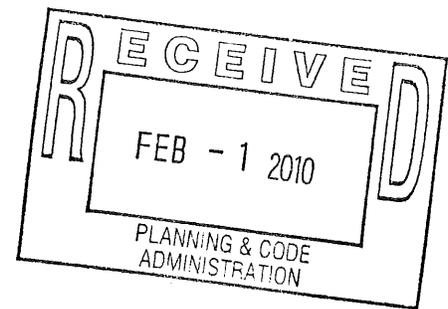
Joint Hearing - MCC & PC
Z-312
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Joint Hearing - MCC & PC
SDP-09-001
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January 27, 2010

Ms. Eliza Voigt, Planner
Department of Planning and Code Administration
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, Maryland 20877



Dear Ms. Voigt:

This letter is sent to provide school impact information for the City of Gaithersburg review of Zoning Application No. Z-312 and Schematic Development Plan Application SDP09-001, known as "Orchard Pond." This rezoning pertains to the redevelopment of a portion of the existing Orchard Pond apartment community, located at the intersection of Quince Orchard Road and Clopper Road in the City of Gaithersburg. This apartment complex includes a total of 747 units. I understand the plan under review would replace 156 of the current units with 410 new apartments and include structure parking to accommodate the higher density.

Montgomery County Public Schools (MCPS) has found that high density apartments and condominium units that include structure parking generate fewer students than traditional and older apartment communities that have less density and surface parking. These units typically appeal to fewer families with school age children, either because of cost or because of the less family-oriented nature of these communities. Therefore, the presence or absence of structure parking has become a useful indicator of student generation. Based on this experience and student "yield rates" obtained from the Census Update Survey (conducted by the Montgomery County Planning Department), the 410 new apartment units are estimated to generate approximately 17 elementary school students, 16 middle school students, and 14 high school students.

Currently, 32 elementary school students, 5 middle school students, and 10 high school students reside in the 156 apartment units that would be redeveloped to the 410 units in this plan. Therefore, the 410 new units being planned would result in fewer elementary school students (17 vs. 32), more middle school students (16 vs. 5), and more high school students (14 vs. 10) than the current 156 units.

The schools that serve this area include Thurgood Marshall Elementary School, Ridgeview Middle School, and Quince Orchard High School. Enrollment at the elementary school and high school is projected to remain close to the capacity of the schools. Enrollment at the middle school is projected to remain well within the capacity of the school.

Division of Long-range Planning

2096 Gaither Road, Suite 201 ♦ Rockville, Maryland 20850 ♦ 240-314-4700 ♦ Fax 240-314-4707

See enclosed pages from the Montgomery County Public Schools FY 2011 Capital Budget and the FY 2011–2016 Capital Improvements Program (CIP). For your information, the current county Growth Policy Schools Test finds capacity adequate in the Gaithersburg Cluster.

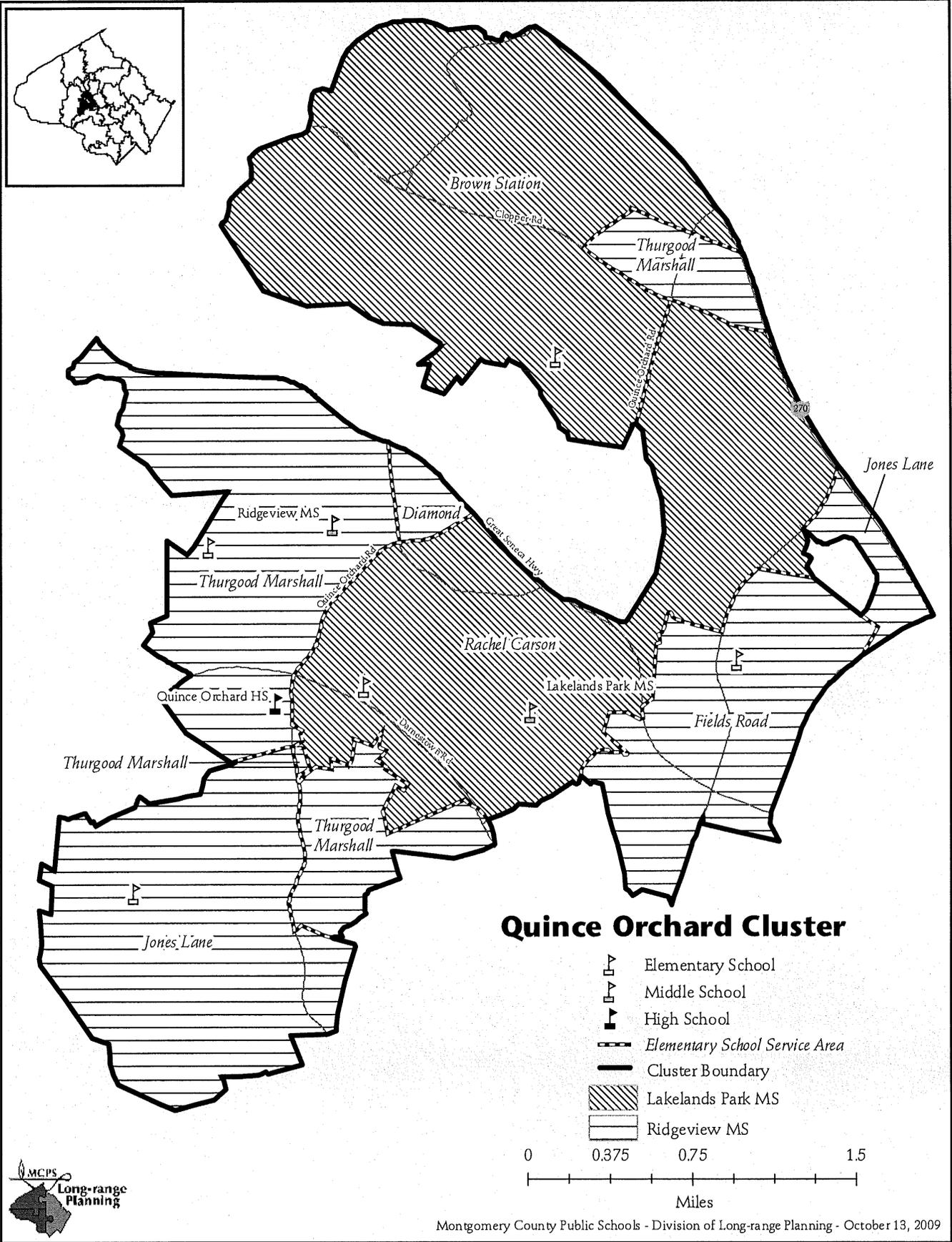
Sincerely,

A handwritten signature in black ink that reads "Bruce Crispell". The signature is written in a cursive style with a large, prominent "B" and "C".

Bruce H. Crispell, Director
Division of Long-range Planning

BHC:lm
Enclosure

Copy to:
Mr. Bowers
Mr. Lavorgna
Ms. Turpin
Mr. Ossont
Mr. Kline



SCHOOLS

Quince Orchard High School

Capital Project: Restroom renovations are recommended for this school for completion in the 2010–2011 school year.

Ridgeview Middle School

Capital Project: Improvements are scheduled for this school with a completion date of August 2012. An FY 2011 appropriation is recommended for construction funds to complete the improvements. In order for this project to be completed on schedule, county and state funding must be provided at the levels recommended in this CIP.

Brown Station Elementary School

Utilization: Projections indicate enrollment at Brown Station Elementary School will exceed capacity by four classrooms or more by the end of the six-year period. Relocatable classrooms will be utilized until additional capacity can be added as part of the modernization.

Capital Project: A modernization project is scheduled for this school with a completion date of August 2016. FY 2012 expenditures are programmed for facility planning funds to determine the scope and cost for the modernization. In order for this project to be completed on schedule, county and state funding must be provided at the levels recommended in this CIP.

Rachel Carson Elementary School

Utilization: Projections indicate enrollment at Rachel Carson Elementary School will exceed capacity by four classrooms or more by the end of the six-year period. The Elementary Learning Center (ELC) currently located at Rachel Carson Elementary School is scheduled for relocation to Jones Lane Elementary School in August 2010. This move will free up four classrooms at Rachel Carson Elementary School. Enrollment will continue to be monitored to determine whether it is necessary to develop additional plans to relieve Rachel Carson Elementary School in the future.

Capital Project: Restroom renovations are recommended for this school for completion in the 2013–2014 school year.

Fields Road Elementary School

Capital Project: Restroom renovations are recommended for this school for completion in the 2013–2014 school year.

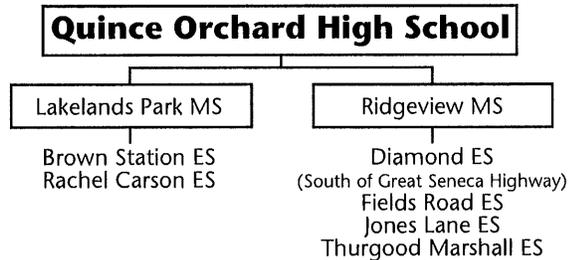
Jones Lane Elementary School

Capital Project: Restroom renovations are recommended for this school for completion in the 2012–2013 school year.

Thurgood Marshall Elementary School

Capital Project: Restroom renovations are recommended for this school for completion in the 2014–2015 school year.

Quince Orchard Cluster Articulation*

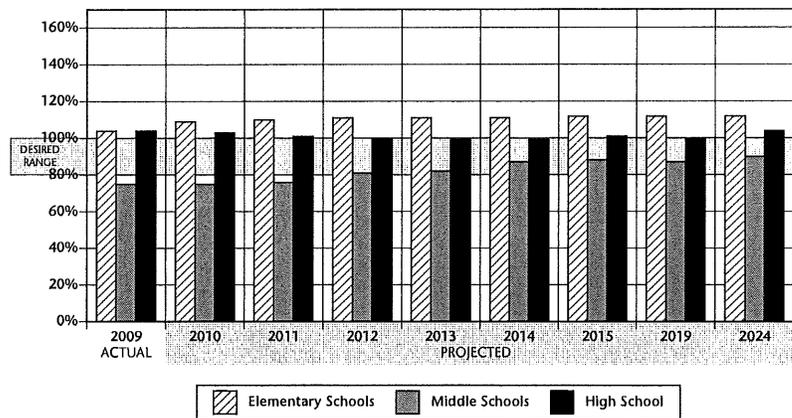


*"Cluster" is defined as the collection of elementary schools that articulate to the same high school.

*Diamond (north of Great Seneca Highway) and Darnestown elementary schools also articulate to Lakelands Park Middle School, but thereafter to Northwest High School.

Quince Orchard Cluster

School Utilizations



Note: Percent utilization calculated as total enrollment of schools divided by total capacity. Projected capacity factors in capital projects.

CAPITAL PROJECTS

School	Project	Project Status*	Date of Completion
Quince Orchard HS	Restroom renovations	Recommended	SY 2010–2011
Ridgeview MS	Improvements	Recommended	Aug. 2012
Brown Station ES	Modernization	Programmed	Aug. 2016
Rachel Carson ES	Restroom renovations	Recommended	SY 2013–2014
Fields Road ES	Restroom renovations	Recommended	SY 2013–2014
Jones Lane ES	Restroom renovations	Recommended	SY 2012–2013
Thurgood Marshall ES	Restroom renovations	Recommended	SY 2014–2015

*Approved—Project has an FY 2010 appropriation approved for the FY 2010 Capital Budget.

Recommended—Project has an FY 2011 appropriation recommended in the FY 2011–2016 CIP.

Programmed—Project has expenditures programmed in a future year of the CIP for planning and/or construction funds.

Proposed—Project has facility planning funds approved for the FY 2010 Capital Budget or recommended in the FY 2011–2016 CIP for a feasibility study.

QUINCE ORCHARD CLUSTER

Projected Enrollment and Space Availability
Effects of the Recommended FY2011–2016 CIP and Non-CIP Actions on Space Available

Schools			Actual	Projections							
			09-10	10-11	11-12	12-13	13-14	14-15	15-16	2019	2024
Quince Orchard HS	Program Capacity		1741	1741	1741	1741	1741	1741	1741	1741	1741
	Enrollment		1814	1792	1756	1742	1732	1716	1767	1800	1850
	Available Space		(73)	(51)	(15)	(1)	10	26	(26)	(59)	(109)
	Comments										
Lakelands Park MS	Program Capacity		1068	1068	1068	1068	1068	1068	1068	1068	1068
	Enrollment		851	899	942	1007	1012	1086	1111	1125	1150
	Available Space		217	169	126	61	56	(18)	(43)	(57)	(82)
	Comments										
Ridgeview MS	Program Capacity		1007	1007	1007	1007	1007	1007	1007	1007	1007
	Enrollment		695	651	644	668	685	711	722	750	775
	Available Space		312	356	363	339	322	296	285	257	232
	Comments					Improvements Complete					
Brown Station ES	Program Capacity	CSR	403	403	403	403	403	403	403	@ Grosvenor Facility	
	Enrollment		425	496	527	558	585	597	611		
	Available Space		(22)	(93)	(124)	(155)	(182)	(194)	(208)		
	Comments				Facility Planning For Mod.	Planning for Modernization	Move to Grosvenor Jan. 2015				
Rachel Carson ES	Program Capacity		649	701	701	701	701	701	701		
	Enrollment		887	875	850	846	820	820	824		
	Available Space		(238)	(174)	(149)	(145)	(119)	(119)	(123)		
Comments			-4 ELC								
Fields Road ES	Program Capacity		558	558	558	558	558	558	558		
	Enrollment		452	471	492	509	523	528	531		
	Available Space		106	87	66	49	35	30	27		
	Comments										
Jones Lane ES	Program Capacity		518	466	466	466	466	466	466		
	Enrollment		487	529	531	512	505	492	483		
	Available Space		31	(63)	(65)	(46)	(39)	(26)	(17)		
	Comments			+4 ELC							
Thurgood Marshall ES	Program Capacity		551	551	551	551	551	551	551		
	Enrollment		535	538	543	544	549	548	543		
	Available Space		16	13	8	7	2	3	8		
	Comments										
Cluster Information	HS Utilization		104%	103%	101%	100%	99%	99%	101%	103%	106%
	HS Enrollment		1814	1792	1756	1742	1732	1716	1767	1800	1850
	MS Utilization		75%	75%	76%	81%	82%	87%	88%	90%	93%
	MS Enrollment		1546	1550	1586	1675	1697	1797	1833	1875	1925
	ES Enrollment		2786	2909	2943	2969	2982	2985	2992	3100	3200

QUINCE ORCHARD CLUSTER

Facility Characteristics of Schools 2009–2010

Schools	Year Facility Opened	Year Reopened Mod.*	Total Square Footage	Site Size Acres	Adjacent Park	FACT Assess. Score	Child Care**	Relocatable Class.	LTL/SBHC***
Quince Orchard HS	1988		284,912	30.1					
Lakelands Park MS	2005		153,588	8.11	Yes				
Ridgeview MS	1975		136,379	20		TBD			
Brown Station ES	1969		58,338	9	Yes	1516			
Rachel Carson ES	1990		78,547	12.4				7	
Fields Road ES	1973		72,302	10		TBD			
Jones Lane ES	1987		60,679	12.1				2	
Thurgood Marshall ES	1993		77,798	12			Yes	1	

*Schools with a date before 1986 underwent a renovation, not a full modernization of the facility. Schools that were reopened but not fully modernized or completely rebuilt, will be included in the assessments for future modernization based on the year the school was originally opened. See Appendix K for additional information.

**Private child care is provided at the school during the school day.

***LTL=Linkages to Learning. SBHC=School-based Health Center that includes Linkages to Learning.



MEETING MINUTES

ATTENDEES: Don Boswell City of Gaithersburg
Amy Quant LSA
Cristina Schmidt LSA

FROM: Cristina Schmidt

CC: Malcolm Van de Riet JAG
Lauren Pruss City of Gaithersburg
Eliza Voigt City of Gaithersburg
Steve Tawes LSA
Theresa Polizzi LSA

DATE: January 21, 2010

MEETING DATE: January 21, 2010

SUBJECT: Orchard Pond Development – SWM Concept Plan

LSA NO: 0774-08-00

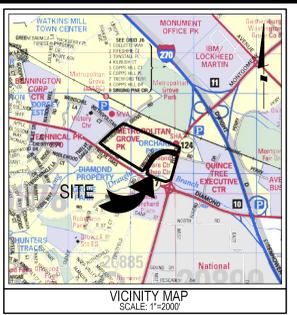
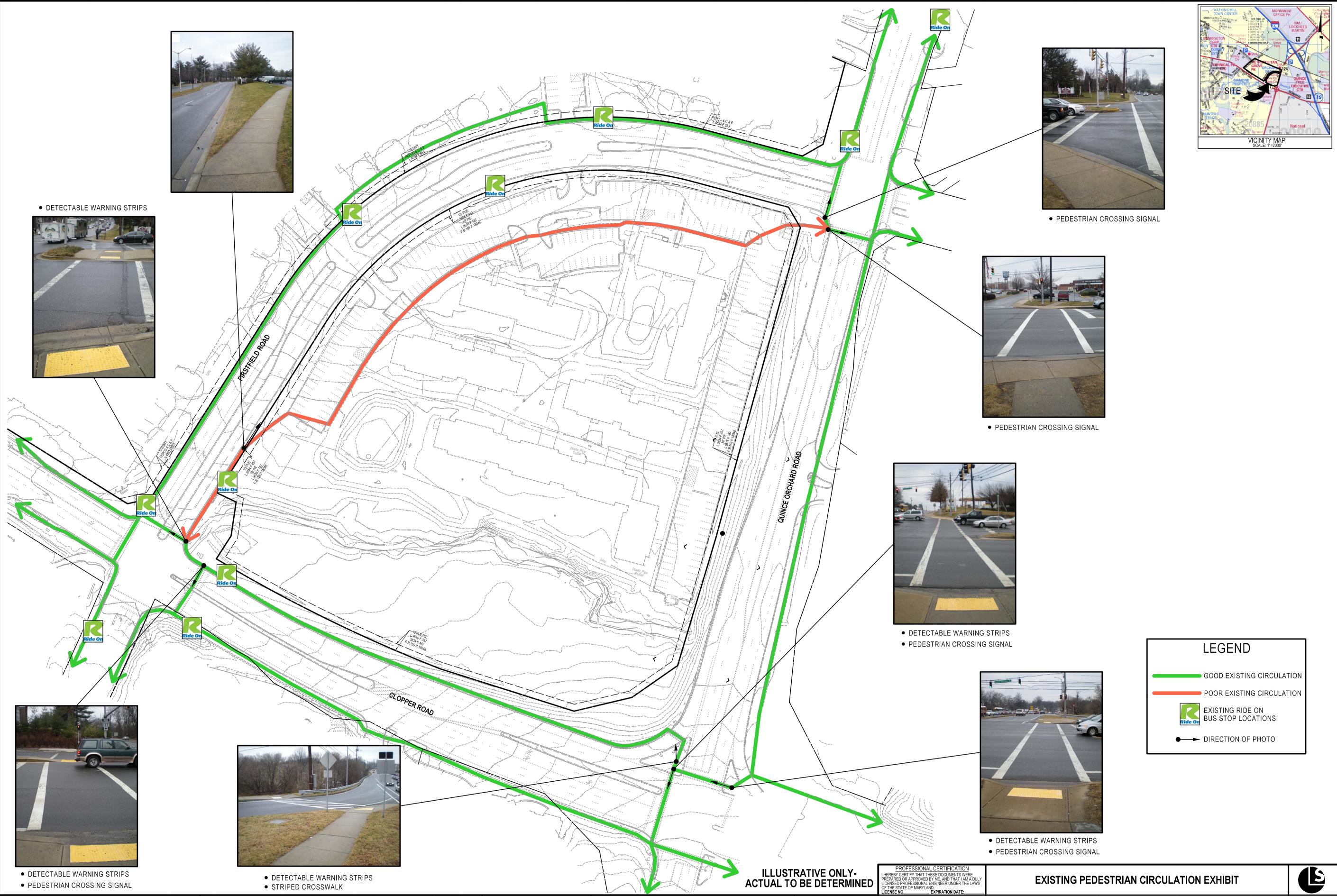
On January 21, 2010, a meeting was held at the Orchard Pond site to discuss revisions to the stormwater management concept plan to include Environmental Site Design (ESD) practices on Phase II. The following issues were discussed:

1. Possible locations for ESD in existing open space areas and areas near apartment buildings to receive rooftop runoff.
2. Potential ESD locations in areas with existing yard inlets or overland relief.
3. Possible existing utilities (water, sewer, electric or other) in open space areas could conflict with proposed ESD locations.
4. Some areas in between apartment buildings may be too steep to be a suitable location for ESD.
5. ESD facilities are not to be proposed in areas that could cause potential flooding or water damage to existing buildings.
6. If proposed ESD overflow outlet connects to an existing yard inlet, pipe capacity of existing system shall be verified.

7. Locations where ESD may not be practicable, due to existing site constraints, include the parking lot areas.
8. With ESD provided to the maximum extent practicable (MEP), Don Boswell said temporary storage pipes or other structural devices may be needed to treat stormwater runoff not treated by ESD.
9. If structural practices are used to treat stormwater runoff not treated by ESD, Don Boswell said channel protection volume and quality via a filtering device must be provided.
10. Don Boswell said he would check with the City if Phase II would fall under redevelopment criteria for MDE standards, which state that ESD practices to the MEP shall be implemented to provide water quality treatment for at least 50% of existing impervious area within the LOD.

"The above constitutes the writer's understanding of the events and agreements that were made during the meeting. If any of the attendees have a different understanding of the above, please notify the undersigned, in writing, within 5 days of the date of these minutes. Revisions, if any, will be forwarded to all attendees. If no revisions are forthcoming, the minutes will be considered a true and accurate description of the meeting.

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LEGEND

- GOOD EXISTING CIRCULATION
- POOR EXISTING CIRCULATION
- EXISTING RIDE ON BUS STOP LOCATIONS
- DIRECTION OF PHOTO

• DETECTABLE WARNING STRIPS

• PEDESTRIAN CROSSING SIGNAL

• PEDESTRIAN CROSSING SIGNAL

• DETECTABLE WARNING STRIPS
• STRIPED CROSSWALK

**ILLUSTRATIVE ONLY -
ACTUAL TO BE DETERMINED**

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LICENSE NO. _____ EXPIRATION DATE: _____

EXISTING PEDESTRIAN CIRCULATION EXHIBIT

**Joint Hearing - MCC & PC
SDP-09-001
41**

**PHASE 1
ORCHARD POND
SECTION 3
PARCELS A & B**
GAITHERSBURG (9th) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND



SHEET	1
OF	3
PROJECT NO.	0774-08-00

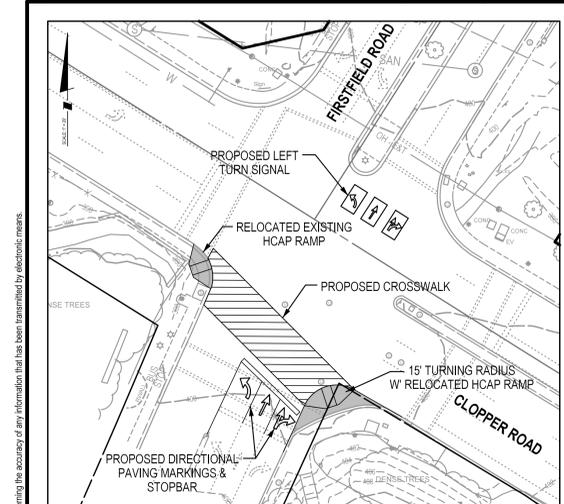
LSA Loidezman Soltesz Associates, Inc.
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 2 Research Place, Suite 100
 Rockville, MD 20850
 t. 301.948.2750 f. 301.948.9067
 www.LSAssociates.net

NO.	DATE	REVISIONS	BY	DATE
3	FEBRUARY, 2010	REVISED FOR STORMWATER MANAGEMENT MODIFICATIONS	TDP	02-22-2010

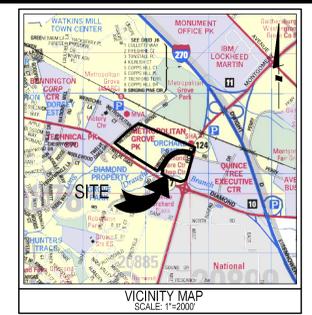
MISS UTILITY NOTE
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OWNER/DEVELOPER/APPLICANT
 COMPANY NAME: JEFFERSON APARTMENT GROUP
 ADDRESS: 8300 GREENSBORO DRIVE, SUITE 400
 CITY STATE: McLEAN, VA 22102
 PHONE #: (703) 563-5200
 CONTACT NAME: MALCOLM VAN DE RIET

TAX MAP	FT22	ZONING CATEGORY:	MXD
WBCS 200 SHEET	244NW11	SITE DATUM:	HORIZONTAL: NAD83 VERTICAL: NAVD83



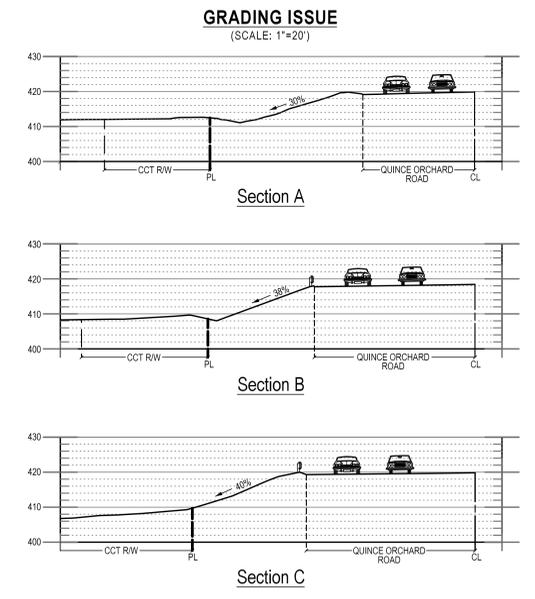
PROPOSED IMPROVEMENTS AT INTERSECTION OF CLOPPER ROAD AND FIRSTFIELD ROAD
SCALE: 1"=20'



PROPOSED IMPROVEMENTS TO EXISTING CROSSWALKS

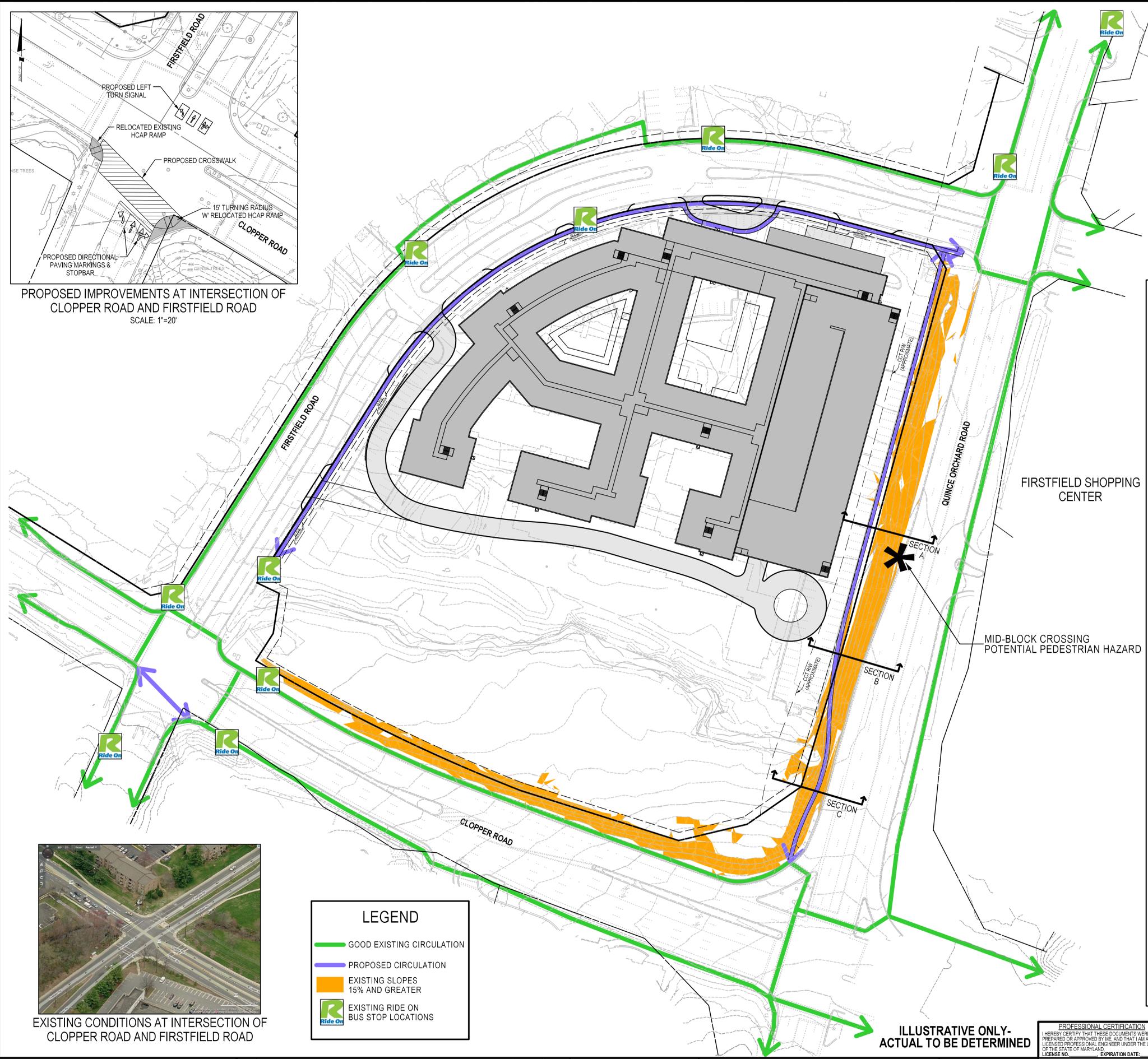
- COUNTDOWN PEDESTRIAN CROSSING SIGNALS
- STRIPE CROSSWALKS
- AUDIBLE PEDESTRIAN SIGNALS
- DETECTABLE WARNING STRIPS

EXISTING SITE CONDITIONS ALONG WEST SIDE OF QUINCE ORCHARD ROAD



MID-BLOCK CROSSING POTENTIAL PEDESTRIAN HAZARD

- 4 LANE HIGHWAY WITH CENTER TURNING LANE
- NO TRAFFIC OR PEDESTRIAN SIGNALIZATION AT SHOPPING CENTER
- NO PEDESTRIAN CROSSWALK
- FUTURE CCT LOCATION



EXISTING CONDITIONS AT INTERSECTION OF CLOPPER ROAD AND FIRSTFIELD ROAD

LEGEND

- GOOD EXISTING CIRCULATION
- PROPOSED CIRCULATION
- EXISTING SLOPES 15% AND GREATER
- EXISTING RIDE ON BUS STOP LOCATIONS

ILLUSTRATIVE ONLY - ACTUAL TO BE DETERMINED

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LICENSE NO. _____ EXPIRATION DATE: _____

PROPOSED PEDESTRIAN CIRCULATION EXHIBIT

PHASE 1 ORCHARD POND SECTION 3 PARCELS A & B
GAITHERSBURG (9th) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

Joint Hearing - MCC & PC SDP-09-001 42

Loislerman Soltesz Associates, Inc.
ROCKVILLE OFFICE
2 Research Place, Suite 100
Rockville, MD 20850
t. 301.948.2750 f. 301.948.9067
www.LSAssociates.net

NO.	DATE	REVISIONS	BY	DATE			
3	FEBRUARY, 2010	REVISED FOR STORMWATER MANAGEMENT MODIFICATIONS	TDP	02-22-2010			
DESIGNED:	JDC	CAD STANDARDS VERSION:	V9 - 2009	TECHNICIAN:	JDC	CHECKED:	TDP

MISS UTILITY NOTE
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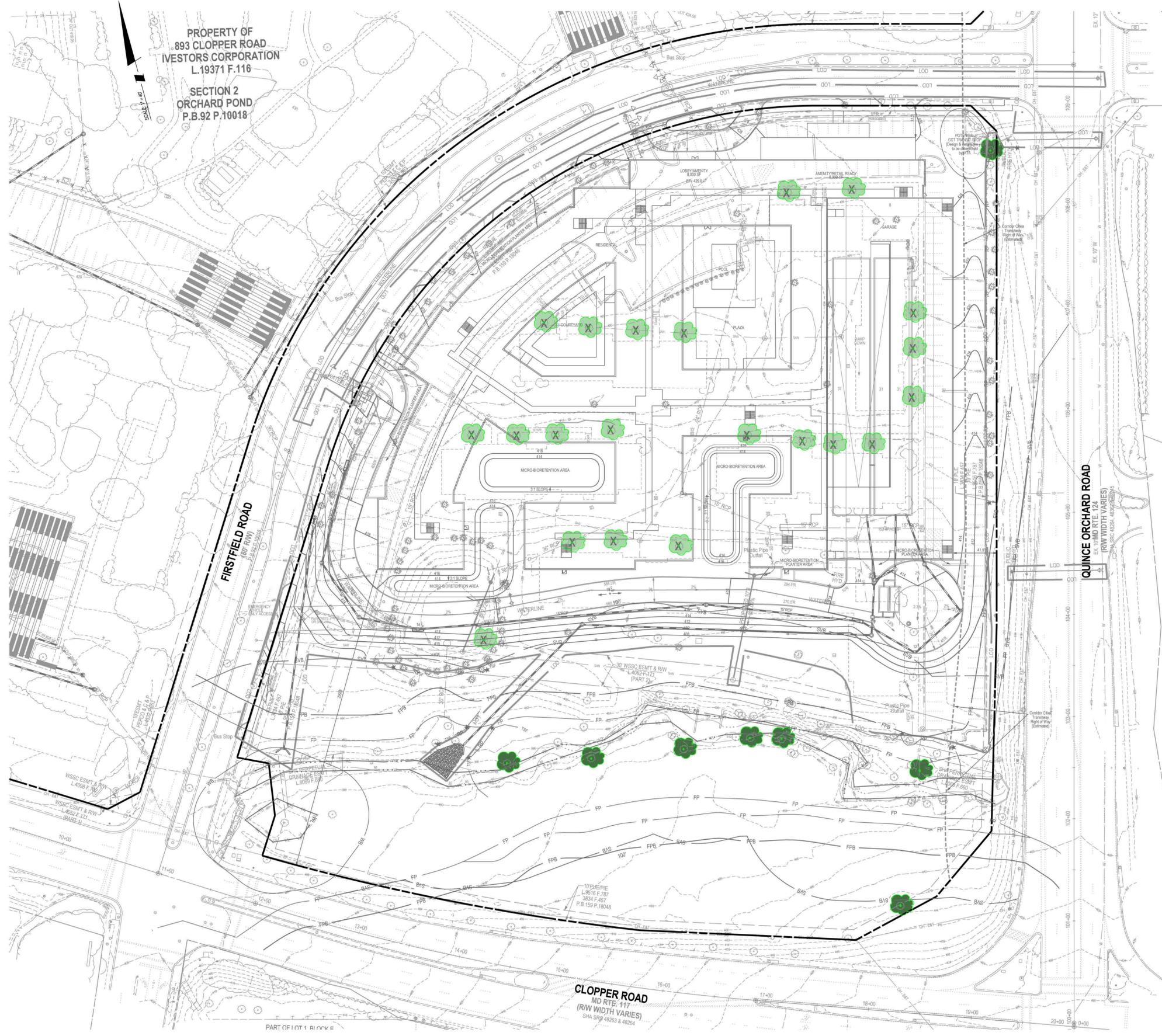
OWNER/DEVELOPER/APPLICANT
COMPANY NAME: JEFFERSON APARTMENT GROUP
ADDRESS: 8300 GREENSBORO DRIVE, SUITE 400
CITY STATE: MCLEAN, VA 22102
PHONE #: (703) 563-5200
CONTACT NAME: MALCOLM VAN DE RIET

TAX MAP	FT22	ZONING CATEGORY:	MXD
WBSIC 200 SHEET	244NW11	SITE DATUM:	HORIZONTAL: NAD83 VERTICAL: NAVD83

LS
SHEET 2 OF 3
PROJECT NO. 0774-08-00

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SPECIMEN TREES (29 TOTAL)	
SPECIMEN TREES SAVED- 8	
2 RED MAPLES (ACER RUBRUM) 24-25" DBH	
1 BLACK CHERRY (PRUNUS SEROTINA) 26" DBH	
1 BOX ELDER (ACER NEGUNDO) 26" DBH	
2 BLACK WILLOW (SALIX NIGRA) 24-26" DBH	
1 PIN OAK (QUERCUS PALUSTRIS) 27" DBH	
SPECIMEN TREES REMOVED-21	
2 PIN OAK (QUERCUS PALUSTRIS) 24-35" DBH	

ILLUSTRATIVE ONLY

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 LICENSE NO. _____ EXPIRATION DATE: _____

PHASE I SPECIMEN TREE EXHIBIT

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NO.	DATE	REVISIONS	BY	DATE
	FEBRUARY, 2009	CAO STANDARDS VERSION: V8 - 2009		
	DESIGNED: SJN	TECHNICIAN: SJN	CHECKED: CSB	

MISS UTILITY NOTE
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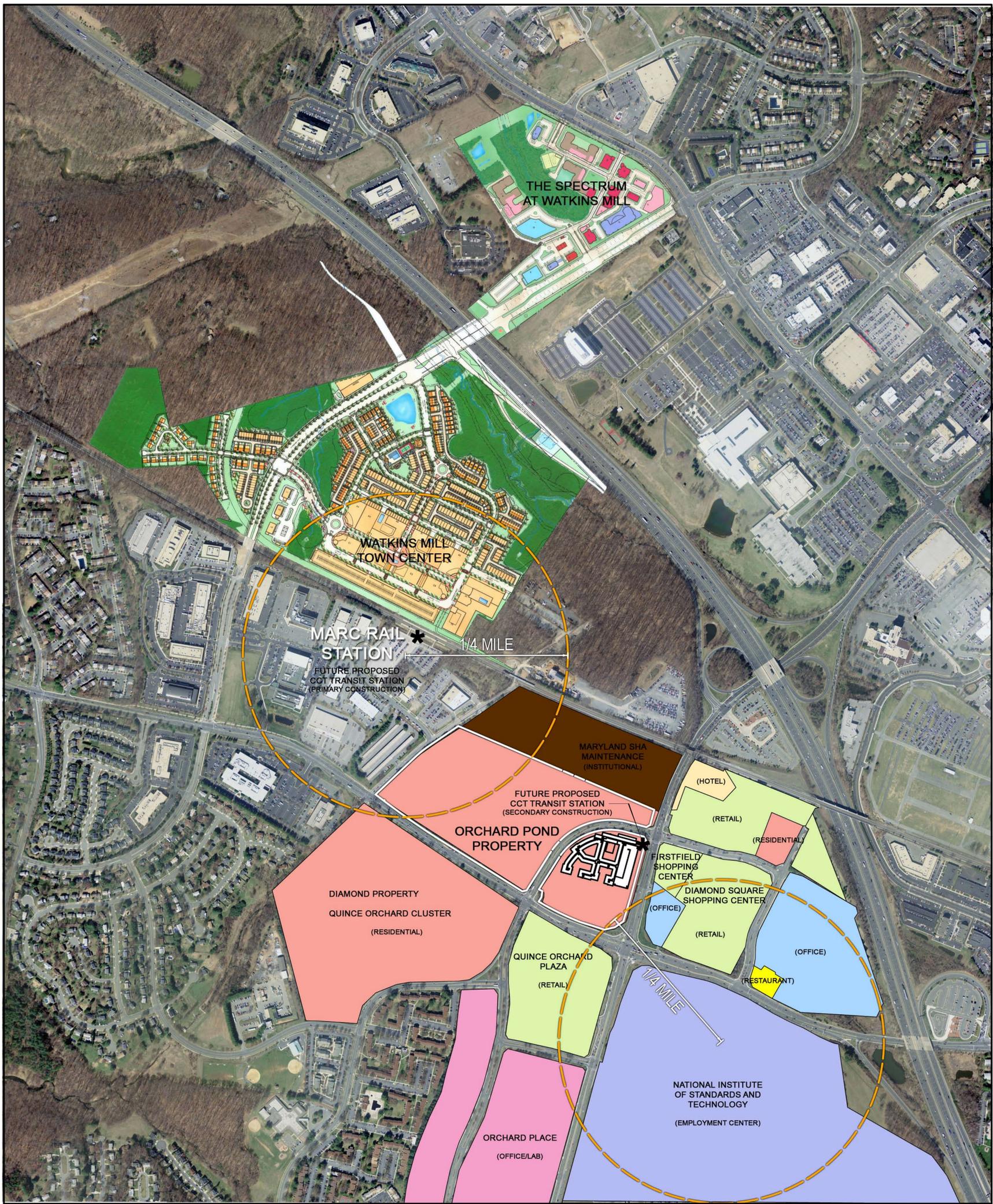
OWNER/DEVELOPER/APPLICANT
 COMPANY NAME: JEFFERSON APARTMENT GROUP
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TAX MAP: FT22	ZONING CATEGORY: MXD
WSSC 200' SHEET: 244NW11	
SITE DATUM: HORIZONTAL: NAD83	VERTICAL: NAVD83

Joint Hearing - MCC & PC
 SDP-09-001
 43

PHASE 1 ORCHARD POND SECTION 3 PARCELS A & B
 GAITHERSBURG (9th) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

LSA
 SHEET 1 OF 1
 PROJECT NO. 0774-08-00



Legend	
	Institutional
	Retail
	Office
	Restaurant
	Technology/Office/Lab
	Residential
	Hotel
	Employment Center
	Quarter Mile Walking Distance Radius

ORCHARD POND AREA & LAND USE EXHIBIT



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DESIGNED	Rockville
DRAFTED	Lanham
CHECKED	Waldorf
PROJ. ENG.	Leonardtown
OFFICE	
DATE	

OWNER/DEVELOPER/APPLICANT	
COMPANY NAME	JEFFERSON APARTMENT GROUP
ADDRESS	8300 GREENSBORO DRIVE
SUITE #	SUITE 400
CITY STATE	MCLEAN, VA 22102
PHONE #	(703) 563 5200
CONTACT NAME	MALCOLM VAN DE RIET
ZONING CATEGORY:	MXD
TAX MAP / PARCEL	
	FT22
SITE DATUM	
HORIZONTAL:	NAD 83
VERTICAL:	NAD 83

Joint Hearing - MCC & PC Z-312 20	ORCHARD POND PHASE 1 SECTION 3 PARCELS A & B GAITHERSBURG (9th) ELECTION DISTRICT, MONTGOMERY, MARYLAND	Joint Hearing - MCC & PC SDP-09-001 44
SHEET 1 OF 1	PROJECT NO. 0774-08-00	1" = 400'

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JODY S. KLINE
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SOO LEE CHO (CA)
AMY C. GRASSO

** All attorneys admitted in Maryland and where indicated*

JSKLINE@MMCANBY.COM

February 19, 2010

Mayor and City Council
Gaithersburg City Hall
31 South Summit Street
Gaithersburg, Maryland 20877

Gaithersburg Planning Commission
City Hall
31 South Summit Street
Gaithersburg, Maryland 20877

Re: Rezoning Application No. Z-312 (Sketch Plan);
Schematic Development Plan Application SDP-09-001;
"Orchard Pond"

Dear Mayor Katz, Members of the City Council and Members of the Planning Commission:

Jefferson Apartment Group ("JAG"), the applicant in the two matters referred to above, was pleased to hear that you will conduct a joint work session on the Orchard Pond applications. We feel that our presentation at the January 4th joint public hearing left you with more questions than with answers so we are looking forward to appearing before you on March 8 for an update and for presentation of revised plans based on comments that we heard at the January 4th session.

We are presently preparing several revised exhibits for the March 8th meeting to highlight for you the surrounding area context which guided the formulation of the Sketch Plan. We also want to present new thoughts on architecture of the apartment building, design of the garage and early choices of materials for the project. In order to get these exhibits as refined as possible, we will be working right up to the March 8th meeting so no versions of those plans are ready for dissemination yet. However, several of your questions and/or inquiries can be answered at this time in advance of your joint worksession.

1. Pupil Generation.

Based on a suggestion at the January 4, 2010 joint public hearing, an inquiry was sent to Montgomery County Public Schools ("MCPS") asking for information about a) the number of students presently residing in the 156 apartments that will be removed in the Phase I development, and b) the number of anticipated students who will reside in the 410 unit replacement multi-family community.

Mr. Crispell's attached letter on behalf of MCPS was very complete. His office has provided very specific information about the number of public school students presently residing in Orchard Pond. Based on MCPS' experience with pupil generation for communities such as the one proposed by Jefferson Apartment Group, he was also able to predict the number of students to be generated by the new apartments. We have summarized the pupil figures from Mr. Crispell's January 27th letter thusly:

	<u>Existing</u>	<u>Anticipated</u>	<u>Net Change</u>
Elementary	32	17	-15
Middle	5	16	+11
High School	<u>10</u>	<u>14</u>	<u>+ 4</u>
Total	47	47	0

Mr. Crispell's letter also explains how the capacity of the relevant schools (i.e., Thurgood Marshall Elementary, Ridgeview Middle, and Quince Orchard High School) will be adequate to accommodate the students who will reside in the new Phase I Section of Orchard Pond upon redevelopment.

2. Unit Mix.

A question was asked at the January 4 public hearing about the mix of units in the new Phase I development. The attached schedule shows the relative percentages of unit types within the project which are outlined as follows:

<u>Unit Type</u>	<u>No. of Units</u>	<u>Percentage</u>
Studio	62	15%
1 Bedroom	184	45%
2 Bedrooms	143	35%
3 or more Bedrooms	<u>21</u>	<u>5%</u>
Total	410	100%

The applicant is pleased that with its redevelopment of Phase I of the "Orchard Pond" community it will "buck" the national trend in multi-family apartment design and will provide approximately 21 (5%) three bedroom units, a unit type that is rarely found in new projects. While a market study yet to be performed may suggest some variations in the proposed unit mix, Jefferson is mindful of the City's interest in delivery of apartment units capable of accommodating larger families.

3. Specimen Tree Exhibit.

Also asked at the public hearing was a question about how many trees will be removed to reconstruct the Phase I building. Under separate cover, Loiederman Soltesz Associates has submitted a "Specimen Tree Exhibit" describing the treatment of mature trees on the subject property.

4. Pedestrian Connectivity.

Also to be submitted under separate cover by Loiederman Soltesz Associates will be an exhibit highlighting pedestrian circulation on and around the subject property as well as identifying locations where this applicant plans to improve pedestrian crossings at public streets in order to improve movement between the Orchard Pond community and shopping, entertainment and employment sites in the other three quadrants of the intersection of Quince Orchard Road and Clopper Road. We believe these pedestrian enhancements will help better integrate the new Orchard Pond apartments with the immediate neighborhood which surrounds it.

The subject of pedestrian movement and connectivity provides a good segue to the subject of site master planning which, based on questions and comments that we received at the January 4th public hearing, was not obvious to you.

In initially considering how the Orchard Pond community should, and when, be redeveloped, Jefferson Apartment Group considered the existing confronting neighborhood uses (Diamond Square Shopping Center, the Firstfield Road retail center, Quince Orchard Plaza Shopping Center and NIST) as fixed features that would not be changing in character and use in the foreseeable future. Given the underperforming nature of at least the Diamond Square Shopping Center, the best strategy for JAG to employ was to place "more rooftops" as close as possible, and to improve the pedestrian movement system between Orchard Pond and the surrounding retail centers, in order to increase the "buying power" to increase the profitability of these centers. This theory dictated, therefore, that more concentrated multi-family residential should be located in the Phase I section of the Orchard Pond community circumscribed by Quince Orchard Road, Clopper Road and Firstfield Road, particularly since limited access to the site (from Firstfield Road only due to driveway prohibitions on Quince Orchard and Clopper Roads) made this section of the community less attractive for non-residential uses.

The development orientation of the Orchard Pond property was initially recognized in the City's 2003 Land Use Plan. The subject property was included within "Special Study Area No. 7 - Casey Metropolitan Grove Road" which was centered on the Metropolitan Grove Road MARC station and had as its boundaries Clopper Road (south) and Quince Orchard Road (east). Accordingly, as envisioned in the 2003 Master Plan, the "area of influence" affecting the Orchard Pond community was towards the west towards the "Casey-Metropolitan Grove Road" properties, now known as "Watkins Mill Road Town Center."

In establishing a form and a schedule for re-development of the Orchard Pond apartments, JAG took the cues from the City's 2003 Master Plan and "oriented" its development to contribute to, and to benefit from, the dynamic mixed use development anticipated to occur to the west. By placing in the Phase II stage of development that part of the Orchard Pond community west of Firstfield Road, the Applicant retains flexibility to react to the new growth that will occur surrounding the MARC station as well as a CCT station that will come on line before the stop adjacent to the proposed Phase I multi-family building.

This background information explains why the Orchard Pond community is "oriented" to the west, as anticipated in the City's 2003 Master Plan, and in a manner that will result in Special Study Area 7 being an even more diverse community than may have been contemplated in 2003.

We hope that this preliminary information provides you with background information that will facilitate an in-depth discussion on March 8 about the positive features of the plans for redevelopment of the Orchard Pond community.

Thank you for your attention to these comments.

Sincerely yours,

MILLER, MILLER & CANBY

A handwritten signature in black ink that reads "JODY KLINE". The signature is written in a bold, slightly slanted, sans-serif font. There are horizontal lines above and below the name, and a long horizontal line extending to the right from the end of the name.

Jody S. Kline

JSK/cdp

Enclosure

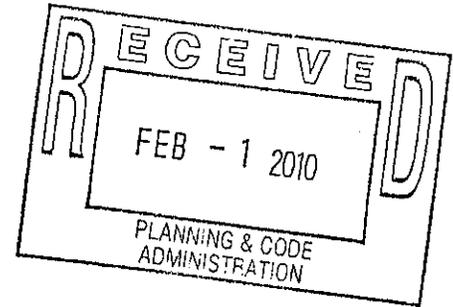
cc: Greg Ossont
Lauren Pruss
Eliza Voigt
Malcolm Van de Riet
Steve Tawes
Theresa Polizzi
Joe Schneider
Glenn Cook



MONTGOMERY COUNTY PUBLIC SCHOOLS
MARYLAND
www.montgomeryschoolsmd.org

January 27, 2010

Ms. Eliza Voigt, Planner
Department of Planning and Code Administration
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, Maryland 20877



Dear Ms. Voigt:

This letter is sent to provide school impact information for the City of Gaithersburg review of Zoning Application No. Z-312 and Schematic Development Plan Application SDP09-001, known as "Orchard Pond." This rezoning pertains to the redevelopment of a portion of the existing Orchard Pond apartment community, located at the intersection of Quince Orchard Road and Clopper Road in the City of Gaithersburg. This apartment complex includes a total of 747 units. I understand the plan under review would replace 156 of the current units with 410 new apartments and include structure parking to accommodate the higher density.

Montgomery County Public Schools (MCPS) has found that high density apartments and condominium units that include structure parking generate fewer students than traditional and older apartment communities that have less density and surface parking. These units typically appeal to fewer families with school age children, either because of cost or because of the less family-oriented nature of these communities. Therefore, the presence or absence of structure parking has become a useful indicator of student generation. Based on this experience and student "yield rates" obtained from the Census Update Survey (conducted by the Montgomery County Planning Department), the 410 new apartment units are estimated to generate approximately 17 elementary school students, 16 middle school students, and 14 high school students.

Currently, 32 elementary school students, 5 middle school students, and 10 high school students reside in the 156 apartment units that would be redeveloped to the 410 units in this plan. Therefore, the 410 new units being planned would result in fewer elementary school students (17 vs. 32), more middle school students (16 vs. 5), and more high school students (14 vs. 10) than the current 156 units.

The schools that serve this area include Thurgood Marshall Elementary School, Ridgeview Middle School, and Quince Orchard High School. Enrollment at the elementary school and high school is projected to remain close to the capacity of the schools. Enrollment at the middle school is projected to remain well within the capacity of the school.

Division of Long-range Planning

2096 Gaither Road, Suite 201 ♦ Rockville, Maryland 20850 ♦ 240-314-4700 ♦ Fax 240-314-4707

See enclosed pages from the Montgomery County Public Schools FY 2011 Capital Budget and the FY 2011-2016 Capital Improvements Program (CIP). For your information, the current county Growth Policy Schools Test finds capacity adequate in the Gaithersburg Cluster.

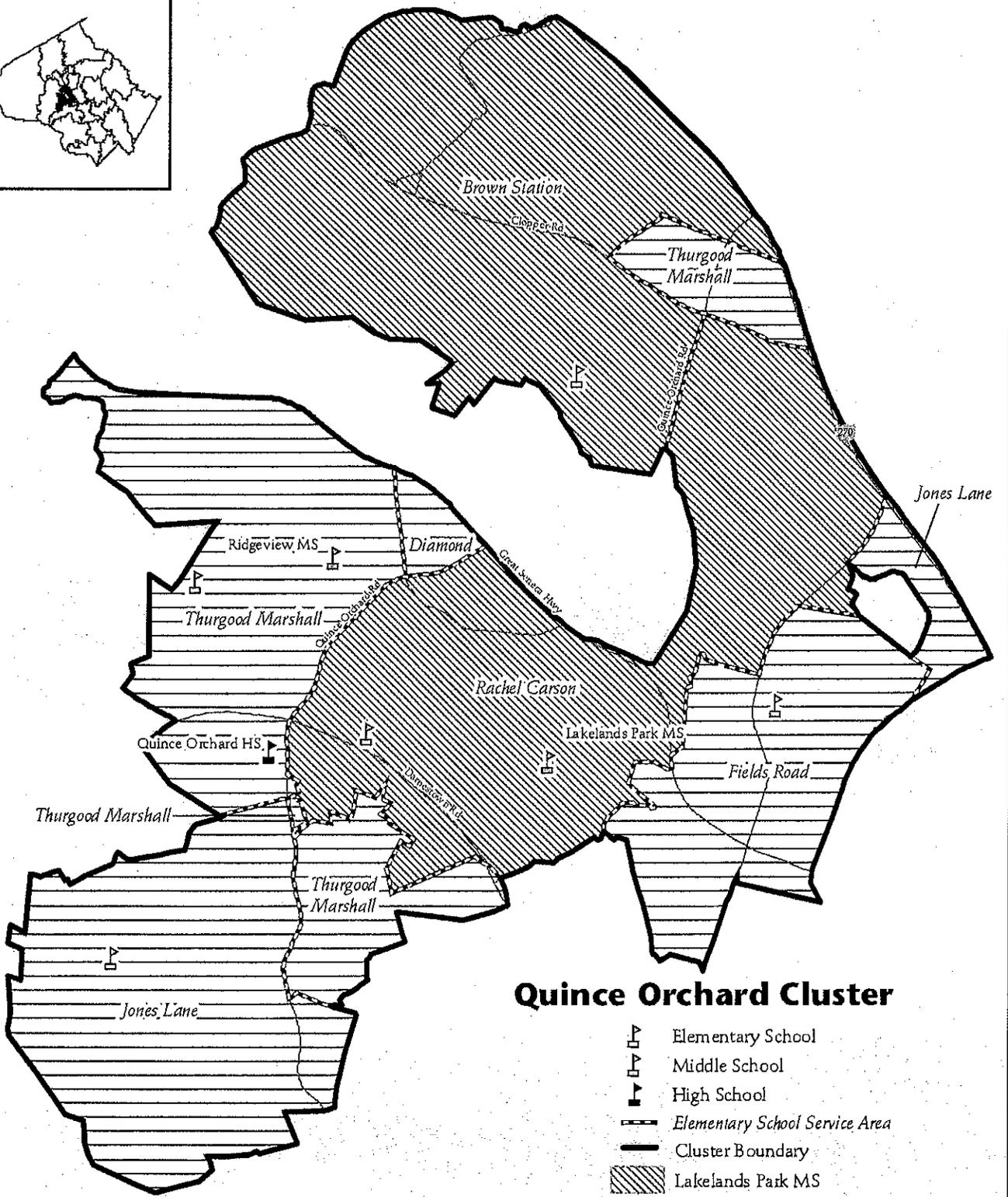
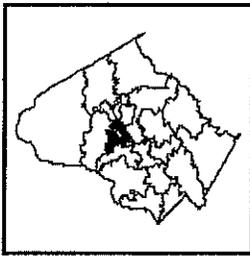
Sincerely,

A handwritten signature in black ink that reads "Bruce Crispell". The signature is written in a cursive style with a large, looped "C" at the end.

Bruce H. Crispell, Director
Division of Long-range Planning

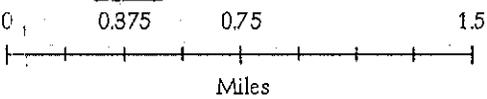
BHC:imt
Enclosure

Copy to:
Mr. Bowers
Mr. Lavorgna
Ms. Turpin
Mr. Ossont
Mr. Kline



Quince Orchard Cluster

- Elementary School
- Middle School
- High School
- Elementary School Service Area
- Cluster Boundary
- Lakelands Park MS
- Ridgeview MS



QUINCE ORCHARD CLUSTER

SCHOOLS

Quince Orchard High School

Capital Project: Restroom renovations are recommended for this school for completion in the 2010–2011 school year.

Ridgeview Middle School

Capital Project: Improvements are scheduled for this school with a completion date of August 2012. An FY 2011 appropriation is recommended for construction funds to complete the improvements. In order for this project to be completed on schedule, county and state funding must be provided at the levels recommended in this CIP.

Brown Station Elementary School

Utilization: Projections indicate enrollment at Brown Station Elementary School will exceed capacity by four classrooms or more by the end of the six-year period. Relocatable classrooms will be utilized until additional capacity can be added as part of the modernization.

Capital Project: A modernization project is scheduled for this school with a completion date of August 2016. FY 2012 expenditures are programmed for facility planning funds to determine the scope and cost for the modernization. In order for this project to be completed on schedule, county and state funding must be provided at the levels recommended in this CIP.

Rachel Carson Elementary School

Utilization: Projections indicate enrollment at Rachel Carson Elementary School will exceed capacity by four classrooms or more by the end of the six-year period. The Elementary Learning Center (ELC) currently located at Rachel Carson Elementary School is scheduled for relocation to Jones Lane Elementary School in August 2010. This move will free up four classrooms at Rachel Carson Elementary School. Enrollment will continue to be monitored to determine whether it is necessary to develop additional plans to relieve Rachel Carson Elementary School in the future.

Capital Project: Restroom renovations are recommended for this school for completion in the 2013–2014 school year.

Fields Road Elementary School

Capital Project: Restroom renovations are recommended for this school for completion in the 2013–2014 school year.

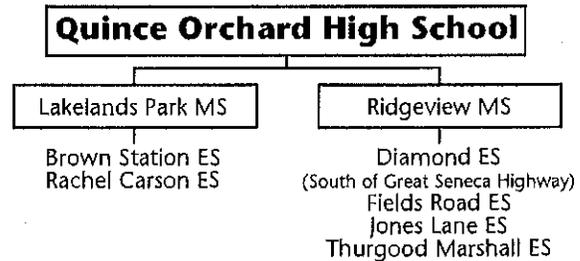
Jones Lane Elementary School

Capital Project: Restroom renovations are recommended for this school for completion in the 2012–2013 school year.

Thurgood Marshall Elementary School

Capital Project: Restroom renovations are recommended for this school for completion in the 2014–2015 school year.

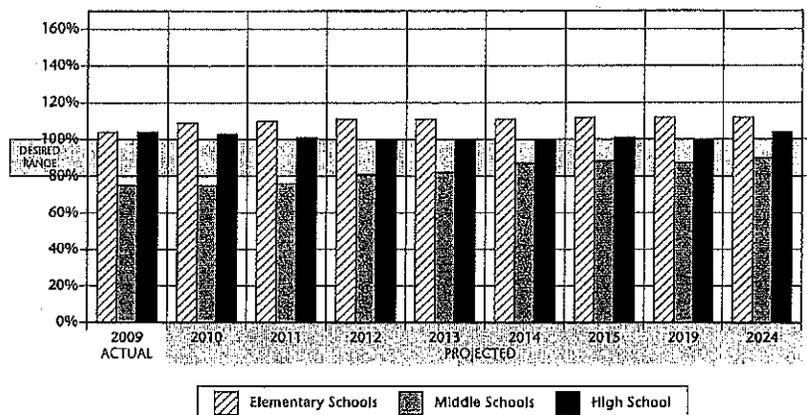
Quince Orchard Cluster Articulation*



* "Cluster" is defined as the collection of elementary schools that articulate to the same high school.

* Diamond (north of Great Seneca Highway) and Darnestown elementary schools also articulate to Lakelands Park Middle School, but thereafter to Northwest High School.

Quince Orchard Cluster School Utilizations



Note: Percent utilization calculated as total enrollment of schools divided by total capacity. Projected capacity factors in capital projects.

QUINCE ORCHARD CLUSTER

CAPITAL PROJECTS

School	Project	Project Status*	Date of Completion
Quince Orchard HS	Restroom renovations	Recommended	SY 2010-2011
Ridgeview MS	Improvements	Recommended	Aug. 2012
Brown Station ES	Modernization	Programmed	Aug. 2016
Rachel Carson ES	Restroom renovations	Recommended	SY 2013-2014
Fields Road ES	Restroom renovations	Recommended	SY 2013-2014
Jones Lane ES	Restroom renovations	Recommended	SY 2012-2013
Thurgood Marshall ES	Restroom renovations	Recommended	SY 2014-2015

*Approved—Project has an FY 2010 appropriation approved for the FY 2010 Capital Budget.

Recommended—Project has an FY 2011 appropriation recommended in the FY 2011-2016 CIP.

Programmed—Project has expenditures programmed in a future year of the CIP for planning and/or construction funds.

Proposed—Project has facility planning funds approved for the FY 2010 Capital Budget or recommended in the FY 2011-2016 CIP for a feasibility study.

QUINCE ORCHARD CLUSTER

Projected Enrollment and Space Availability
Effects of the Recommended FY2011–2016 CIP and Non-CIP Actions on Space Available

Schools		Actual 09-10	Projections								
			10-11	11-12	12-13	13-14	14-15	15-16	2019	2024	
Quince Orchard HS	Program Capacity	1741	1741	1741	1741	1741	1741	1741	1741	1741	1741
	Enrollment	1814	1792	1756	1742	1732	1716	1767	1800	1850	
	Available Space	(73)	(51)	(15)	(1)	10	26	(26)	(59)	(109)	
	Comments										
Lakelands Park MS	Program Capacity	1068	1068	1068	1068	1068	1068	1068	1068	1068	1068
	Enrollment	851	899	942	1007	1012	1086	1111	1125	1150	
	Available Space	217	169	126	61	56	(18)	(43)	(57)	(82)	
	Comments										
Ridgeview MS	Program Capacity	1007	1007	1007	1007	1007	1007	1007	1007	1007	1007
	Enrollment	695	651	644	668	685	711	722	750	775	
	Available Space	312	356	363	339	322	296	285	257	232	
	Comments				Improvements Complete						
Brown Station ES	Program Capacity	403	403	403	403	403	403	403	403	403	
	Enrollment	425	496	527	558	585	597	611	611	611	
	Available Space	(22)	(93)	(124)	(155)	(182)	(194)	(208)	(208)	(208)	
	Comments			Facility Planning For Mod.	Planning for Modernization	Move to Grosvenor Jan. 2015	@ Grosvenor Facility				
Rachel Carson ES	Program Capacity	649	701	701	701	701	701	701	701	701	
	Enrollment	887	875	850	846	820	820	824	824	824	
	Available Space	(238)	(174)	(149)	(145)	(119)	(119)	(123)	(123)	(123)	
	Comments		-4 ELC								
Fields Road ES	Program Capacity	558	558	558	558	558	558	558	558	558	
	Enrollment	452	471	492	509	523	528	531	531	531	
	Available Space	106	87	66	49	35	30	27	27	27	
	Comments										
Jones Lane ES	Program Capacity	518	466	466	466	466	466	466	466	466	
	Enrollment	487	529	531	512	505	492	483	483	483	
	Available Space	31	(63)	(65)	(46)	(39)	(26)	(17)	(17)	(17)	
	Comments		+4 ELC								
Thurgood Marshall ES	Program Capacity	551	551	551	551	551	551	551	551	551	
	Enrollment	535	538	543	544	549	548	543	543	543	
	Available Space	16	13	8	7	2	3	8	8	8	
	Comments										
Cluster Information	HS Utilization	104%	103%	101%	100%	99%	99%	101%	103%	106%	
	HS Enrollment	1814	1792	1756	1742	1732	1716	1767	1800	1850	
	MS Utilization	75%	75%	76%	81%	82%	87%	88%	90%	93%	
	MS Enrollment	1546	1550	1586	1675	1697	1797	1833	1875	1925	
	ES Enrollment	2786	2909	2943	2969	2982	2985	2992	3100	3200	

QUINCE ORCHARD CLUSTER

Facility Characteristics of Schools 2009–2010

Schools	Year Facility Opened	Year Reopened Mod.*	Total Square Footage	Site Size Acres	Adjacent Park	FACT Assess. Score	Child Care**	Reloc-atable Class.	LTL/SBHC***
Quince Orchard HS	1988		284,912	30.1					
Lakelands Park MS	2005		153,588	8.11	Yes				
Ridgeview MS	1975		136,379	20		TBD			
Brown Station ES	1969		58,338	9	Yes	1516			
Rachel Carson ES	1990		78,547	12.4				7	
Fields Road ES	1973		72,302	10		TBD			
Jones Lane ES	1987		60,679	12.1				2	
Thurgood Marshall ES	1993		77,798	12			Yes	1	

*Schools with a date before 1986 underwent a renovation, not a full modernization of the facility. Schools that were reopened but not fully modernized or completely rebuilt, will be included in the assessments for future modernization based on the year the school was originally opened. See Appendix K for additional information.

**Private child care is provided at the school during the school day.

***LTL=Linkages to Learning. SBHC=School-based Health Center that includes Linkages to Learning.

Jefferson at Orchard Pond
City of Gaithersburg MD
Comparison of Potential Unit Mix to Existing Unit Mix

PHASE 1 ONLY

A. <u>Potential Unit Mix - Proposed Development</u>	<u>%</u>	<u>Units</u>	<u>NRSF</u>	<u>Total NRSF</u>	<u>Provided</u>	
					<u>Ratio</u>	<u>Parking Spaces</u>
1. Studio	15%	62	500	31,000	1.0	62
2. One Bedroom	45%	184	800	147,200	1.5	276
3. Two Bedroom	35%	143	1,015	145,145	2.0	286
4. Three Bedroom	5%	21	1,217	25,565	2.2	46
Total	100%	410	851	348,910	1.6	670
B. <u>Existing Unit Mix - Units To Be Demolished</u>	<u>%</u>	<u>Units</u>	<u>NRSF</u>	<u>Total NRSF</u>		
1. One Bedroom						
A1	4%	7	729	5,103		
A2	16%	25	742	18,550		
A3	3%	4	777	3,108		
A4	5%	8	782	6,256		
A5	0%	-	789	-		
A6	6%	10	882	8,820		
A7	8%	12	900	10,800		
Total One Bedroom	42%	66	798	52,637		
2. Two Bedroom						
B1	2%	3	877	2,631		
B2	10%	15	890	13,350		
B3	0%	-	994	-		
B4	8%	12	1,020	12,240		
B5	31%	48	1,025	49,200		
B6	0%	-	1,017	-		
B7	0%	-	1,159	-		
B8	8%	12	1,143	13,716		
Total Two Bedroom	58%	90	1,013	91,137		
Total Existing Unit Mix - Units To Be Demolished	100%	156	922	143,774		



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JSKLINE@MMCANBY.COM

February 23, 2010

Mayor and City Council
Gaithersburg City Hall
31 South Summit Street
Gaithersburg, Maryland 20877

Gaithersburg Planning Commission
City Hall
31 South Summit Street
Gaithersburg, Maryland 20877

Re: Rezoning Application No. Z-312 (Sketch Plan);
Schematic Development Plan Application SDP-09-001;
"Orchard Pond"

Dear Mayor Katz, Members of the City Council and Members of the Planning Commission:

The Applicant in the matters referenced above would like to submit last week's filings with some graphic and textual material from the City's 2003 Master Plan in order to provide further background and context for some of the decisions that Jefferson Apartment Group made in planning and organizing the redevelopment of the Orchard Pond community.

In last Friday's letter, I mentioned that the Orchard Pond apartment complex was specifically mentioned in your 2003 Master Plan. In particular, in a section entitled "Special Study Area 6: Casey-Metropolitan Grove Road: Existing Land Use and Development", the following text is written:

"The Casey-Metropolitan Grove Study Area properties south of the CSX right-of-way have been entirely developed with land uses equally split between a medium density residential apartment complex to the east of Metropolitan Grove Road, called Orchard Pond, and to the west as industrial-research-office buildings. Orchard Pond is a 747-unit, R-20 zoned apartment complex that was constructed in 1975...." (Plan, p. 119).

and

“Southern Properties

The entire area making up the southern properties has essentially been developed with land uses equally split between industrial-research-office buildings west of Metropolitan Grove Road and a medium density residential apartment complex, known as Orchard Pond, and a Maryland State maintenance/distribution facility to the east...The residential development offers the only substantial green area in this portion of the study area.” (Plan, p. 121).

As mentioned in our February 19th letter, the subject property is located in the “Casey-Metropolitan Grove Study Area. Attached is a graphic from the 2003 Plan (p. 115) showing the boundaries of Special Study Area 6 with the Orchard Pond property shaded yellow and pink, Phase I in yellow and green and Phase II in pink. This exhibit clearly identifies that the future development focus of this sub-planning area would be (a) towards mixed use zoning and development and (b) transit-oriented development organized around the existing and proposed transit stations.

The bulk of the discussion in the 2003 Master Plan was focused on the vacant land located north of the CSX rail tracks. The Plan notes:

“The City as well as the stakeholders and focus groups concentrated on the portion of the Casey-Metropolitan Grove Study Area located north of the CSX right-of-way. This is the portion of the study area that is almost entirely made up of vacant land waiting to be developed. The developed southern properties will be discussed and recommendations made by City Staff for potential redevelopment. (Plan, p. 121, emphasis added).

In terms of what should happen upon redevelopment of the “southern properties”, the Plan contains clear recommendations:

“•The medium density residential complex (Orchard Pond) contains 747 apartment units that were constructed in 1975. This is another ideal location for future redevelopment of higher density and/or office uses. The site has immediate access to three roadways and is in close proximity to the transit station.” (Plan, p. 134).

The “transit station” mentioned in the quote above is not the one that we now expect to be developed on Quince Orchard Road adjacent to the Orchard Pond project but, rather, the CCT station within the development now known as “Watkins Mill Town Center”. Specifically, the Plan recommend as follows:

“Southern Properties

Redesignate as mixed use residential-office-commercial within zoning classification of MXD.

...The objective for this portion of the study area will involve redevelopment associated with the future Corridor Cities Transitway (CCT) station and potential rail yard location. When incorporating multi-modal or transit oriented design into master planning an area, the entire area surrounding the transit station must be included.” (Plan, p. 134).

In summary, the future of the Orchard Pond community was well predicted in the City’s 2003 Master Plan. The planning goals established in that Plan were that Orchard Pond:

1. Should be rezoned to the MXD zone for residential-office-commercial use;
2. Should be redeveloped with “high density residential and/or office uses;” and
3. Should orient or focus the redevelopment of the apartment community towards the core of the Study Area, that is, the MARC and proposed CCT stations.

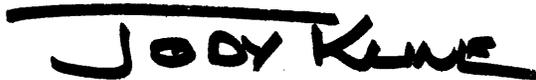
These planning guidelines were instructive to Jefferson Apartment Group and its design team when it formulated its plans for redevelopment of the Orchard Pond apartment community. The area designated in JAG’s plans as Phase I was the logical place to commence the redevelopment effort and retention of a multi-family use in this phase made sense given the developed characteristics of the other three quadrants of the intersection of Quince Orchard Pond and Clopper Road. For Phase II, JAG has reserved for now the specific location of future uses and densities and will make those decisions, to be reflected in future SDP applications, based on the pace and form of development that occurs within the areas clustered around the MARC and future CCT stations.

With this information as background, the Applicant hopes that the Mayor, Council and Planning Commission now better understand the Master Plan guidance that the Applicant relied on in designing and orienting the new Orchard Pond community for future growth.

Thank you for your consideration of these supplemental comments.

Sincerely yours,

MILLER, MILLER & CANBY

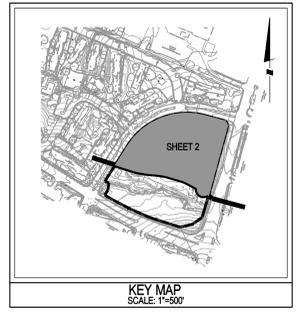
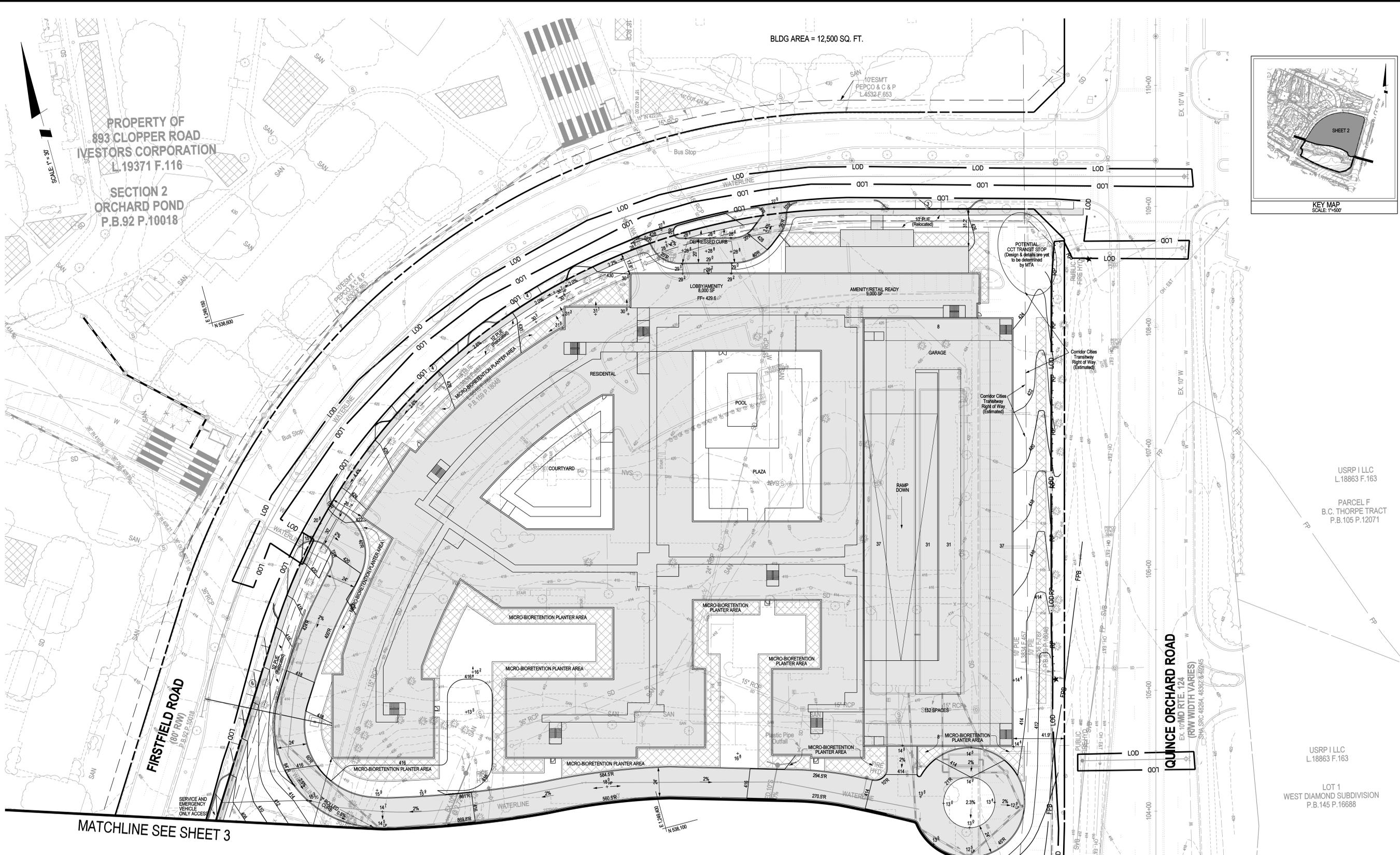


Jody S. Kline

JSK/dlt
Enclosures

cc: Greg Ossont
Lauren Pruss
Eliza Voigt
Malcolm Van de Riet
Steve Tawes
Theresa Polizzi
Joe Schneider
Glenn Cook

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PROPERTY OF
893 CLOPPER ROAD
INVESTORS CORPORATION
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SECTION 2
ORCHARD POND
P.B.92 P.10018

BLDG AREA = 12,500 SQ. FT.

MATCHLINE SEE SHEET 3

MATCHLINE SEE SHEET 3

LSA
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2	REVISED PER CITY COMMENTS PROVIDED NOVEMBER 12, 2009	12-04-2009	TDP	12-04-2009
1	SUBMISSION TO CITY OF GAITHERSBURG	10-23-2009	TDP	10-23-2009

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ADDRESS: 8300 GREENSBORO DRIVE, SUITE 400
CITY STATE: McLEAN, VA 22102
PHONE #: (703) 563-5200
CONTACT NAME: MALCOLM VAN DE RIET

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SCHEMATIC DEVELOPMENT PLAN

**PHASE 1
ORCHARD POND
SECTION 3
PARCELS A & B**

GAITHERSBURG (9th) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

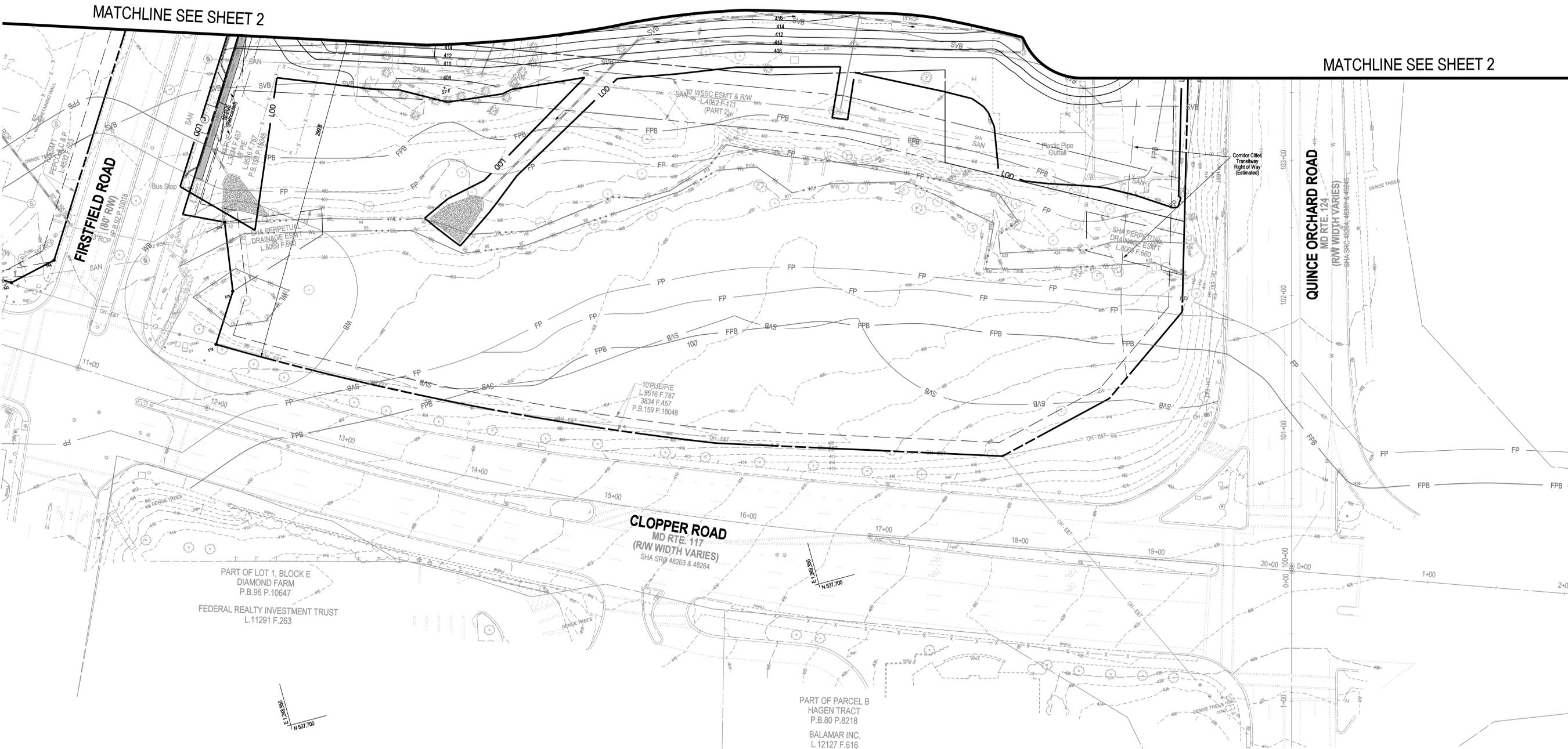
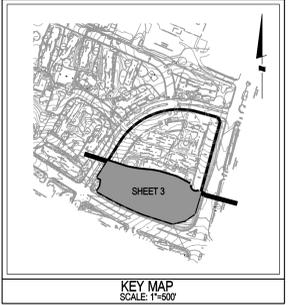
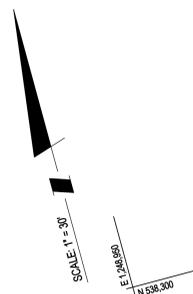
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OF **6**

PROJECT NO.
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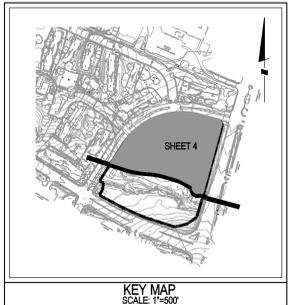
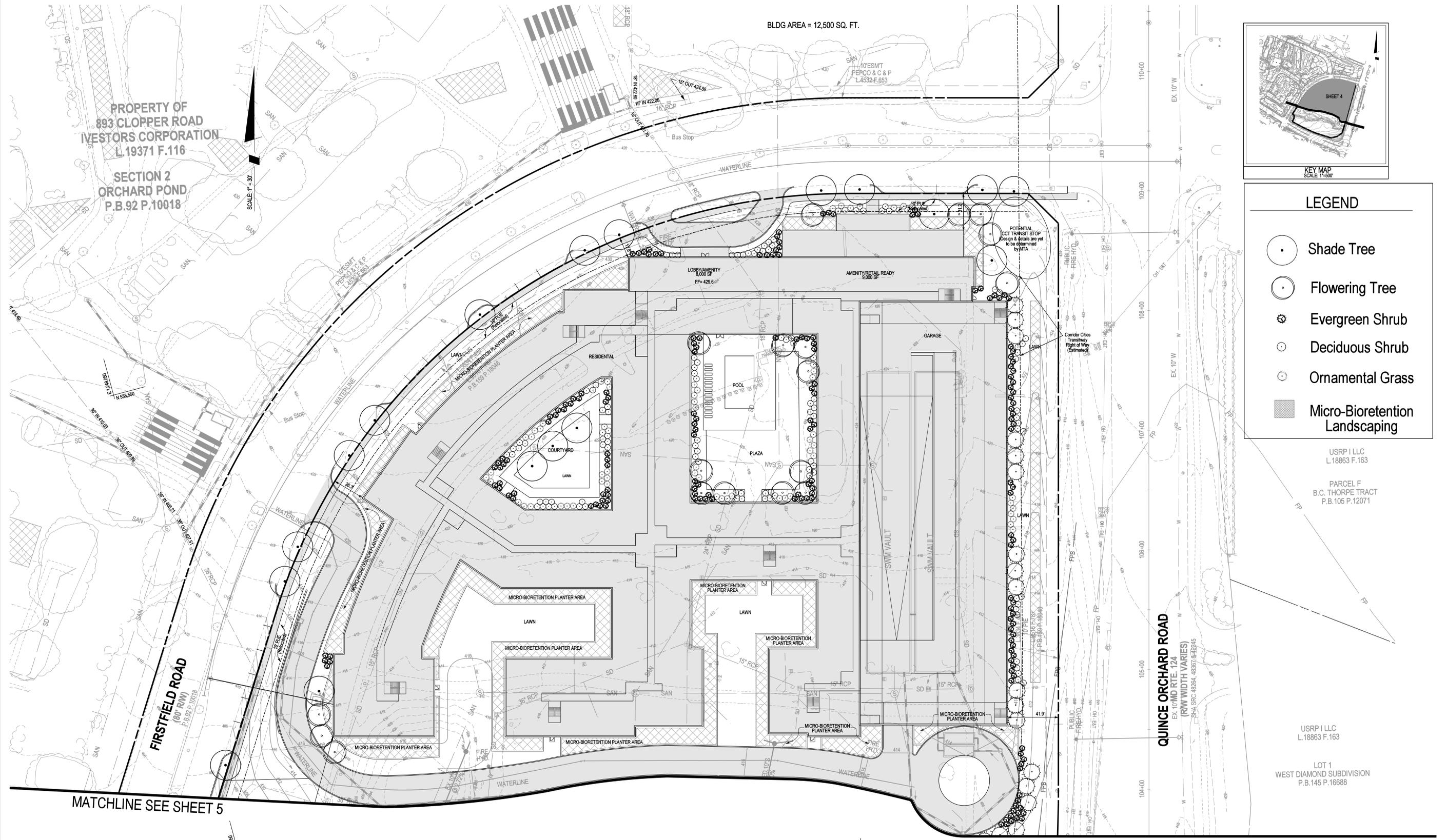
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 ORCHARD POND
 SECTION 3
 PARCELS A & B**

GAITHERSBURG (9th) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

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 OF **6**

PROJECT NO.
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LEGEND

- Shade Tree
- Flowering Tree
- Evergreen Shrub
- Deciduous Shrub
- Ornamental Grass
- Micro-Bioretenion Landscaping

USRP I LLC
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PARCEL F
B.C. THORPE TRACT
P.B.105 P.12071

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SDP-09-001
48

CONCEPTUAL LANDSCAPE PLAN

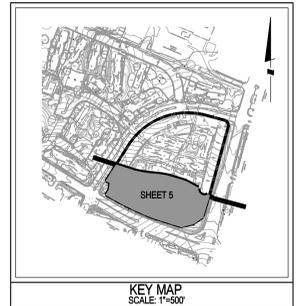
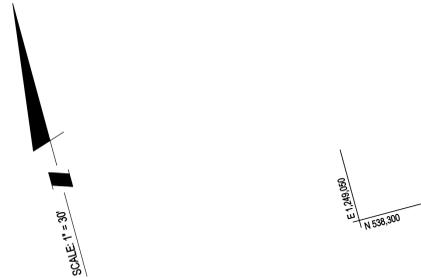
**PHASE 1
ORCHARD POND
PARCEL A & B
SECTION 3**

GAITHERSBURG (9th) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

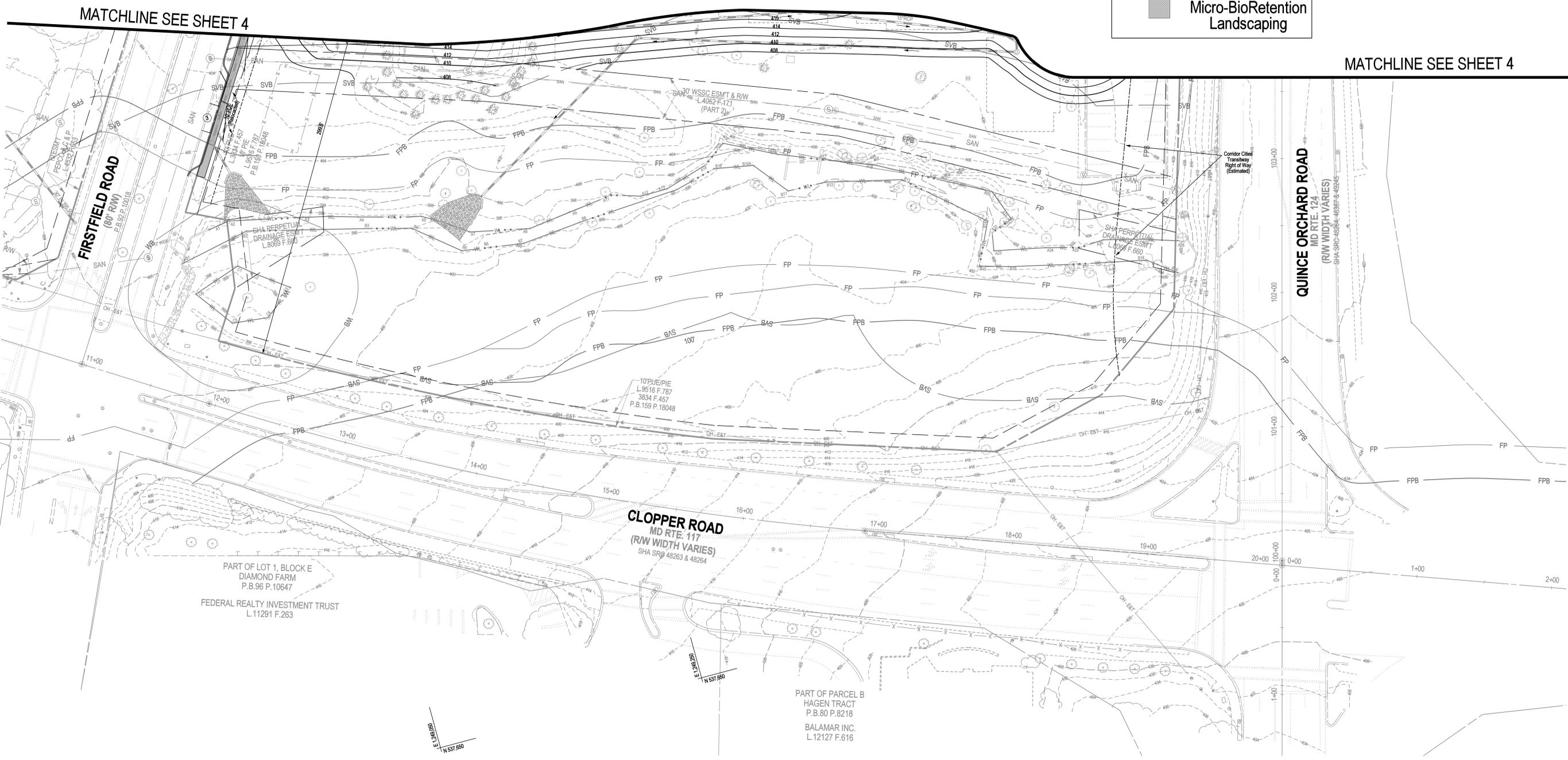


1" = 30'
SHEET 4
OF 6
PROJECT NO. 0774-08-00

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LEGEND	
	Shade Tree
	Flowering Tree
	Evergreen Shrub
	Deciduous Shrub
	Ornamental Grass
	Micro-BioRetention Landscaping



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 www.LSAssociates.net

NO.	REVISIONS	DATE	BY
3	REVISED FOR STORMWATER MANAGEMENT MODIFICATIONS	02-22-2010	TDP
2	REVISED PER CITY COMMENTS PROVIDED NOVEMBER 12, 2009	12-04-2009	TDP
1	SUBMISSION TO CITY OF GAITHERSBURG	10-23-2009	TDP

DATE: FEBRUARY, 2009
 DESIGNED: SJN
 CAD STANDARDS VERSION: V9 - 2009
 TECHNICIAN: SJN
 CHECKED: CSB

MISS UTILITY NOTE
 INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY ORIGINATOR'S BY ENGINEERING TEST PITS BY HAND, WELL IN ADVANCE OF THE START OF EXCAVATION. CONTACT MISS UTILITY AT 1-800-251-7777, 48 HOURS PRIOR TO THE START OF EXCAVATION. IF CLEARANCES ARE LESS THAN SHOWN ON THE PLAN OR TWELVE (12) INCHES, WHICHEVER IS LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE REVISIONS TO THIS PLAN.

OWNER/DEVELOPER/APPLICANT
 COMPANY NAME: JEFFERSON APARTMENT GROUP
 ADDRESS: 8300 GREENSBORO DRIVE, SUITE 400
 CITY STATE: McLEAN, VA 22102
 PHONE #: (703) 563-5200
 CONTACT NAME: MALCOLM VAN DE RIET

TAX MAP: FT22	ZONING CATEGORY: MXD
WBCS 200 SHEET: 244NW11	
SITE DATUM: HORIZONTAL: NAD83 VERTICAL: NAVD83	

PROFESSIONAL CERTIFICATION
 I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.
 LICENSE NO. _____ EXPIRATION DATE: _____

CONCEPTUAL LANDSCAPE PLAN

PHASE 1 ORCHARD POND SECTION 3 PARCELS A & B
 GAITHERSBURG (9th) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

LSA
 SHEET 5 OF 6
 PROJECT NO. 0774-08-00
 1" = 30'



Joint Hearing - MCC & PC
SDP-09-001
49



LESSARD GROUP INC.
8521 LEESBURG PIKE, SUITE 700 | VIENNA, VA 22182

P: 703.760.9344 | F: 703.760.9328 | WWW.LESSARDGROUP.COM

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CONCEPT SITE DEVELOPMENT PLAN

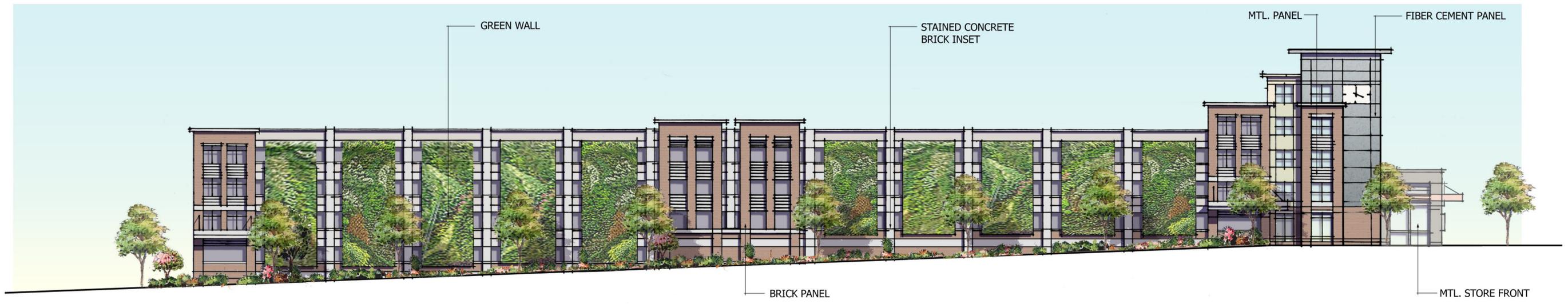
PERSPECTIVE

FEBRUARY 16, 2010

ORCHARD POND
CITY OF GAITHERSBURG, MD

JPI
JPI.015A

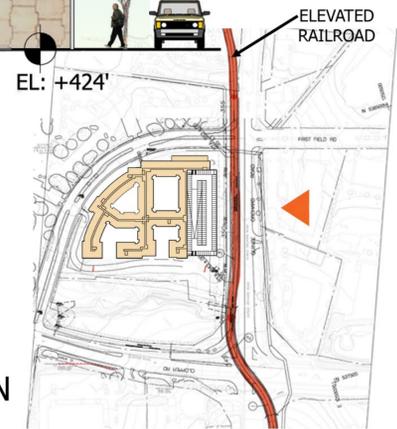




QUINCE ORCHARD ROAD, EAST ELEVATION



QUINCE ORCHARD ROAD, EAST ELEVATION
FUTURE CONCEPTUAL CCT ILLUSTRATIVE



KEY PLAN

ORCHARD POND APARTMENTS

Architectural Design Guidelines

Building Siting, Design Concept and Setbacks

SITE DESIGN & BUILDING PLACEMENT

A 4-story vertical garage is to be sited along Quince Orchard Rd. to provide a noise buffer between the future CCT transit rail and the residential units. The 4-story residential units will be organized around four courts, two enclosed on all sides and two open to views of the wetland buffer amenity.

DESIGN INTENT AND AESTHETICS

This transitional modern building will be defined by two design expressions of the same design language. A higher scale, 5-story building with a Retail/ Amenity base and flat roof will define an urban edge at the corner of Quince Orchard Road and Firstfield Road. This is also the location of the future CCT transit stop. A tower expression within this composition will define the residential entry with brick extending higher to define this residential front door element. A lower scale, 4-story building with at-grade units and a pitched roof defines a “residential neighborhood” character which extends through the Clopper Road elevation. This series of design expressions provide a variety of architectural experiences as one views the building from different vantage points.

ENTRANCE ORIENTATION

The primary building entrance shall face Firstfield Road within the higher scale, 5-story urban building expression. The entry shall be defined with appropriate entry signage, a tower expression, and brick extending past the first floor to define the residential entry.

SETBACKS

Building setbacks shall be as indicated on the Schematic Development Plan drawings. Setbacks shall be applicable to the building face only. Bays, balconies, eaves and other architectural fenestration enhancements may extend beyond the setbacks up to 5'-0". Landscape elements such as handrails, retaining walls, landscaping, hardscaping, etc may extend into setbacks. The Retail podium at the corner of Quince Orchard Road and Firstfield Road will protrude into the sidewalk, engaging the pedestrian and enhancing interaction. The lower scale "Residential Neighborhood" building expression will have a greater setback to provide for a landscape planting and privacy strip along the street edge.

STREETSCAPE

The streetscape requirements may include but not limited to the addition of sidewalk, shade trees, and street lighting as determined necessary through the Site Plan process.

Material Standards

GENERAL ARCHITECTURAL STANDARDS

Architectural design and building aesthetics shall be determined by the architectural character of the approved elevations. Elevations not presented shall follow the general character and design of the approved elevations. Material requirements as related to the general architectural design are as per this section.

SIDING

Where an exterior building face is visible from a street, fiber board or cement board or equal siding, paneling and trim shall be used. Siding or paneling style may vary as per approved elevations. Siding trim shall be of a sizing appropriate to the adjacent siding style or paneling and as illustrated in intended design detail as per approved elevations. Any other siding product shall be permitted where not readily visible to the general public from the street or adjacent properties. All siding shall be installed per manufacturer's standard requirements.

BRICK VENEER – RESIDENTIAL BUILDING

A veneer brick will be used to establish an architectural “base” at minimum as a water-table base at the exterior perimeter of the building, extending at minimum to the underside of the lowest window sill of the finish grade. Veneer brick may extend above this minimum height so as to provide architectural interest as per the approved elevations, such as at building corners and main residential entrance. In no case shall the brick extend to the top floor of the residential building so as to establish an architectural “top” through use of another material. A variety of brick colors may be used to compliment the siding colors to be used, with a minimum of two (2) brick colors to be used. Brick size and pattern shall be per industry standard for residential buildings of this size and scale built in this period.

SYNTHETIC STUCCO

Synthetic stucco may be used to replicate stone banding, cornices and other special stone shapes. Where synthetic stucco is used at a level below 6'-0", a high-impact synthetic stucco shall be used.

PRECAST CONCRETE & SYNTHETIC STONE

Precast concrete and synthetic stone sills, headers and other banding may be used in lieu of synthetic stucco.

ARCHITECTURAL BLOCK – SPLIT-FACE OR SMOOTH

Architectural block may be used at the “base” of the building on non-street fronting elevations and courtyard elevations. Architectural block should not extend above the water-table. Color shall compliment brick and siding colors used.

DOORS

Residential doors may be vinyl, PVC, fiberglass, wood or metal, slider type or standard hinged. Sliding doors at patios and balconies may be full glazed and may contain a transom. Door color may be white or any other color deemed complementary to the brick and siding façade. Fire-rated exit doors may be solid painted metal doors. Doors and side lights at or near the main

residential entry or amenity space may be aluminum storefront windows and may be full height glazed.

WINDOWS

Windows shall be single-hung at minimum. Windows may be single vertical or ganged together as per the architectural character of the approved elevations. Windows may be vinyl, PVC, vinyl-clad wood, aluminum or equal. Window color may be white or any other color deemed complementary to the brick and siding façade. Windows at or near the main residential entry or amenity space may be aluminum storefront windows and may be full height glazed.

DECKS & BALCONIES

Decks and Balconies shall be either wood framed & trimmed structured balconies or Juliet-style balconies. Standard wood framed balconies may be open to the sky or covered above by roof or another balcony, and surface may be pervious or impervious. Balcony railings may be vinyl or PVC, prefinished aluminum, or painted metal. Wood balconies and railings shall be painted white or any color deemed complementary to the approved architectural design.

ROOFS

Roofs may be pitched roofs or flat roofs with parapets. Pitched roofs shall be minimum 3:12 slope with dimensional asphalt shingles. Shingle color may be standard black or any other color deemed complementary to the approved architectural design. Flat roofs shall have a minimum 30" parapet height.

GUTTERS & DOWNSPOUTS

Gutters and downspouts shall be standard prefinished painted aluminum. Color shall be white or any other color deemed complementary to the approved architectural design.

PARKING GARAGE

The Parking Garage architectural design and building aesthetics shall be determined by the architectural character of the approved elevations. Materials may include synthetic stucco, precast concrete, brick spandrel panels, and other equal materials. Colors shall match or

compliment the Residential building colors. A "Living Wall" system shall be designed as per the approved elevations.

MECHANICAL UNIT SCREENING

Where residential mechanical units are located on the roof, the units shall be screened from public view as measured at an eye-level view line taken at the center of the sidewalk across the street adjacent to the building. Screening may include a parapet wall or other architectural fenestration complementary to the approved architectural design. Residential mechanical units visible from a street at grade shall be appropriately screened by landscaping so as to reasonably minimize visual impact.

Landscape Design & Furnishings

SITE TREES

Shade, evergreen, and ornamental trees shall be planted per the approved Landscape Plan. Their locations will be coordinated with site lighting.

SITE FURNISHINGS

Site furnishings shall be constructed of wood or powder-coated metal to complement the building's architecture style. They shall be located at the main building entrance, courtyards, and retail plaza as specified on the approved Landscape Plan.

SITE LIGHTING

Courtyards, retail plaza, and driveways shall be illuminated at night to ensure safety and provide adequate visibility. The lighting shall be coordinated to complement the architecture and other site furnishings.

STATEMENT IN SUPPORT OF FIXED PARKING RATE REQUEST

ORCHARD POND REDEVELOPMENT

APPLICATION OF 893 CLOPPER ROAD INVESTORS CORP.

ZONING APPLICATION NO. SDP-09-01

The Applicant in the above-referenced request for schematic development plan approval seeks permission of the City Council to establish a fixed parking rate for the proposed “Orchard Pond” regarding development, Phase I, and, as a basis therefore, provides the following information and justification.

Section 24-160D.8 (“MXD Zone: Parking Requirements”) states that:

- “(a) The Council, at the time of schematic development plan review, shall determine the appropriate approximate number of [parking] spaces...”

Generally, this section of the City Zoning Ordinance is used to allow a reduction in the number of parking spaces required by Code to support a development proposal. In this instance, the applicant may not actually need a waiver of the number of required parking spaces. The Applicant proposes to construct a four story building containing 410 apartment dwelling units. Under Section 24-219(b) of the City Zoning Ordinance, the following number of parking spaces are required per apartment unit type:

Efficiency	1 parking space per unit
One Bedroom	1.7 parking spaces per unit
Two Bedrooms	2 parking spaces per unit
Three Bedrooms and Larger	2.5 parking spaces per unit

In its schematic development plan, the Applicant proposes to provide 670 parking spaces for residents and guests (not including adjacent on-street parking). At this point in time, the Applicant has determined a tentative unit mix (to be confirmed at the time of construction and market delivery) as follows:

<u>Unit Type</u>	<u>No. of Units</u>	<u>Parking Rate</u>	<u>Parking Required</u>
Studio	62	1.0	62.0
One Bedroom	185	1.7	314.5
Two Bedroom	144	2.0	288.0
Three Bedroom	21	2.5	52.5

Total parking required by Code			717.0 Spaces

Therefore, based on the current anticipated unit mix, required parking would exceed parking provided by 47 spaces.

On the other hand, the Applicant can confidently state, based on its substantial experience in developing, owning and managing apartment projects in the Washington Metropolitan Area, that providing parking at a rate of 1.6 spaces per dwelling unit will deliver more than adequate parking for the proposed project for the following reasons:

1. The City Zoning Ordinance does not take into account the benefits that are achieved by locating multi-family residential uses in close proximity to shopping and employment centers. In the case of Orchard Pond, retail centers are located immediately across Quince Orchard Road and Clopper Road from the proposed development and the ease with which these centers can be accessed reduces reliance on the use of automobiles. Similarly,

employment centers (e.g., NIST, Bennington Corporate Center) are also located close to and are easily accessible from the Orchard Pond project again reducing reliance on personal automobiles.

2. The Orchard Pond project is located along major public transportation routes, including routes that carry bus riders to the Shady Grove Metro Station.

3. The Orchard Pond community is within walking distance of the Metropolitan Grove MARC station.

4. The proposed Orchard Pond project will be located adjacent to an important stop on the Corridor City's Transit (CCT) line which, when constructed and operational, will provide ready accessibility throughout mid-Montgomery County as well as to points where connections can be made to the Metro and MARC rail system.

5. Attached is information provided by the Applicant based on its substantial experience at other apartment communities similarly situated to Orchard Pond.

Projects developed, owned and/or managed by JPI and Jefferson Apartment Group (JAG) include the following with effecting parking ratios listed:

Sullivan Place (Alexandria)	1.6 parking spaces per DU
Inigo's Crossing (North Bethesda)	1.6 parking spaces per DU
Halstead at the Metro (Fairfax)	1.6 parking spaces per DU

These examples demonstrate that 1.6 parking spaces per dwelling unit is more than adequate to support the parking demands contemplated for this project.

6. The City has previously heard presentations explaining how well designed multi-family communities, located and readily accessible to shopping, employment and public

transportation, need less parking than the otherwise conservative City Zoning Ordinance would require, an observation that is borne out by the examples provided by paragraph 4 above.

The Applicant requests that the City Council determine, at the stage of review of the schematic development plan, that parking of 1.6 spaces per dwelling unit is “appropriate” for the proposed project. Then, at the time of final site plan review, when the actual unit mix has been determined, the Planning Commission can determine the final number of spaces that should be produced based upon considerations of safety, convenience, pedestrian vehicular circulation, and added landscaping within parking lot areas, as required under Section 24-160D.8 of the City Zoning Ordinance.

For the reasons set forth above, this Applicant requests that the Mayor and City Council determine that a parking ratio of 1.6 spaces per apartment dwelling unit be determined to be appropriate and that a final determination of the actual number of spaces that should be provided, and any variance that might be required, be granted at the time of the Planning Commission’s review of the final site plan application.

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

January 4, 2010

CALL TO PODIUM:

Greg Ossont & Eliza Voigt

RESPONSIBLE STAFF:

**Greg Ossont, Director
Planning and Code
Administration**

Lauren Pruss, Planning Director

Eliza Voigt, Planner

AGENDA ITEM:

(please check one)

<input type="checkbox"/>	Presentation
<input type="checkbox"/>	Proclamation/Certificate
<input type="checkbox"/>	Appointment
<input type="checkbox"/>	Joint Public Hearing
<input type="checkbox"/>	Historic District Commission
<input type="checkbox"/>	Consent Item
<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Resolution
<input type="checkbox"/>	Policy Discussion
<input checked="" type="checkbox"/>	Work Session Discussion Item
<input type="checkbox"/>	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	N/A
Advertised	12/16/09
	12/23/09
Hearing Date	1/4/10
Record Held Open	3/26/10
Policy Discussion	4/5/10

**TITLE: JOINT WORK SESSION
Z-312/SDP-09-001**

This application requests rezoning 43.33 acres of land from the R-20 (Medium Density Residential) Zone to the MXD (Mixed Use Development) Zone. The property is bound by Clopper Road (MD 117), Quince Orchard Road (MD 124), and Metropolitan Grove Road and a State Highway Facility. In addition, the schematic development plan application requests approval for a 410 unit multi-family residential building with a structured parking garage on an 11-acre portion of the site.

SUPPORTING BACKGROUND:

The Mayor and City Council and the Planning Commission held a consolidated joint public hearing on January 4, 2010, to introduce and discuss Z-312 and SDP-09-001. This work session is for the development team to present the Orchard Pond rezoning and schematic development plans in more detail and respond to the questions raised at the joint public hearing.

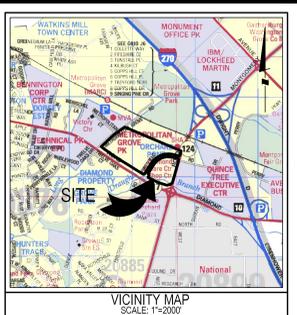
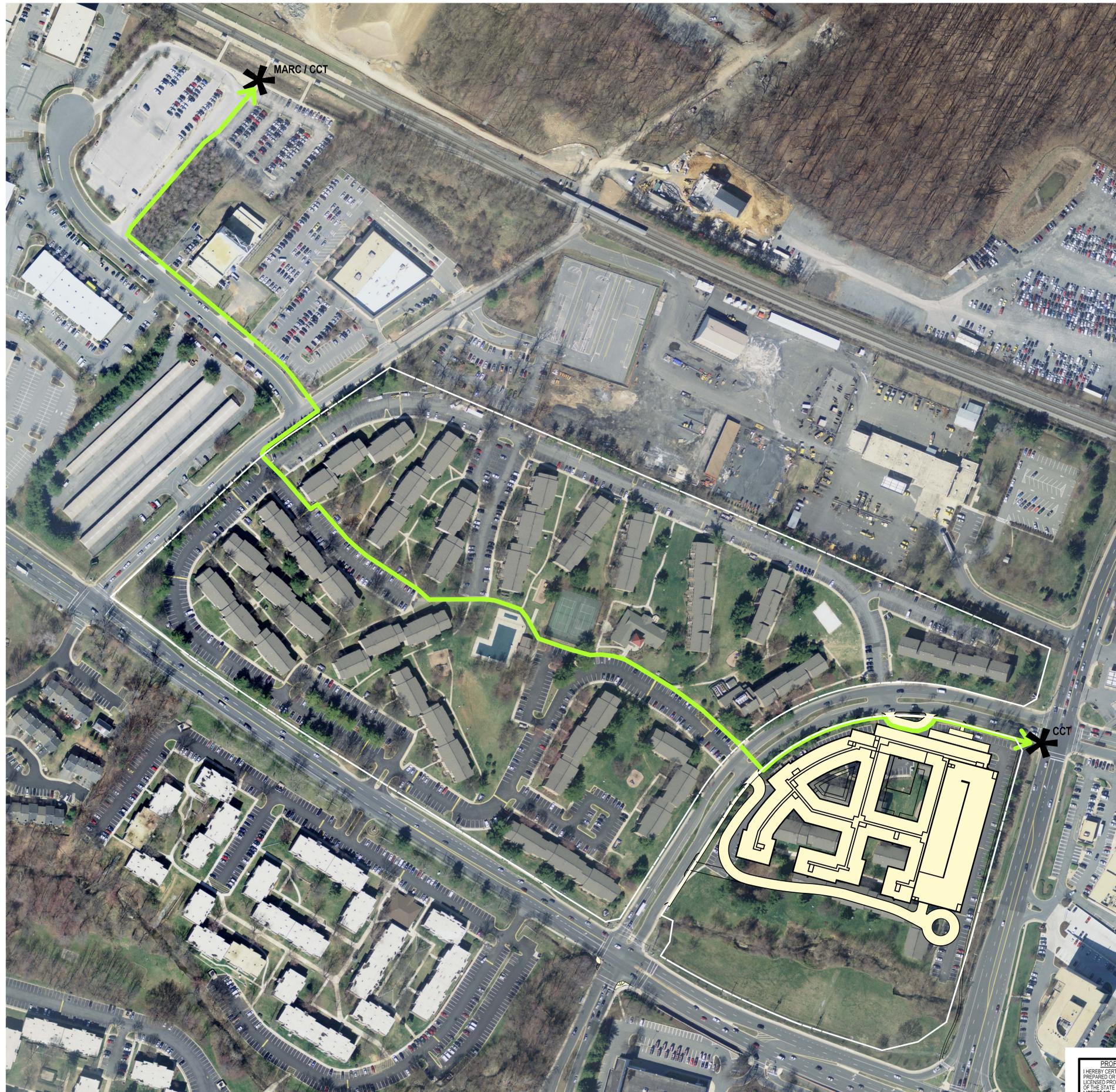
Attachments:

- Orchard Pond Area Renderings and Land Use
- Existing Pedestrian Circulation
- Proposed Pedestrian Circulation
- Specimen Tree Exhibit
- February 19, 2010 Letter from Jody Kline to the Mayor and City Council and Planning Commission

DESIRED OUTCOME:

Conduct Work Session
Hear presentation from the development team and comments from the public.
Provide guidance to the applicant and staff.

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LEGEND

- PROPOSED CIRCULATION
- ✱ FUTURE CCT LOCATION

ILLUSTRATIVE ONLY - ACTUAL TO BE DETERMINED

<p>PROFESSIONAL CERTIFICATION I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND. LICENSE NO. _____ EXPIRATION DATE: _____</p>	<p>CONCEPTUAL MARC / CCT PEDESTRIAN CONNECTION EXHIBIT</p>	
<p>COMPANY NAME: JEFFERSON APARTMENT GROUP ADDRESS: 8300 GREENSBORO DRIVE, SUITE 400 CITY STATE: MCLEAN, VA 22102 PHONE #: (703) 563-5200 CONTACT NAME: MALCOLM VAN DE RIET</p>	<p>PHASE 1 ORCHARD POND SECTION 3 PARCELS A & B</p> <p>GAITHERSBURG (9th) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND</p>	<p>Joint Hearing - MCC & PC SDP-09-001 54</p> <p>Joint Hearing - MCC & PC Z-312 24</p>
<p>MISS UTILITY NOTE INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY ORIGINATOR'S TESTING FITS BY HAND, WELL IN ADVANCE OF THE START OF EXCAVATION. CONTACT "MISS UTILITY" AT 1-800-261-7777, 48 HOURS PRIOR TO THE START OF EXCAVATION. IF CLEARANCES ARE LESS THAN SHOWN ON THIS PLAN OR TWELVE (12) INCHES, WHICHEVER IS LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE REVISIONS TO THIS PLAN.</p>		<p>PROJECT NO.: 0774-08-00</p>

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NO.	REVISIONS	BY	DATE
3	REVISED FOR STORMWATER MANAGEMENT MODIFICATIONS	TDP	02-22-2010
DATE DESIGNED:	CAD STANDARDS VERSION: 19 - 2009	TECHNICIAN:	CHECKED:

OWNER/DEVELOPER/APPLICANT

COMPANY NAME: JEFFERSON APARTMENT GROUP
ADDRESS: 8300 GREENSBORO DRIVE, SUITE 400
CITY STATE: MCLEAN, VA 22102
PHONE #: (703) 563-5200
CONTACT NAME: MALCOLM VAN DE RIET

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WBCS 200 SHEET: 244NW11	
SITE DATUM: HORIZONTAL: NAD83	VERTICAL: NAVD83

From: henrypi@aol.com
To: [Greg Ossont](#); [Eliza Voigt](#)
Cc: [Ollie Mumpower](#); [Cathy Drzyzgula](#); [Jud Ashman](#); [Michael Sesma - External](#); [Ryan Spiegel](#); [Henry Marraffa - External](#); [Sidney Katz](#)
Subject: Z-312 and SDP-09-001
Date: Friday, March 19, 2010 6:42:23 PM
Attachments: [SDP-09-001.pdf](#)

Dear Greg & Eliza:

Please include this in the record for the above noted SDP.

We believe that the project is a worthy project, but do not believe it complies with the City's APFO, based on our review of traffic counts and the City's own Transportation Masterplan. The applicant's initial traffic report apparently omitted the approved development density of Casey West's initial phase of the town center (it might have only included the single family homes). We understand that Staff requested an update to the traffic report to include the approved background traffic, but have yet to see these results in the record.

If the review of existing traffic reports and the City's own current draft of the Transportation Master plan update are correct, there is no additional traffic capacity for this additional density. This would be a loss for the City, nearby property owners and the Citizens of Gaithersburg, since this is exactly the kind of density that will act to support the CCT and make it more feasible.

To see this and other worthy projects proceed, we would hope the Council considers modifications to the APFO to allow more dense development in areas that have or will be served by rail, since if there is going to be additional growth, it should be concentrated in projects near transportation hubs, such as this JPI project.

Sincerely,

Peter
Peter Henry

Joint Hearing - MCC & PC
Z-312
25

Joint Hearing - MCC & PC
SDP-09-001
55

BP REALTY INVESTMENTS, LLC

March 19, 2010

Mayor and City Council
Planning Commission
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, MD 20877

Re: Z-312 and SDP-09-001

Dear Mayor and City Council:

I was surprised to see that the recent Quince Orchard plan (which is seeking approval for 410 multi-family units) is being processed for approval at the City. We are in favor of redevelopment of the units, and we think the developer is both talented and experienced.

The issue we have is that the traffic analysis generated by the applicant shows that there is capacity at the MD 117/MD 124 intersection. This was a significant surprise to us, given that traffic counts we have for the intersection indicated to us that we could achieve no new development on Casey West, nor the properties to the north and south owned by the McGowns, MetroGrove Road partnerships or Stevensons, due to the traffic constraints on the 124/117 intersection.

Indeed the failing traffic condition is confirmed by the City of Gaithersburg's Transportation Master plan currently under review, which shows the intersection at failure currently under the City's APFO, the relevant pages being attached for your review.

This is a worthy project – but I believe the other property owners in the area that are awaiting additional road capacity believe their properties are also worthy of development.

We would like to see the JPI project redeveloped -- but believe that the standards should be adjusted for these transit-oriented type projects, and then uniformly applied. To do otherwise will place those other worthy projects further from their ability to develop even when the interchange opens and the CCT is operational.

Sincerely,

Peter Henry

Peter J. Henry



Gaithersburg
A Character Counts! City

City of Gaithersburg **TRANSPORTATION**

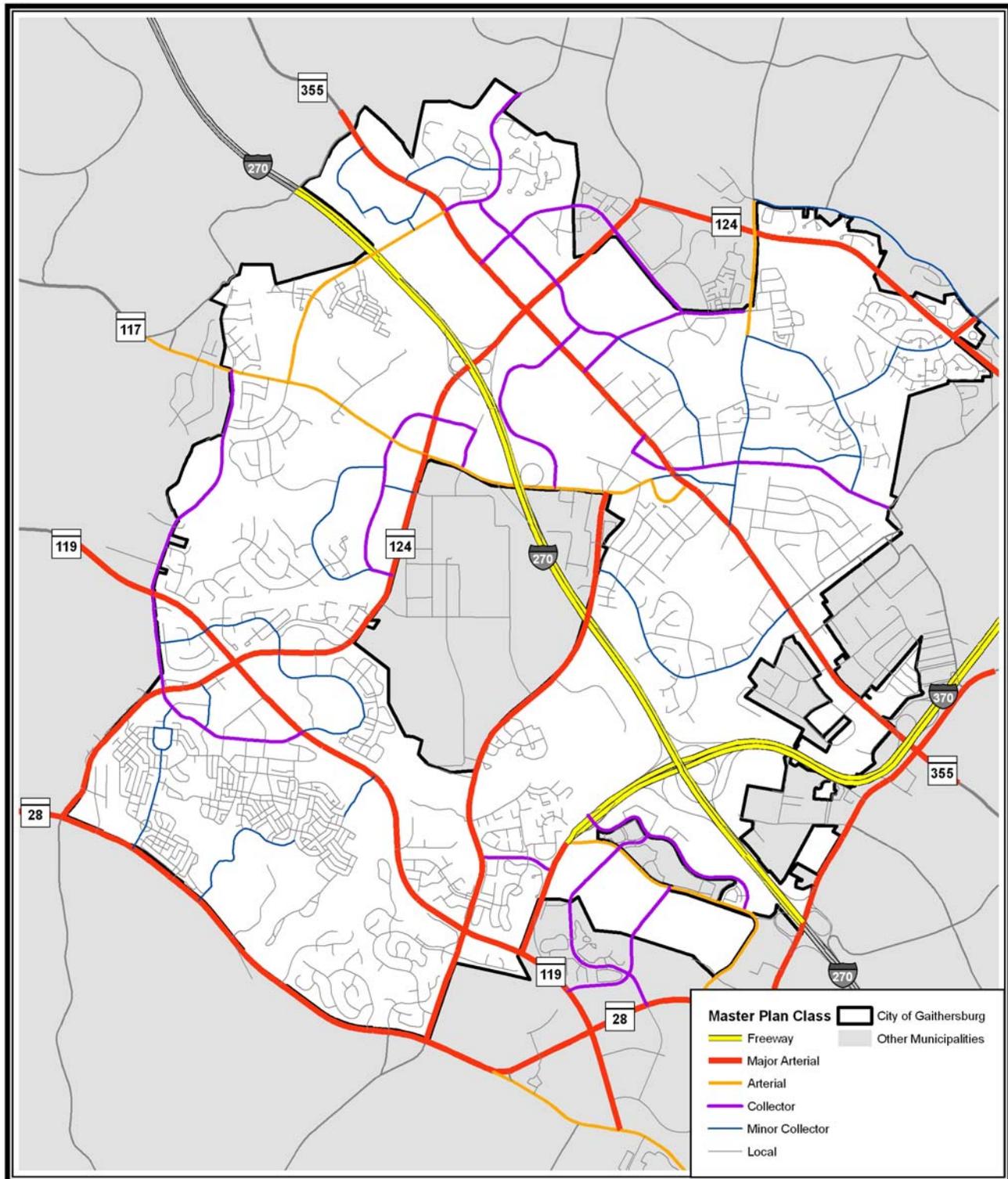
A Master Plan Element

***Draft* February 17, 2010**

Published ??

2009
MASTER PLAN

Map 2: City Master Plan Road Classification System



Source: City of Gaithersburg

Development projects within Gaithersburg since the 1980s have incorporated roads that do not conform to the Road Code requirements. This has led to the majority of recent City roads being granted under the road code waiver process, whereby the Mayor and City Council approves road designs. These roads do, however, conform to categories within the Master Plan-approved planning classification system.

The two classification systems should not be viewed as conflicting. They serve different purposes; one is a planning tool, the other more engineering based. Kentlands Boulevard, approved under a Road Code waiver can be categorized as a “collector” under the Master Plan classifications. The following chart illustrates the general relationship between the two systems, keeping in mind that a waiver-granted road may be in any Master Plan category:

<i>Master Plan Class</i>	<i>Road Code Class</i>
Freeway	none
Major Arterial	Major Controlled
Arterial	Business District Major Limited Control
Collector	Residential Collector
Minor Collector	Residential Primary
Local	Residential Tertiary Residential Secondary

3.2 Current Congestion Levels

Roads and intersections are designed to accommodate specific volumes of traffic. The growth of the Metropolitan Washington region has led to local roads reaching levels that exceed acceptable capacity. Critical lane volume analysis is a technique for measuring congestion on roads. It involves defining the optimum and actual number of vehicles passing through a given intersection during an AM and PM weekday peak hour. The City established a critical lane volume (CLV) limit for the majority of the City’s roads at 1450 vehicles/hour. Different CLV amounts determine the level of service (LOS), graded “A” through “F”, of roads.

<i>Critical Lane Volume</i>	<i>Level Of Service Grade</i>
≤ 1000	A
1001-1150	B
1151-1300	C
1301-1450	D
1451-1600	E
≥1601	F

In 2007, the City of Gaithersburg adopted an Adequate Public Facilities Ordinance (APFO) that requires proposed development meet certain standards for traffic impacts, school capacity, water and sewer capacity, and the provision of fire and emergency services. The APFO applies to

all future development proposed within the City boundary, unless exempted by an annexation agreement.

As it relates to transportation, the City's APFO requires that any proposed development address traffic impacts through a Traffic Impact Study (TIS). Specifically, all intersections and/or links within the study area resulting in a Level-of-Service (LOS)/CLV worse than the City's current congestion standard of 1450 must be identified and improvement(s) recommended. The improvements must provide sufficient capacity to either result in a CLV for the total traffic condition that is less than the 1450 standard or mitigate the traffic impact if the calculated CLV in the total traffic condition exceeds the City congestion standard. Mitigation is achieved when the CLV in the total traffic condition with the improvement is equal to or less than the CLV in the background traffic condition without the improvement.

The following chart displays current findings of CLVs and LOS at major intersections in the City of Gaithersburg.⁶ The data shown is the most current and has been taken from traffic studies submitted to the City of Gaithersburg as part of development proposals or from the Montgomery County Planning Department, Division of Transportation Planning⁷.

Table 1: Characteristics of Major Intersections in Gaithersburg⁸

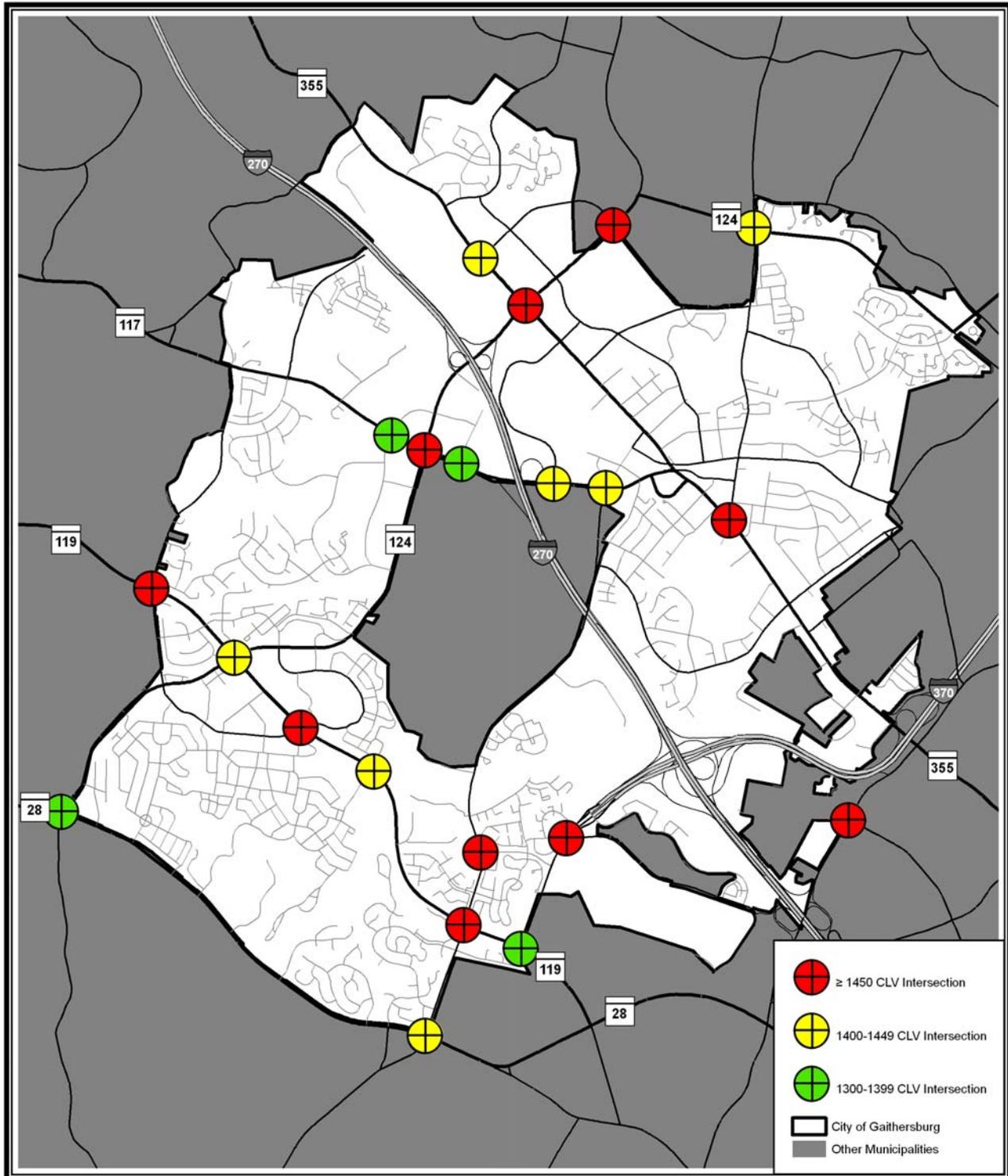
Intersection	Date	AM CLV	LOS	PM CLV	LOS
Bickerstaff Way at Diamondback Dr /Story Dr	09/07/2005	681	A	635	A
Clopper Rd (MD 117) at Longdraft Rd	03/17/2009	925	A	1070	B
Clopper Rd (MD 117) at Watkins Mill/Pheasant Run Dr	09/07/2005	864	A	908	A
Clopper Rd (MD 117) at Metropolitan/Twelve Oaks Dr	09/07/2005	887	A	1002	B
Clopper Rd (MD 117) at Firstfield Rd	04/29/2009	1258	C	1302	D
Clopper Rd (MD 117) at Quince Orchard Rd	03/10/2009	1355	D	1463	E
West Diamond Ave (MD 117) at Bureau Drive	09/07/2005	1191	C	1300	C
West Diamond Ave (MD 117) at Perry Parkway	04/01/2008	1196	C	1410	D
West Diamond Ave (MD 117) at Muddy Branch Rd/Chestnut St	04/14/2009	1040	B	1434	D
West Diamond Ave (MD 117) at Meem Ave/Water St	06/25/2008	524	A	935	A
Darnestown Rd (MD 28) at Quince Orchard Rd	10/02/2007	1311	D	1123	B

⁶ CLV data may fluctuate daily, monthly, or yearly. Traffic studies provide a "snapshot" in time that allows for inferences to be drawn.

⁷ The draft "2009 Montgomery County, MD Highway Mobility Report" produced by Maryland-National Capital Park & Planning Commission

⁸ Highlighted intersections have a CLV exceeding the APFO standard of 1450

Map 3: Critical Lane Volume (CLV) of Select City Intersections from Table 1⁹



Source: City of Gaithersburg, Maryland-National Capital Park & Planning Commission

⁹ The intersections shown either are failing the APFO standard of 1450 or have the potential to fail depending upon future impacts associated with development or redevelopment

From: henrypj@aol.com

To: GOssont@gaithersburgmd.gov; OMumpower@gaithersburgmd.gov

Cc: bdalrymple@linowes-law.com

Bcc: Rhenry@mail.smu.edu; LHCapstone@aol.com; brad@klineassoc.com; HENRYPJ@aol.com

Subject: Orchard Pond

Date: Thu, Dec 31, 2009 5:48 pm

Dear Greg & Ollie:

I was surprised to see that the recent Quince Orchard plan (which is seeking approval for 410 multi-family units) is being processed for approval at the City. We are in favor of redevelopment of the units, and we think the developer is both talented and experienced.

The issue we have is that the traffic analysis shows that there is capacity at the MD 117/MD 124 intersection, as well as several others, that were used as a cap on our development density for the Watkins Mill Town Center in 2005. The then recently enacted APFO traffic cap was used to cut a very significant amount of density that were were seeking for the site.

No new traffic improvements have taken place in that intersection in the ensuing years, and my sense is that background counts should be higher. No relaxation to the APFO standards can be found. The only explanation that we can determine is that the approved Watkins Mill project itself was counted as traffic in our approval, but not counted as approved background in the present application.

We would like to see the JPI project redeveloped -- but believe that the standards applied in capping our approval should either be adjusted to permit the additional significant density denied, or applied in a uniform way to both projects. To do otherwise will place us even further from achieving the desired density even when the interchange opens and the CCT is operational.

Since Jody is representing JPI, we will asking Bob Dalrymple at L&B to help us untangle this issue.

Sincerely,

Peter Henry
BP Realty

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

July 11, 2005

CALL TO PODIUM:

Mark DePoe

RESPONSIBLE STAFF:

Fred Felton, Assistant City Manager

Mark DePoe, Long Range Planning Director

AGENDA ITEM:

(please check one)

<input type="checkbox"/>	Presentation
<input type="checkbox"/>	Proclamation/Certificate
<input type="checkbox"/>	Appointment
<input type="checkbox"/>	Public Hearing "JOINT"
<input type="checkbox"/>	Historic District Commission
<input type="checkbox"/>	Consent Item
<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Resolution
<input type="checkbox"/>	Policy Discussion
<input checked="" type="checkbox"/>	Work Session Discussion "JOINT"
<input type="checkbox"/>	Other:

TITLE: SDP-05-002

Schematic Development Plan Application SDP-05-002, for approximately 125.21 acres of property known as Watkins Mill Town Center (previously known as Casey West property).

SUPPORTING BACKGROUND:

Gary Unterberg, of Rodgers Consulting Inc., representing the applicant B. P. Realty Investments has submitted this Schematic Development Plan (SDP-05-002) proposal. The SDP-05-002 proposal includes approximately 125.21 acres of property, titled Watkins Mill Town Center (previously, known as Casey West Z-297), located between CSX Railroad tracks and I-270, north of Metropolitan Road. The subject property is zoned Mixed Use Development (MXD)

The SDP-05-002 application proposes a mixed-use project to be developed in three phases: **Phase 1 Watkins Mill Road extended** – 482 attached and detached residential units, 252 condominium units, 106,639 square feet of mixed use retail/commercial/restaurant, 493,450 square feet of office/professional, and 210 room hotel with related facilities and 65 penthouse condominium units; **Phase 2 Watkins Mill Interchange** – 95,000 square feet of mixed use retail/ commercial/restaurant, 360,000 square feet of office/ professional, and 180 room hotel and associated uses; and **Phase 3 Corridor Cities Transitway** – 276 condominium units, 20,300 square feet of mixed use retail/commercial/restaurant, and 83,200 square feet of office/professional. The Mayor and City Council adopted the Amendment to Sketch Plan Z-297 for the Casey West property on April 18, 2005 by Ordinance O-01-05.

The Mayor and City Council and Planning Commission held their joint public hearing on June 6, 2005. The Planning Commission record closes on July 14, 2005 and the Mayor and City Council record closes on July 27, 2005. Since the public hearing, staff has been meeting regularly with the applicant to address many of the comments from the sketch plan and public hearing. The plan is tentatively scheduled to be before the Planning Commission for recommendation on July 20, 2005 and the Mayor and City Council for policy discussion on August 1, 2005.

Attached:
See Index of Memorandum

DESIRED OUTCOME:

Hold Joint Work Session and Provide Staff Guidance.

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	5/11/2005
	5/18/2005
Hearing Date	6/6/2005
Record Held Open	6/27/2005
Policy Discussion	



Traffic Impact Analysis

REVISED

ORCHARD POND APARTMENTS

City of Gaithersburg, Maryland

Revised December 15, 2009

Prepared for:
JPI Development Company

BACKGROUND TRAFFIC CONDITIONS

DESIGN YEAR

This project is planned to be developed within three (3) years and therefore as stated in the M-NCPPC guidelines, regional traffic growth is not included in this report.

BACKGROUND TRAFFIC

Based on the revised information obtained from the City, four projects were identified to be included in background development. They are as follows:

- Watkins Mill Town Center - 94 single family units, 342 townhouse/condo units
- Casey East Phase 1 - Phase I
- Aree Building - 96,300 sq ft office space
- Bank at Bank Street - 3,714 sq ft drive-in bank

The location of each of the above developments is shown on Exhibit 4. We then consulted the trip generation tables established by the Maryland National Capital Park and Planning Commission and ITE to determine the number of trips projected to be generated by these developments as shown on Exhibit 5.

The peak hour trips shown on Exhibit 5 were then distributed and assigned to the nearby road system as shown on Exhibit C-1 through C-5 contained in Appendix C. The combined peak hour trips are shown on Exhibit 6. Combining the trips to be generated by the other developments, with the existing peak hour volumes, results in the background peak hour volumes shown on Exhibit 7.

There are several major road projects planned in the vicinity of the subject site. These projects are presently shown in the Maryland State Highway Administration's Consolidated Transportation Program (CTP) under the Secondary Development and Evaluation Program, however, there is presently no construction funds listed for any of these projects. Contained in Appendix A are copies of the Line Items from the CTP.

ANALYSIS OF BACKGROUND TRAFFIC CONDITIONS

Intersection Capacity analysis were conducted for each of the study area intersections and the results are shown on Exhibit 11. Copies of the capacity worksheets are contained in Appendix B.

*Traffic Impact Analysis
Orchard Pond Apartments
City of Gaithersburg, Maryland*



The results of the analysis indicate that all of the study area intersections are projected to operate within the congestion standard of 1450 CLV.

TRIP GENERATION FOR BACKGROUND DEVELOPMENTS

	MORNING PEAK HOUR			EVENING PEAK HOUR		
	IN	OUT	TOTAL	IN	OUT	TOTAL
1. Watkins Mill Town Center Phase I - without interchange						
94 units, Single Family Detached	21	62	83	63	35	98
342 units, Townhouse /Condos	<u>30</u>	<u>146</u>	<u>176</u>	<u>133</u>	<u>66</u>	<u>199</u>
Net off-site trips	51	208	259	196	101	297
2. Casey East - Phase I ^{1/}						
224 units, Multi-Family Residential Trips	17	81	98	78	38	116
Internal Trips	-5	-24	-29	-27	-20	-47
Net off-site trips	12	57	69	51	18	69
64,000 sq.ft. Office & Recreational Community Trips	187	47	234	40	129	169
Internal Trips	-8	-5	-13	-11	-11	-22
Net off-site trips	179	42	221	29	118	147
87,700 Retail/Restaurants Trips	250	212	462	411	354	765
Internal Trips	-53	-32	-85	-69	-70	-139
Pass-by trips	-75	-65	-140	-158	-135	-293
Net off-site trips	122	115	237	184	149	333
Total off-site trips for Phase 1 - without interchange						
	313	214	527	264	285	549
3. Aree Building						
96,300 sq.ft. General Office	136	20	156	27	132	159
4. Bank at Bank Street						
3,714 sq.ft. Drive-in Bank	26	20	46	48	48	96
Pass-by trips (PM-47%)				<u>-23</u>	<u>-23</u>	<u>-46</u>
Net off-site trips	26	20	46	25	25	50

Note: 1. Trips information taken from TIS report for Casey East & Modified by the data from County staff. Details refer to Appendix C.



EXHIBIT 5 (CONT'D)
 TRIP GENERATION RATES AND TOTALS
 FOR BACKGROUND DEVELOPMENTS

From: [Ollie Mumpower](#)
To: [Eliza Voigt](#); [Rob Robinson](#); [Greg Ossont](#); [Lauren Pruss](#)
Cc: [Ollie Mumpower](#)
Subject: Discrepancy in CLV volume for MD 117/MD 124 intersection
Date: Wednesday, March 24, 2010 4:08:31 PM

it was brought to my attention that the CLV for this intersection in the December 15, 2010, Orchard Ponds Apartments traffic study (AM-1181 and PM-1263) differ from CLV calculations conducted for M-NCPPC in this same general timeframe. The counts for the Orchard Pond study were done on December 4, 2008, while the counts for the M-NCPPC (AM-1355 and PM-1463) were done on March 10, 2009. The main difference in the volume counts were higher SB MD 124 volumes.

To resolve this issue it is recommended that new traffic counts and CLV calculations be conducted at the MD 117/MD 124 intersection. Based on the results of this information staff will make a determination if the Orchard Pond traffic study will need to be revised. If the study is revised it will need to be approved prior to final site plan.

Joint Hearing - MCC & PC
Z-312
26

Joint Hearing - MCC & PC
SDP-09-001
56

BP REALTY INVESTMENTS, LLC

March 25, 2010

Mr. Greg Ossont
Director - Planning
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, MD 20877

Re: Z-312, SDP-09-001

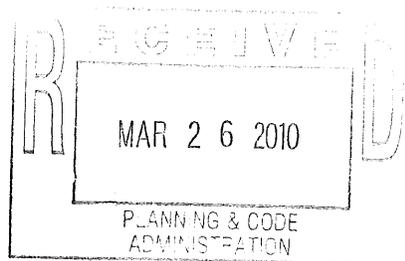
Dear Greg:

Please include the traffic report (including updates) from the Residences at Hidden Creek approval (Z-307(A) and SDP-9-002) in the above mentioned record.

Sincerely,

Peter

Peter Henry
BP Realty Investments, LLC



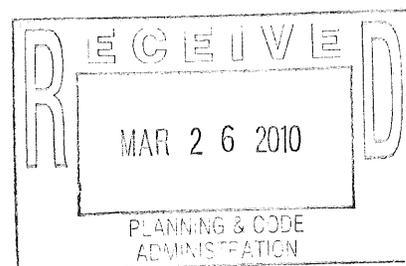
Joint Hearing - MCC & PC
SDP-09-001/Z312
59/29

10000 Falls Road, Suite 100, Potomac, MD 20854
301-299-2099 301-299-2033

BP REALTY INVESTMENTS, LLC

March 25, 2010

Mr. Greg Ossont
Director - Planning
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, MD 20877



Re: Z-312, SDP-09-001 and Absolute Priority.

Dear Greg:

Since the Planning Commission has recommended Z-312 an SDP-09-001 for approval last evening without addressing the outstanding traffic issue, we feel compelled to write and to further explain the underlying problem with approving the project when considering the existing adequate public facilities ordinances. We again want to reiterate that we believe that the project is a worthy project, but do not believe it complies with the City's current APFO.

As a starting point, the City has issued its draft Transportation Masterplan, which shows the existing traffic at the 124/117 intersection to be at failure (i.e., above 1,450 CLV) under the City's APFO ordinance (see Attachment 1). This raises a threshold issue as to how SDP-09-001, which sits at this intersection, could be increased from 156 units to 410 units without violating the APFO standards.

There are two primary issues that need to be examined as to application of the APFO ordinance in this case – (1) should background traffic include those trips to be generated by projects that have received SDP approval, or SDP and final site plan approval, and (2) what is the impact of a project that has an agreement giving it absolute priority on traffic capacity as it relates to the APFO.

City Code and Regulations:

The City Code contains the following relevant provisions as it relates to the traffic portion of the APFO (See Attachment 2):

Sec. 24-244. Applicability.

This article shall not apply to any development that has received schematic development plan approval, preliminary site plan approval, or final site plan approval prior to the effective date of this article. Additionally, when a property is subject to an annexation agreement, any provision of this article that is contrary to the annexation agreement shall not be applicable.

Sec. 24-245. Traffic impact study standards.

Applications for development approvals shall be subject to the requirements set forth in the Gaithersburg Traffic Impact Study Standards, to be adopted by regulation pursuant to section 2-10 of this Code. No application for development approval shall be approved unless it complies with the requirements of Gaithersburg Traffic Impact Study Standards, or the applicant has obtained a determination from staff that the standards are not applicable to the applicant's proposed development.

Section 24-244's inclusion of 'schematic develop plan' and "preliminary site plan approval" in the applicability clause would tend to indicate that the legislative intent of the Council in adopting the APFO was to have traffic reports consider projects as background from the SDP & Preliminary Plan level of approvals onward and not at the Final Site Plan approval.

This approach for analyzing intersections – that of including approved projects at the Preliminary site plan/SDP approval (rather than final site plan approval) is, as we understand it, consistent with the standards utilized by Maryland-National Capital Park and Planning Commission (M-NCPPC) (see Attachment 4).

Traffic Impact Study Standards

Under the City's Traffic Impact Study Standards, the following requirements are found (See Attachment 5):

2. Existing traffic analysis

- a. All intersections will be analyzed using the critical lane volume method as detailed in the latest edition of the Local Area Transportation Review guidelines of the Maryland-National Capital Park and Planning Commission (M-NCPPC).

3. Background traffic

- a. Must include all developments approved and not yet built prior to the submission of an application.

Z-312 and SDP-09-001

In reviewing the Traffic Report for SDP-09-001, it can be seen that, beyond existing buildings, several approved projects were included by the applicant in the background traffic, including Casey East (Spectrum) and Casey West – but only the initial Residential Phase 1 portion (482 Single family homes and Townhomes) which have Final Site Plan approval, rather than the entire Phase 1 approved density for Casey West. (See Attachments 5 and 6)

To explain, the Phase 1 Casey West development SDP approval permits development to occur immediately, (i.e., pre-construction of the interchange or CCT) and has been projected to generate the following trips (See Attachment 7 and 8):

Casey West Phase 1 (Pre Interchange):

<u>Residential Phase 1</u>	<u>Peak AM Trips</u>	<u>Peak PM Trips</u>
95 Single Family Detached	76	102
387 Townhouse units	<u>152</u>	<u>183</u>
	228	285
 Total Phase 1 trips included in analysis	 228	 285
 <u>Commercial Phase 1</u>	 <u>Peak AM Trips</u>	 <u>Peak PM Trips</u>
252 Multifamily units	76	93
210 hotel rooms	103	124
65 Multifamily Units	20	33
Office (493,450 sf)	673	631
Shopping Center (30,235 sf)	76	284
Restaurant (40,584 sf)	468	443
Movie Theater (1,500 seats)	<u>-0-</u>	<u>105</u>
	1,416	1,712
 Total Actual Phase 1 Trips	 1,644	 1,997

(Source – SDP-09-001 traffic report, which was consistent with SDP-05-002 traffic report)

The traffic report for SDP-09-001 included only the Residential Phase 1 trips (228 AM Peak and 285 PM Peak) as background traffic in their traffic calculations, rather than the Phase 1 SDP approved trips (AM Peak = 228+1,416 = 1,776, PM Peak = 285+1,712 = 1,997) – less than 15% of the approved trips. (See Attachment 6).

The approved traffic report for Casey West assigned 60% of those trips to flow thru the 124/117 intersection (see Attachment 7). With 60% of the pre-interchange traffic from Casey West flowing through the 124/117 intersection, the additional trips to be generated by this proposed expansion cannot be accommodated at present.

Casey West and Absolute Priority

In the instance of Casey West, there is an additional factor that is unique. In recognition of its significant traffic improvements and as part of a global legal resolution to then outstanding issues, the project was, in addition granted an absolute priority for its traffic generation from the project – including all of the Phase 1 trips as excerpted below:

14. **Traffic Report** - The Developer shall comply with the City’s 1450 CLV traffic test for the initial phase of the development at the time of the initial approval. Further, the proposed future development that is staged to the Watkins Mill Interchange will also meet the 1450 CLV traffic test at the time of the initial

Mr. Greg Ossont
March 25, 2010
Page 4 of 4

approval. However, due to variables of off-site traffic generation by third parties, completion of 4 lanes of Watkins Mill Road extended within the Developer's property shall be deemed to meet any mitigation requirements for additional traffic generated by this site.

(See Attachment 9)

These trips for the Casey West project have an absolute priority and need to be reserved as part of future traffic reports, since the trips are guaranteed their position.

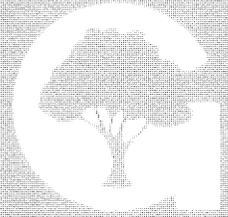
Greg, we again wish to restate that we believe that worthy projects such as the JPI project should proceed. We believe the APFO should be re-considered to permit these transit oriented projects such as this, as well as other projects near existing MARC rail stations such as Olde Town and Metropolitan Grove Road, to be able to proceed. The future CCT stops might then also be considered.

These 'transit-proximate' developments are precisely the kind of denser development that needs to occur around existing and future transit facilities to encourage their use and hasten new transit construction.

Sincerely,

Peter

Peter Henry
BP Realty Investments, LLC



Gaithersburg
A Character-Centered City

City of Gaithersburg TRANSPORTATION

A Master Plan Element

***Draft* February 17, 2010**

Published ??

2009
MASTER PLAN

ATTACHMENT 1

Development projects within Gaithersburg since the 1980s have incorporated roads that do not conform to the Road Code requirements. This has led to the majority of recent City roads being granted under the road code waiver process, whereby the Mayor and City Council approves road designs. These roads do, however, conform to categories within the Master Plan-approved planning classification system.

The two classification systems should not be viewed as conflicting. They serve different purposes; one is a planning tool, the other more engineering based. Kentlands Boulevard, approved under a Road Code waiver can be categorized as a “collector” under the Master Plan classifications. The following chart illustrates the general relationship between the two systems, keeping in mind that a waiver-granted road may be in any Master Plan category:

<i>Master Plan Class</i>	<i>Road Code Class</i>
Freeway	none
Major Arterial	Major Controlled
Arterial	Business District Major Limited Control
Collector	Residential Collector
Minor Collector	Residential Primary
Local	Residential Tertiary Residential Secondary

3.2 Current Congestion Levels

Roads and intersections are designed to accommodate specific volumes of traffic. The growth of the Metropolitan Washington region has led to local roads reaching levels that exceed acceptable capacity. Critical lane volume analysis is a technique for measuring congestion on roads. It involves defining the optimum and actual number of vehicles passing through a given intersection during an AM and PM weekday peak hour. The City established a critical lane volume (CLV) limit for the majority of the City’s roads at 1450 vehicles/hour. Different CLV amounts determine the level of service (LOS), graded “A” through “F”, of roads.

<i>Critical Lane Volume</i>	<i>Level Of Service Grade</i>
≤ 1000	A
1001-1150	B
1151-1300	C
1301-1450	D
1451-1600	E
≥1601	F

In 2007, the City of Gaithersburg adopted an Adequate Public Facilities Ordinance (APFO) that requires proposed development meet certain standards for traffic impacts, school capacity, water and sewer capacity, and the provision of fire and emergency services. The APFO applies to

all future development proposed within the City boundary, unless exempted by an annexation agreement.

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The following chart displays current findings of CLVs and LOS at major intersections in the City of Gaithersburg.⁶ The data shown is the most current and has been taken from traffic studies submitted to the City of Gaithersburg as part of development proposals or from the Montgomery County Planning Department, Division of Transportation Planning⁷.

Table 1: Characteristics of Major Intersections in Gaithersburg⁸

Intersection	Date	AM CLV	LOS	PM CLV	LOS
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Clopper Rd (MD 117) at Watkins Mill/Pheasant Run Dr	09/07/2005	864	A	908	A
Clopper Rd (MD 117) at Metropolitan/Twelve Oaks Dr	09/07/2005	887	A	1002	B
Clopper Rd (MD 117) at Firstfield Rd	04/29/2009	1258	C	1302	D
Clopper Rd (MD 117) at Quince Orchard Rd	03/10/2009	1355	D	1463	E
West Diamond Ave (MD 117) at Bureau Drive	09/07/2005	1191	C	1300	C
West Diamond Ave (MD 117) at Perry Parkway	04/01/2008	1196	C	1410	D
West Diamond Ave (MD 117) at Muddy Branch Rd/Chestnut St	04/14/2009	1040	B	1434	D
West Diamond Ave (MD 117) at Meem Ave/Water St	06/25/2008	524	A	935	A
Darnestown Rd (MD 28) at Quince Orchard Rd	10/02/2007	1311	D	1123	B

⁶ CLV data may fluctuate daily, monthly, or yearly. Traffic studies provide a "snapshot" in time that allows for inferences to be drawn.

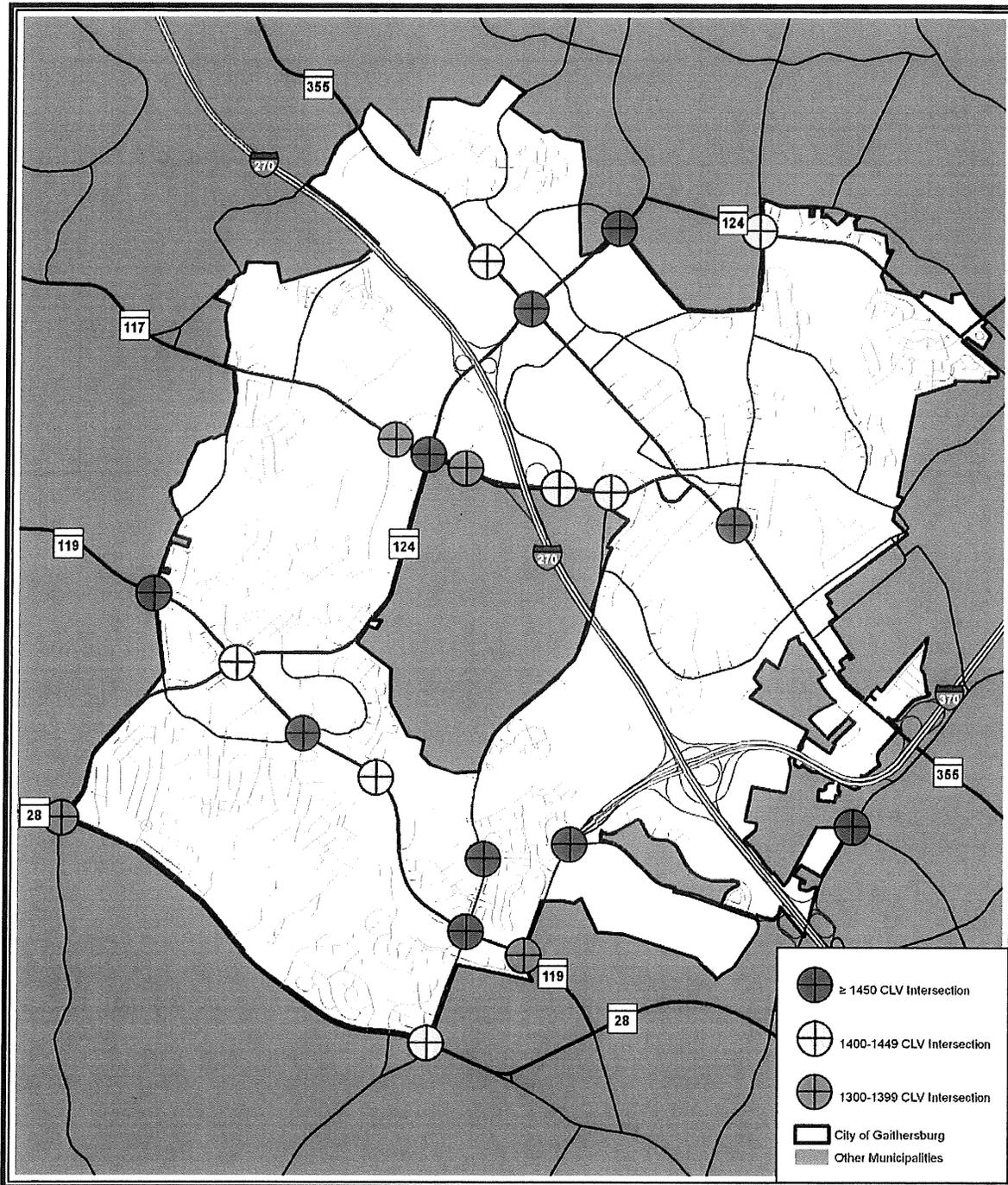
⁷ The draft "2009 Montgomery County, MD Highway Mobility Report" produced by Maryland-National Capital Park & Planning Commission

⁸ Highlighted intersections have a CLV exceeding the APFO standard of 1450

Intersection	Date	AM CLV	LOS	PM CLV	LOS
Darnestown Rd (MD 28) at Tschiffely Square Rd	10/02/2007	1202	C	997	A
Darnestown Rd (MD 28) at Muddy Branch Rd	01/21/2009	1417	D	1347	D
Fields Rd/Omega Drive at Ramp from I-270 SB	09/07/2005	682	A	628	A
Firstfield Rd at north Orchard Pond Access	09/07/2005	258	A	296	A
Frederick Ave (MD 355) at Watkins Mill Rd	04/02/2009	960	A	1189	C
Frederick Ave (MD 355) at Christopher Ave	02/26/2009	1057	B	1417	D
Frederick Ave (MD 355) at Montgomery Village Ave (MD 124)	05/05/2009	1697	F	1553	E
Frederick Ave (MD 355) at Odend'hal Ave	03/31/2009	1013	B	1272	C
Frederick Ave (MD 355) at Chestnut St	03/25/2009	1144	B	1191	C
Frederick Ave (MD 355) at ramp from Clopper Rd(MD 117)	06/25/2008	1129	B	453	A
Frederick Ave (MD 355) at Cedar Ave/Fulks Corner Ave	10/31/2008	1068	B	948	A
Frederick Ave (MD 355) at DeSillum Ave	10/31/2008	949	A	754	A
Frederick Ave (MD 355) at South Summit Ave	07/17/2007	1491	E	1303	D
Frederick Ave (MD 355) at Education Boulevard	02/21/2007	1221	C	862	A
Frederick Ave (MD 355) at West Deer Park Road	02/21/2007	1176	C	1070	B
Frederick Ave (MD 355) at South Westland Drive	04/07/2005	1006	B	1147	B
Girard St at East Diamond Ave	12/21/2007	732	A	555	A
Goshen Road at Emory Grove Road	04/15/2009	873	A	1061	B
Great Seneca Highway (MD 119) at Sam Eig Highway	10/10/2007	1240	C	1348	D
Great Seneca Highway (MD 119) at Muddy Branch Rd	05/12/2009	1512	E	1647	F
Great Seneca Highway (MD 119) at Lakelands Boulevard	01/14/2009	1425	D	1211	C

Intersection	Date	AM CLV	LOS	PM CLV	LOS
Great Seneca Highway (MD 119) at Kentlands Boulevard	04/23/2009	1498	E	1252	C
Great Seneca Highway (MD 119) at Quince Orchard Rd (MD 124)	04/23/2009	1440	D	1423	D
Great Seneca Highway (MD 119) at Longdraft Rd	04/28/2009	1295	C	1477	E
Midcounty Hwy at Goshen Rd	04/02/2009	1176	C	1425	D
Midcounty Highway at Woodfield Rd/Saybrooke Blvd	04/14/2009	976	A	1090	B
Montgomery Village Ave (MD 124) at Russell Ave	04/22/2009	816	A	1218	C
Montgomery Village Ave (MD 124) at Christopher Ave/Lost Knife Rd	05/09/2006	1037	B	1454	E
Muddy Branch Rd at Diamondback Dr	10/09/2007	1563	E	1195	C
Muddy Branch Rd at West Side Dr	10/10/2007	945	A	817	A
Muddy Branch Rd at Festival Shop Center Entrance	10/10/2007	830	A	966	A
Odend'hal Ave at Lost Knife Rd	05/09/2006	425	A	874	A
Odend'hal Ave at Russell Ave	05/09/2006	412	A	744	A
Quince Orchard Rd (MD 124) at Sioux Lane	10/08/2007	866	A	1092	B
Quince Orchard Rd (MD 124) at Longdraft Rd	09/20/2007	669	A	1017	B
Russell Ave at Christopher St	05/06/2009	382	A	750	A
Sam Eig Highway at Diamondback Dr	10/10/2007	933	B	1217	C
Sam Eig Hwy at Fields Rd	10/11/2007	1456	E	1297	C
Shady Grove Rd at Gaither Rd	04/16/2009	1033	B	1468	E
South Summit Ave at East Diamond Ave	12/21/2007	831	A	976	A
North Summit Ave at Brookes Ave./School Entrance	12/21/2007	764	A	753	A
N. Summit Ave at Girard St	12/21/2007	640	A	1053	B
Goshen Rd at Odend'hal Ave	12/21/2007	816	A	1051	B

Map 3: Critical Lane Volume (CLV) of Select City Intersections from Table 1⁹



Source: City of Gaithersburg, Maryland-National Capital Park & Planning Commission

⁹ The intersections shown either are failing the APFO standard of 1450 or have the potential to fail depending upon future impacts associated with development or redevelopment

ARTICLE XV. ADEQUATE PUBLIC FACILITIES

Sec. 24-243. Purpose and intent.

It is the purpose and intent of this article to:

- (1) Implement the authority granted to the City of Gaithersburg pursuant to Article 66B, § 10.01, Md. Code Ann.
- (2) Control and manage growth in an orderly, efficient, cohesive and safe manner consistent with the economic and land use planning policies of the city and for the health, safety and welfare of its inhabitants.
- (3) Provide a mechanism and standards to evaluate and ensure that the public facilities hereafter specified are adequate or will be adequate to serve the needs generated by land use development in the development approval process.
- (4) Provide for the phasing or staging of development, conditional approvals including but not limited to requiring provision of public facilities and/or traffic mitigation to ensure the adequacy of public facilities.
- (5) Ensure that premature development does not occur and to require that development approvals are not rendered by an approving authority without a determination of the adequacy of public facilities or that such facilities will be made adequate within the reasonable foreseeable future.

(Ord. No. O-1-07, 1-2-07)

Sec. 24-244. Applicability.

This article shall not apply to any development that has received schematic development plan approval, preliminary site plan approval, or final site plan approval prior to the effective date of this article. Additionally, when a property is subject to an annexation agreement, any provision of this article that is contrary to the annexation agreement shall not be applicable.

(Ord. No. O-1-07, 1-2-07)

Sec. 24-245. Traffic impact study standards.

Applications for development approvals shall be subject to the requirements set forth in the Gaithersburg Traffic Impact Study Standards, to be adopted by regulation pursuant to section 2-10 of this Code. No application for development approval shall be approved unless it complies with the requirements of Gaithersburg Traffic Impact Study Standards, or the applicant has obtained a determination from staff that the standards are not applicable to the applicant's proposed development.

(Ord. No. O-1-07, 1-2-07)

Sec. 24-246. Adequacy of school capacity.

With the exception of age restricted development, schematic development plan or preliminary site plan for residential development shall not be approved if the subject property is within the attendance area of a Montgomery County Public School that is forecasted to have a student population that exceeds one hundred ten (110) percent of Montgomery County Public Schools Program Capacity two (2) years in the future subject to the following:

- (a) The program capacity for each school attended by Gaithersburg residents is determined annually by the Superintendent of Montgomery County Public Schools and reported to the board of education in the communities facilities master plan and capital improvements program.
- (b) Capacity shall be reviewed individually for each elementary school, middle school, and high school. Sharing of capacity between schools shall not be permitted.
- (c) Upon review of the current communities facilities master plan and capital improvements program, the city manager shall determine on the first business day of each fiscal year whether or not each public school attended by Gaithersburg residents is forecasted to exceed one hundred ten (110) percent of programming capacity two (2) years in the future.
- (d) Notwithstanding the foregoing, the City Council may approve, by resolution, a schematic development or preliminary plan that does not exceed one hundred twenty (120) percent of programming capacity two (2) years in the future upon finding that:
 - i. The project is necessary to implement the master plan or strategic directions and attract an appropriate and compatible type or caliber of user;
 - ii. The project is compatible with existing and proposed adjacent land uses; and
 - iii. The number of students generated by the development project, as determined by Montgomery County Public Schools, does not exceed the number of students associated with the existing development and projected number of students associated with proposed future development at the (development) site included in the school population forecasts two (2) years in the future.

(Ord. No. O-1-07, 1-2-07; Ord. No. O-15-09, 10-19-09)

Sec. 24-247. Water and sewer service.

- (a) *Water supply.* Development that would create a total water demand that would exceed available supply less an adequate reserve for fire-flow shall not be approved. A minimum of one thousand (1,000) gallons per minute shall be deemed adequate fire-flow for the purposes of this subsection. Final water supply adequacy shall be confirmed by the Washington Suburban Sanitary Commission (WSSC) prior to the issuance of development approvals.
- (b) *Sewer service.* Development that would cause the city to exceed transmission capacity available at Blue Plains Wastewater Treatment Plant, Seneca Wastewater Treatment Plant or other facilities as determined by WSSC shall not be approved. Final sewer transmission

capacity shall be confirmed by WSSC prior to the issuance of development approvals.

(Ord. No. O-1-07, 1-2-07)

Sec. 24-248. Fire and emergency services.

(a) *Fire and emergency response.* Ten (10) minute full response availability shall be provided for all proposed development. A full response time is defined as the time required for receiving, processing, and traveling to the site of an emergency call from at least two (2) stations. Fire and rescue stations included and receiving funding in the Montgomery County Capital Improvements Program (CIP) shall be countable.

(Ord. No. O-1-07, 1-2-07)

REGULATION NO. 01-07

ADOPTION OF THE GAITHERSBURG
TRAFFIC IMPACT STUDY STANDARDS AND REGULATION
AS PROVIDED BY CHAPTER 2 OF THE CITY CODE
ENTITLED "ADMINISTRATION"

WHEREAS, Chapter 2 of the City Code entitled "Administration" provides for the establishment of regulations; and

WHEREAS, Chapter 2, Section 2-10 of the said regulations require approval by the Gaithersburg City Council:

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that the Gaithersburg Traffic Impact Study Standards and Regulation be and they are approved and adopted.

Intent

The City of Gaithersburg recognizes the direct correlation between land use decisions and traffic operations. The intent of this document is to permit accurate evaluation of expected impacts of proposed projects.

This document is further intended to help achieve the following objectives:

1. Allow the City of Gaithersburg to assess the effects that a proposed project may have on the community by outlining information needed and evaluation procedures to be used.
2. Provide a standard set of analytic tools and a format for preparing traffic impact studies.
3. Help ensure that traffic operating conditions on streets and intersections will be safe and reasonable after development of a proposed use.
4. Mitigate the negative traffic impacts created by individual developments, by helping to ensure the transportation system can accommodate the expected traffic safely and efficiently.
5. Implement a comprehensive, rather than a piecemeal, approach to determine the impacts of developments.
6. Provide direction to City officials, transportation agencies and developers of the expected impacts of a project.

Definitions

1. Adequacy - Sufficiency to satisfy minimum transportation standards
2. Applicant - Any individual, association, firm, partnership, corporation, government agency, or duly authorized representative submitting a development application
3. Background traffic – includes traffic generated from all nearby developments approved, but not yet built, prior to the submission of a development application
4. Capacity - Maximum number of vehicles that can pass a given point during one hour under prevailing traffic conditions
5. Central Business District (CBD) - A downtown commercial area
6. Congestion standard - A rating system used by traffic engineers to determine a roadway's ability to provide adequate capacity for the volume of traffic (number of vehicles) using the road
7. Diverted trips – traffic shifted from one route or time period to another
8. Existing traffic – an assessment of present day peak hour traffic volumes based on recent traffic counts
9. Final TIS - Technical traffic study required in conjunction with schematic development plans, preliminary plan and/or final site plan submissions, as well as amendment to final site plan, if applicable
10. Intersection Capacity Analysis - Evaluation of existing traffic conditions, background traffic conditions, and of forecast year traffic conditions with the subject development project
11. Intra site – trips that occur internal to the site and do not travel on the surrounding road network
12. Level of Service - A set of operating conditions describing the ability of a transportation network to handle traffic
13. Non-Auto Facility - Non-motorized networks or systems, including walkways, sidewalks, crosswalks, path, pedestrian plazas, bike lanes, and street shoulders
14. Pass-by Trips - Trips that would have traveled on a street adjacent to the subject development even if it had not be constructed; results in a reduction of new trip attributable to subject development
15. Peak Hour Site Trips - Total number of trips (i.e., inbound plus outbound) generated by the development project during the busiest one-hour peak within the peak periods
16. Peak Period - These are times when a highway carries its highest volume of traffic, usually the morning or evening “rush” period when commuters travel to and from work. Typically, peak periods are defined as weekday hours from 7-9 AM and 4-6 PM.
17. Preliminary TIS - Technical traffic study required for concept, or sketch plan submission
18. Queuing analysis – A traffic study performed to determine the amount of traffic waiting to proceed thru an intersection. This information is used to determine length of turn lanes

19. Scoping meeting - Meeting with applicant and City staff to discuss the detailed TIS requirements as they apply to the subject development
20. Standard Traffic Methodology - The methodology used to analyze and evaluate the traffic impacts of development applications
21. Site traffic – traffic generated by a proposed development
22. Total traffic – the sum of existing traffic, background traffic and site traffic
23. Traffic Impact Study – is an analysis which assesses the effects that a particular development's traffic will have on the transportation network in the community
24. Traffic Control Device - Any sign, signal, marking or device placed or erected for the purpose of regulating, warning, or guiding vehicular traffic and/or pedestrians
25. Transportation Demand Management - General term for strategies that promote alternatives to travel by single occupancy vehicle
26. Trip - A one-way movement
27. Trip generation rates – a planning tool used to determine the amount of traffic produced by and attracted to various sites
28. Trip mitigation - Specific design commitments made during the study process that serve to moderate or lessen impacts deriving from the proposed action.

Applicability

1. A traffic impact study (TIS) shall be required and shall be submitted, as part of each development application, as defined in subsection (7) of this section, by an applicant for any new development or redevelopment application that generates 30 or more total (i.e., existing, new, pass-by, intra site and diverted) weekday trips during the peak hour of the morning (6:00 a.m. to 9:00 a.m.) and/or evening (4:00 p.m. to 7:00 p.m.) peak period of the adjacent roadway traffic.
2. The intent of the 30 trip requirement may not be circumvented through the submission of piecemeal development and permit applications or other approval requests.
3. In certain circumstances, City staff may, in consultation with the applicant, require analysis of traffic conditions during a different or additional peak period to reflect the location or trip-generation characteristics of the site, existing conditions or background development as generators of traffic.
4. An application will not be considered complete until the applicable traffic study required under paragraph 7 and/or 8 below is submitted and is deemed approved by the City of Gaithersburg.
5. Staff will determine the acceptability of the conclusions and recommendations of a traffic study in consultation with the applicant, and other impacted agencies as part of the review process
6. Any modifications in the TIS identified by staff's review are the responsibility of the applicant, after appropriate oral and/or written notice of the issues identified or change(s) required.
7. As part of the development approval process, an approved preliminary TIS will be required for concept, or sketch plan submissions.

8. An approved final TIS will be required in conjunction with schematic development plans, preliminary plan and/or final site plan submissions, as well as amendment to final site plan, if applicable.
9. An approved preliminary TIS or final TIS are considered valid for a period of two years from date of acceptance. After this time the City of Gaithersburg will determine if a new TIS is be required.
10. If significant changes in the site characteristic occur: such as changes in development size, land use mix, or access configuration the City of Gaithersburg will determine if a new TIS is required notwithstanding the validity period described in paragraph #9.

Scope of Traffic Impact Study

Once it is determined that a TIS is required, a scoping meeting is required to be held with the developer’s traffic consultant and the appropriate Gaithersburg staff. It will be the responsibility of the consultant to initiate this meeting. At this meeting the following aspects of the traffic study will be proposed by the applicant and/or provided by staff and agreed upon:

1. Intersections that are to be included in the traffic study -The number of intersections to be included will be based upon the trips generated by the development under consideration. As a general guideline, the following indicates the number of significant signalized intersections from the site in each direction to be included in the traffic study. This is based on the number of peak-hour site trips...

Peak hour trips	Number of signalized intersections in each direction
30-249	1
250-749	2
750-1,249	3
1,250-1,749	4
>1,750	5

2. For large projects, i.e., greater than 750 peak-hour site trips, the number of intersections shall reflect likely future signalized intersections as determined by staff and the applicant:
 - a. Staff, in cooperation with the applicant, will use judgment and experience in deciding the significant intersections and links to be studied.
 - b. Interchanges will be afforded special considerations, including ramps/termini being treated as signalized intersections.
 - c. Staff will consider other factors in reaching a decision regarding the number of intersections to be included in the traffic study, such as:
 - i. geographic boundaries; e.g., parks, interstate routes, railroads
 - ii. contiguous land under common ownership
 - iii. the type of trip generated; e.g., new, diverted, pass-by

- iv. the functional classification of roadways
- 3. Approved but unbuilt (i.e., background) development.
 - a. As a general guideline, background development to be included in the traffic study will be in the same geographic area as the intersections to be studied.
 - b. Staging of large background developments beyond the typical time period for a traffic study will be considered on a case-by-case basis.
- 4. Active trip mitigation programs, or physical improvements not completed, that have been required of other developments included in background traffic.
- 5. The adequacy of existing turning movement counts and need for additional data.
- 6. Trip generation rates for the proposed development
- 7. The directional distribution and assignment of trips generated by the proposed development and developments included as background.
- 8. Transportation projects fully funded for construction within four years in the County's Capital Improvement Program (CIP), the State's Consolidated Transportation Program (CTP), or in Gaithersburg or Rockville's Capital Improvement Program (CIP) are to be included in the analysis, along with techniques for estimating traffic diversion to major new programmed facilities.
- 9. Special attention will be given to traffic circulation and/or safety concerns related to site access to public or private facilities with 800 or more seats or which can otherwise accommodate 800 or more people during an event.
- 10. A feasible range of types of traffic engineering improvements or trip mitigation measures associated with implementing the development
- 11. The number, size, and use of buildings or types of residential units on the site
- 12. Queuing analysis, if required
- 13. A pedestrian and bicycle analysis at all intersections studied to assure safe and efficient pedestrian and bicycle access and circulation to and within the site, including:
 - a. pedestrian and/or bicycle counts at intersections
 - b. pedestrian and bicycle accommodations including location and type of crosswalks, pedestrian signals and push buttons, pedestrian refuges, and ADA-compatible ramps
 - c. when pedestrian signals are present the timing provided for each crossing is to be provided
 - d. lead-in sidewalks to the site and connectivity to the local area
 - e. existing and/or proposed bus stops, shelters and benches, including real time transit information
 - f. bicycle racks and/or lockers
 - g. recognition of peak pedestrian and/or bicycle activity periods; e.g., evenings related to restaurants.

Following the scoping meeting staff will prepare a scoping summary letter. This summary will include all details to be included in the traffic study as agreed upon in the Scoping Meeting. All interested parties should receive copies of this letter.

General Criteria and Analytical Techniques

The following information is to be used by all applicants to demonstrate the expected impact on intersections of public roadways by the trips generated by the proposed development.

1. Existing traffic requirements -Traffic counts are required for each intersection to be analyzed.
 - a. Generally, traffic counts less than one year old when the traffic study is submitted are acceptable.
 - b. Traffic counts should not be conducted on a Monday or a Friday, during summer months when public schools are not in session, on federal and/or state and/or county holidays, on the day before or after federal holidays, during the last two weeks of December and the first week of January, or when weather or other conditions have disrupted normal daily traffic.
2. Existing traffic analysis
 - a. All intersections will be analyzed using the critical lane volume method as detailed in the latest edition of the Local Area Transportation Review guidelines of the Maryland–National Capital Park and Planning Commission (M-NCPPC)
 - b. In certain circumstances other methodologies, including the Highway Capacity Manual (HCM), may be required to identify operational problems.
 - c. If requested, link analyses will be performed using HCM procedures.
 - d. For analysis of freeways and interchanges, including merge, diverge and weaving areas, the HCM will be used.
3. Background traffic
 - a. Must include all developments approved and not yet built prior to the submission of an application. City staff will provide a list of locations within the city limits. It will be the applicant's responsibility to obtain this information for locations outside the city limits.
 - b. In addition staff may require that applications in the immediate vicinity of the subject application and filed simultaneously or within the same time frame be included in background traffic, even if these developments have not yet been approved.
 - c. Growth in existing traffic is described as a factor representative of travel growth outside the study area. This factor should be applied to the existing through traffic, and appropriate turning movements, before approved development traffic is applied. The volume should be compounded to the reasonable build out years, typically 3-10 years, depending on the build out schedule. For developments with a build out of less than 3 years, growth in existing traffic need not be applied.

4. Background traffic analysis
 - a. This analysis should take into consideration all transportation improvements expected to be in place within the study area. These improvements should include those which are already programmed or bonded by the State, County, the City of Gaithersburg, the City of Rockville or developer(s). These improvements should be documented in the TIS.
5. Site generated traffic - is described as traffic which will be generated by the development.
 - a. Site traffic estimation should include the following:
 - i. Trip generation - the number of trips shall be calculated using the following sources:
 1. For general office, general retail, residential, fast food restaurant, private school, child day-care center, automobile filling station, senior/elderly housing, or mini warehouse, use the formulas provided the latest edition of the Local Area Transportation Review guidelines of the Maryland-National Capital Park and Planning Commission (M-NCPPC)
 2. For other land uses, use the latest edition of the *Trip Generation Report* published by the Institute of Transportation Engineers (ITE).
 3. For some land uses of a specialized nature, appropriate published trip-generation rates may not be available. In such cases, City staff may request that determination of rates for these land uses be a part of the traffic study. If special rates are to be used, staff must approve them prior to submission of the traffic study.
 - ii. Trip reduction
 1. Total trip generation may be reduced by considering significant on-site existing land use activities that are to be eliminated via redevelopment. Such reductions may be incorporated into the total generated traffic volume. To be eligible for this reduction, the existing land use must be active at the time that traffic counts are performed in the area.
 2. Potential reductions in trip generation for pass-by and/or intra site trips should also be computed at this stage in the Automobile Traffic Analysis.
 - a. Pass-By Trip Reduction - For commercial retail development only, the applicant may make reasonable assumptions regarding pass-by traffic, consistent with guidance provided by ITE. Pass-by trips are those that would have otherwise traveled

applicant will be expected to identify suitable counter-measures to deal with potential safety problems.

v. Traffic Signal Study

1. A traffic signal study may be required to determine the need for a traffic signal at access points or other nearby non-signalized locations. Proper methodology will be determined by City staff.
2. At access points where a traffic signal already exists, the applicant will be responsible for determining all necessary modifications to the existing signal due to site-generated traffic so that it operates in a safe and efficient manner.
3. Traffic Timing Study – may be required to determine ways to move traffic more efficiently thru a series of traffic signal. Proper methodology will be determined by City staff.

vi. Turning Lane Study - may be necessary to determine the need and/or adequacy of turning lanes for handling forecasted traffic volumes without interference to adjacent travel lanes. The need for right turn lanes may also be reviewed.

vii. Interchange Capacity Study - If an interchange capacity study is required, proper methodology will be determined by City staff.

Other - Other special traffic studies may be necessary in order to address potential traffic problems.

Conclusions/Recommendations

1. After all analysis is completed, all intersections and/or links within the study area resulting in a Level-of-Service worse than the City's congestion standard (LOS=1450) must be identified and improvement(s) recommended.
2. In order to be considered acceptable these improvements must provide sufficient capacity to:
 - a. result in a CLV for the total traffic condition that is less than the City congestion standard (LOS=1450), or
 - b. mitigate the traffic impact if the calculated CLV in the total traffic condition exceeds the City congestion standard. Mitigation is achieved when the CLV in the total traffic condition with the improvement is equal to or less than the CLV in the background traffic condition without the improvement.
3. Physical road improvements, participation in improvements that would benefit the general transportation study area, trip mitigation agreements, non-automobile transportation amenities, or a combination thereof, may be used to resolve this issue. The City of Gaithersburg may select any or all of these solutions as the required means to achieve this requirement.
 - a. Physical improvements:
 - i. Any improvements proposed to be done by the developer should include a discussion of the feasibility of construction. The traffic

- analysis should be detailed enough to confirm the feasibility and establish the cost of proposed mitigating actions and should present the commitment of the applicant to provide these measures as appropriate. Final functional plans for roadway improvements should be submitted at the detailed engineering stage in the development review process.
- ii. any improvement suggested as being implemented by "others" should indicate by whom. If funded by a public agency then a copy of the page from the appropriate document should be included in the report. If funded by another developer, then documentation should likewise be included.
 - iii. when development is conditioned upon improvements, those improvements must be bonded and under construction or under contract for construction prior to the issuance of building permits for new development.
- b. Participation in improvements that would benefit the general transportation study area - In some cases it is of benefit to both the developer and a public agency for the developer to participate in transportation projects that would help to improve traffic in the general study area but may not be required as part of the requirements of a traffic study.
1. To do this the applicant would be required to enter into a legally-binding agreement (or contract) with the appropriate agency that detailed the participation level of the developer as well as the impact to the transportation system that would derive from this agreement.
 2. This process could be used in lieu of specific improvements required by the TIS or may be used to mitigate the impact of an intersection where other solutions have failed to improve the intersection sufficiently.
- c. Trip mitigation agreements (TMA)
- i. If an applicant enters into a TMA with a public agency to mitigate the impact of all or a part of their site-generated trips, they will be required to do so by entering in to a legally binding agreement (or contract).
 - ii. Each traffic mitigation program will be required to operate for at least 12 years once the trip reduction requirements have been met, but, at the discretion of the City, no longer than 15 years.
 - iii. The following are examples of the measures that could be included in a TMA:
 1. Subsidizing transit fares to increase ridership on existing or other transit bus routes
 2. Providing the capital and operating costs to add a new bus/transit route, extend an existing bus/transit route, or improve service (frequency or span) on an existing route
 3. Constructing a new park-and-ride facility

4. Providing funds to increase use of an existing park-and-ride facility
 5. Funding a private shuttle service; e.g., to and from the site to a nearby Metrorail Station or to a park-and-ride facility
 6. Constructing queue-jumper lanes, providing traffic signal pre-emption devices and other techniques to improve bus travel times
 7. Parking management activities
 8. Live-near-your-work programs
- iv. A TMA may require monitoring. If monitoring is required, it shall be done on a quarterly basis at the applicant's expense to ensure compliance with the conditions of the contract. If the goals are not being met, monthly monitoring will be required until such time as the goals are met for three consecutive months. Staff will work with the applicant to seek additional measures to ensure compliance during periods when the goals are not being met.
 - v. Up to a 10% (15 % in the CBD) reduction in new peak hour trips may be allowed for a TMA. These reductions are taken after pass-by trip reductions and before any other reductions or credits are applied. Trips are credited against the total trip generation for the site and not at specific intersections unless agreed upon and deemed in the best interests of the City.
 - vi. However, mitigation will be targeted toward intersections that are impacted by the new development
- d. Non-automobile transportation amenities
- i. Applicants are encouraged to mitigate transportation impacts and bring their impact level to acceptable levels, by providing non-auto improvements and modifications to the transportation system.
 - ii. Applicants may receive trip credits only for off site non-auto improvements approved by the City.
 - iii. Trip credits will generally be applied as mitigation according to the rates outlined in the latest edition of the City of Rockville's Comprehensive Transportation Review Methodology. and may include a combination of facilities, recognizing that certain facilities and programs are more effective in reducing trips than others.
 - iv. Up to a 10% (15 % in the CBD) reduction in new peak hour trips may be allowed for the non-auto improvements. Generally, these reductions are taken after pass-by trip reductions and before any other reductions or credits are applied. Trips are credited against the total trip generation for the site and not at specific intersections unless agreed upon and deemed in the best interests of the City.
 - v. Mitigation involving transit facilities must be done in coordination with DPW&T and WMATA, taking into account the effects such facilities may have on operational costs and transit planning.

4. Coordination with Other Jurisdictions - Auto and non-auto improvements that are within the study area(s) of the development but are outside of City boundaries, or are not controlled by the City, will require coordination with other jurisdictions. If commitment is not guaranteed during the development review process, then the Planning Commission and/or Mayor and Council may or may not grant approval for the development, may approve the development with conditions, or may waive the requirement with full and informed consent.

ADOPTED this 16th day of January, 2007 by the City Council of Gaithersburg, Maryland.

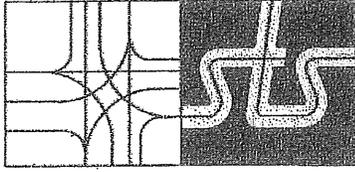
SIDNEY A. KATZ, MAYOR and
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this 16th day of January, 2007. APPROVED by the Mayor of the City of Gaithersburg, this 16th day of January, 2007.

SIDNEY KATZ, Mayor

THIS IS TO CERTIFY that the foregoing Regulation was adopted by the City Council of the City of Gaithersburg, in public meeting assembled, on the 16th day of January, 2007 and that the same was approved by the Mayor of the City of Gaithersburg on the 16th day of January, 2007. This Regulation will become effective immediately.

David B. Humpton, City Manager



Street Traffic Studies, Ltd.
400 Crain Highway, N.W.
Glen Burnie, Maryland 21061
(410) 590-5500 Phone
(410) 590-6637 Fax

March 25, 2010

Mr. David W. Duncan
Watkins Mill Town Center
10000 Falls Road
Suite 100
Potomac, MD 20854

David,

As we discussed, the City of Gaithersburg Traffic Impact Study Standards and Regulation (Regulation No. 01-07) require the inclusion of background development in any traffic assessment of new development proposals. Background development is defined as approved, but un-built projects in the same geographic environs as the subject project, and in certain cases may include developments on a concurrent track which have not yet received approval (see page 6, item 3 of attached guidelines).

It is important to note that applications may also be subject to Maryland-National Capital Park and Planning Commission (MNCPPC) guidelines which define approved developments as any project with Preliminary Plan approval or higher; i.e., preliminary plan, site plan, or record plat.

Furthermore, both jurisdictions require a scoping meeting/letter in which an applicant or their traffic engineer requests the scope of the traffic analysis including the background/approved developments. This information is provided by staff and is specific to an individual project.

An example of "approved" sites within the Gaithersburg area, as defined by MNCPPC include SP approvals, SDP approvals, AFP approvals, and zoning Z approvals as indicated in the Pipeline of Approved Residential Development (see attachment B).

Sincerely,

Carl F. Starkey, P.E.
Sr. Transportation Engineer

Attachment

REGULATION NO. 01-07

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TRAFFIC IMPACT STUDY STANDARDS AND REGULATION
AS PROVIDED BY CHAPTER 2 OF THE CITY CODE
ENTITLED "ADMINISTRATION"**

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4. Mitigate the negative traffic impacts created by individual developments, by helping to ensure the transportation system can accommodate the expected traffic safely and efficiently.
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7. Diverted trips - traffic shifted from one route or time period to another
8. Existing traffic - an assessment of present day peak hour traffic volumes based on recent traffic counts
9. Final TIS - Technical traffic study required in conjunction with schematic development plans, preliminary plan and/or final site plan submissions, as well as amendment to final site plan, if applicable
10. Intersection Capacity Analysis - Evaluation of existing traffic conditions, background traffic conditions, and of forecast year traffic conditions with the subject development project
11. Intra site - trips that occur internal to the site and do not travel on the surrounding road network
12. Level of Service - A set of operating conditions describing the ability of a transportation network to handle traffic
13. Non-Auto Facility - Non-motorized networks or systems, including walkways, sidewalks, crosswalks, path, pedestrian plazas, bike lanes, and street shoulders
14. Pass-by Trips - Trips that would have traveled on a street adjacent to the subject development even if it had not be constructed; results in a reduction of new trip attributable to subject development
15. Peak Hour Site Trips - Total number of trips (i.e., inbound plus outbound) generated by the development project during the busiest one-hour peak within the peak periods
16. Peak Period - These are times when a highway carries its highest volume of traffic, usually the morning or evening "rush" period when commuters travel to and from work. Typically, peak periods are defined as weekday hours from 7-9 AM and 4-6 PM.
17. Preliminary TIS - Technical traffic study required for concept, or sketch plan submission
18. Queuing analysis - A traffic study performed to determine the amount of traffic waiting to proceed thru an intersection. This information is used to determine length of turn lanes

19. Scoping meeting - Meeting with applicant and City staff to discuss the detailed TIS requirements as they apply to the subject development
20. Standard Traffic Methodology - The methodology used to analyze and evaluate the traffic impacts of development applications
21. Site traffic - traffic generated by a proposed development
22. Total traffic - the sum of existing traffic, background traffic and site traffic
23. Traffic Impact Study - is an analysis which assesses the effects that a particular development's traffic will have on the transportation network in the community
24. Traffic Control Device - Any sign, signal, marking or device placed or erected for the purpose of regulating, warning, or guiding vehicular traffic and/or pedestrians
25. Transportation Demand Management - General term for strategies that promote alternatives to travel by single occupancy vehicle
26. Trip - A one-way movement
27. Trip generation rates - a planning tool used to determine the amount of traffic produced by and attracted to various sites
28. Trip mitigation - Specific design commitments made during the study process that serve to moderate or lessen impacts deriving from the proposed action.

Applicability

1. A traffic impact study (TIS) shall be required and shall be submitted, as part of each development application, as defined in subsection (7) of this section, by an applicant for any new development or redevelopment application that generates 30 or more total (i.e., existing, new, pass-by, intra site and diverted) weekday trips during the peak hour of the morning (6:00 a.m. to 9:00 a.m.) and/or evening (4:00 p.m. to 7:00 p.m.) peak period of the adjacent roadway traffic.
2. The intent of the 30 trip requirement may not be circumvented through the submission of piecemeal development and permit applications or other approval requests.
3. In certain circumstances, City staff may, in consultation with the applicant, require analysis of traffic conditions during a different or additional peak period to reflect the location or trip-generation characteristics of the site, existing conditions or background development as generators of traffic.
4. An application will not be considered complete until the applicable traffic study required under paragraph 7 and/or 8 below is submitted and is deemed approved by the City of Gaithersburg.
5. Staff will determine the acceptability of the conclusions and recommendations of a traffic study in consultation with the applicant, and other impacted agencies as part of the review process
6. Any modifications in the TIS identified by staff's review are the responsibility of the applicant, after appropriate oral and/or written notice of the issues identified or change(s) required.
7. As part of the development approval process, an approved preliminary TIS will be required for concept, or sketch plan submissions.

8. An approved final TIS will be required in conjunction with schematic development plans, preliminary plan and/or final site plan submissions, as well as amendment to final site plan, if applicable.
9. An approved preliminary TIS or final TIS are considered valid for a period of two years from date of acceptance. After this time the City of Gaithersburg will determine if a new TIS is be required.
10. If significant changes in the site characteristic occur: such as changes in development size, land use mix, or access configuration the City of Gaithersburg will determine if a new TIS is required notwithstanding the validity period described in paragraph #9.

Scope of Traffic Impact Study

Once it is determined that a TIS is required, a scoping meeting is required to be held with the developer's traffic consultant and the appropriate Gaithersburg staff. It will be the responsibility of the consultant to initiate this meeting. At this meeting the following aspects of the traffic study will be proposed by the applicant and/or provided by staff and agreed upon:

1. Intersections that are to be included in the traffic study -The number of intersections to be included will be based upon the trips generated by the development under consideration. As a general guideline, the following indicates the number of significant signalized intersections from the site in each direction to be included in the traffic study. This is based on the number of peak-hour site trips...

Peak hour trips	Number of signalized intersections in each direction
30-249	1
250-749	2
750-1,249	3
1,250-1,749	4
>1,750	5

2. For large projects, i.e., greater than 750 peak-hour site trips, the number of intersections shall reflect likely future signalized intersections as determined by staff and the applicant:
 - a. Staff, in cooperation with the applicant, will use judgment and experience in deciding the significant intersections and links to be studied.
 - b. Interchanges will be afforded special considerations, including ramps/termini being treated as signalized intersections.
 - c. Staff will consider other factors in reaching a decision regarding the number of intersections to be included in the traffic study, such as:
 - i. geographic boundaries; e.g., parks, interstate routes, railroads
 - ii. contiguous land under common ownership
 - iii. the type of trip generated; e.g., new, diverted, pass-by

- iv. the functional classification of roadways
- 3. Approved but unbuilt (i.e., background) development.
 - a. As a general guideline, background development to be included in the traffic study will be in the same geographic area as the intersections to be studied.
 - b. Staging of large background developments beyond the typical time period for a traffic study will be considered on a case-by-case basis.
- 4. Active trip mitigation programs, or physical improvements not completed, that have been required of other developments included in background traffic.
- 5. The adequacy of existing turning movement counts and need for additional data.
- 6. Trip generation rates for the proposed development
- 7. The directional distribution and assignment of trips generated by the proposed development and developments included as background.
- 8. Transportation projects fully funded for construction within four years in the County's Capital Improvement Program (CIP), the State's Consolidated Transportation Program (CTP), or in Gaithersburg or Rockville's Capital Improvement Program (CIP) are to be included in the analysis, along with techniques for estimating traffic diversion to major new programmed facilities.
- 9. Special attention will be given to traffic circulation and/or safety concerns related to site access to public or private facilities with 800 or more seats or which can otherwise accommodate 800 or more people during an event.
- 10. A feasible range of types of traffic engineering improvements or trip mitigation measures associated with implementing the development
- 11. The number, size, and use of buildings or types of residential units on the site
- 12. Queuing analysis, if required
- 13. A pedestrian and bicycle analysis at all intersections studied to assure safe and efficient pedestrian and bicycle access and circulation to and within the site, including:
 - a. pedestrian and/or bicycle counts at intersections
 - b. pedestrian and bicycle accommodations including location and type of crosswalks, pedestrian signals and push buttons, pedestrian refuges, and ADA-compatible ramps
 - c. when pedestrian signals are present the timing provided for each crossing is to be provided
 - d. lead-in sidewalks to the site and connectivity to the local area
 - e. existing and/or proposed bus stops, shelters and benches, including real time transit information
 - f. bicycle racks and/or lockers
 - g. recognition of peak pedestrian and/or bicycle activity periods; e.g., evenings related to restaurants.

Following the scoping meeting staff will prepare a scoping summary letter. This summary will include all details to be included in the traffic study as agreed upon in the Scoping Meeting. All interested parties should receive copies of this letter.

General Criteria and Analytical Techniques

The following information is to be used by all applicants to demonstrate the expected impact on intersections of public roadways by the trips generated by the proposed development.

1. Existing traffic requirements -Traffic counts are required for each intersection to be analyzed.
 - a. Generally, traffic counts less than one year old when the traffic study is submitted are acceptable.
 - b. Traffic counts should not be conducted on a Monday or a Friday, during summer months when public schools are not in session, on federal and/or state and/or county holidays, on the day before or after federal holidays, during the last two weeks of December and the first week of January, or when weather or other conditions have disrupted normal daily traffic.
2. Existing traffic analysis
 - a. All intersections will be analyzed using the critical lane volume method as detailed in the latest edition of the Local Area Transportation Review guidelines of the Maryland-National Capital Park and Planning Commission (M-NCPPC)
 - b. In certain circumstances other methodologies, including the Highway Capacity Manual (HCM), may be required to identify operational problems.
 - c. If requested, link analyses will be performed using HCM procedures.
 - d. For analysis of freeways and interchanges, including merge, diverge and weaving areas, the HCM will be used.
3. Background traffic
 - a. Must include all developments approved and not yet built prior to the submission of an application. City staff will provide a list of locations within the city limits. It will be the applicant's responsibility to obtain this information for locations outside the city limits.
 - b. In addition staff may require that applications in the immediate vicinity of the subject application and filed simultaneously or within the same time frame be included in background traffic, even if these developments have not yet been approved.
 - c. Growth in existing traffic is described as a factor representative of travel growth outside the study area. This factor should be applied to the existing through traffic, and appropriate turning movements, before approved development traffic is applied. The volume should be compounded to the reasonable build out years, typically 3-10 years, depending on the build out schedule. For developments with a build out of less than 3 years, growth in existing traffic need not be applied.

4. **Background traffic analysis**
 - a. This analysis should take into consideration all transportation improvements expected to be in place within the study area. These improvements should include those which are already programmed or bonded by the State, County, the City of Gaithersburg, the City of Rockville or developer(s). These improvements should be documented in the TIS.
5. **Site generated traffic** - is described as traffic which will be generated by the development.
 - a. Site traffic estimation should include the following:
 - i. Trip generation - the number of trips shall be calculated using the following sources:
 1. For general office, general retail, residential, fast food restaurant, private school, child day-care center, automobile filling station, senior/elderly housing, or mini warehouse, use the formulas provided the latest edition of the Local Area Transportation Review guidelines of the Maryland-National Capital Park and Planning Commission (M-NCPPC)
 2. For other land uses, use the latest edition of the *Trip Generation Report* published by the Institute of Transportation Engineers (ITE).
 3. For some land uses of a specialized nature, appropriate published trip-generation rates may not be available. In such cases, City staff may request that determination of rates for these land uses be a part of the traffic study. If special rates are to be used, staff must approve them prior to submission of the traffic study.
 - ii. Trip reduction
 1. Total trip generation may be reduced by considering significant on-site existing land use activities that are to be eliminated via redevelopment. Such reductions may be incorporated into the total generated traffic volume. To be eligible for this reduction, the existing land use must be active at the time that traffic counts are performed in the area.
 2. Potential reductions in trip generation for pass-by and/or intra site trips should also be computed at this stage in the Automobile Traffic Analysis.
 - a. Pass-By Trip Reduction - For commercial retail development only, the applicant may make reasonable assumptions regarding pass-by traffic, consistent with guidance provided by ITE. Pass-by trips are those that would have otherwise traveled

applicant will be expected to identify suitable counter-measures to deal with potential safety problems.

v. Traffic Signal Study

1. A traffic signal study may be required to determine the need for a traffic signal at access points or other nearby non-signalized locations. Proper methodology will be determined by City staff.
2. At access points where a traffic signal already exists, the applicant will be responsible for determining all necessary modifications to the existing signal due to site-generated traffic so that it operates in a safe and efficient manner.
3. Traffic Timing Study – may be required to determine ways to move traffic more efficiently thru a series of traffic signal. Proper methodology will be determined by City staff.

vi. Turning Lane Study - may be necessary to determine the need and/or adequacy of turning lanes for handling forecasted traffic volumes without interference to adjacent travel lanes. The need for right turn lanes may also be reviewed.

vii. Interchange Capacity Study - If an interchange capacity study is required, proper methodology will be determined by City staff.

Other - Other special traffic studies may be necessary in order to address potential traffic problems.

Conclusions/Recommendations

1. After all analysis is completed, all intersections and/or links within the study area resulting in a Level-of-Service worse than the City's congestion standard (LOS=1450) must be identified and improvement(s) recommended.
2. In order to be considered acceptable these improvements must provide sufficient capacity to:
 - a. result in a CLV for the total traffic condition that is less than the City congestion standard (LOS=1450), or
 - b. mitigate the traffic impact if the calculated CLV in the total traffic condition exceeds the City congestion standard. Mitigation is achieved when the CLV in the total traffic condition with the improvement is equal to or less than the CLV in the background traffic condition without the improvement.
3. Physical road improvements, participation in improvements that would benefit the general transportation study area, trip mitigation agreements, non-automobile transportation amenities, or a combination thereof, may be used to resolve this issue. The City of Gaithersburg may select any or all of these solutions as the required means to achieve this requirement.
 - a. Physical improvements:
 - i. Any improvements proposed to be done by the developer should include a discussion of the feasibility of construction. The traffic

analysis should be detailed enough to confirm the feasibility and establish the cost of proposed mitigating actions and should present the commitment of the applicant to provide these measures as appropriate. Final functional plans for roadway improvements should be submitted at the detailed engineering stage in the development review process.

- ii. any improvement suggested as being implemented by "others" should indicate by whom. If funded by a public agency then a copy of the page from the appropriate document should be included in the report. If funded by another developer, then documentation should likewise be included.
 - iii. when development is conditioned upon improvements, those improvements must be bonded and under construction or under contract for construction prior to the issuance of building permits for new development.
- b. Participation in improvements that would benefit the general transportation study area - In some cases it is of benefit to both the developer and a public agency for the developer to participate in transportation projects that would help to improve traffic in the general study area but may not be required as part of the requirements of a traffic study.
1. To do this the applicant would be required to enter into a legally-binding agreement (or contract) with the appropriate agency that detailed the participation level of the developer as well as the impact to the transportation system that would derive from this agreement.
 2. This process could be used in lieu of specific improvements required by the TIS or may be used to mitigate the impact of an intersection where other solutions have failed to improve the intersection sufficiently.
- c. Trip mitigation agreements (TMA)
- i. If an applicant enters into a TMA with a public agency to mitigate the impact of all or a part of their site-generated trips, they will be required to do so by entering in to a legally binding agreement (or contract).
 - ii. Each traffic mitigation program will be required to operate for at least 12 years once the trip reduction requirements have been met, but, at the discretion of the City, no longer than 15 years.
 - iii. The following are examples of the measures that could be included in a TMA:
 1. Subsidizing transit fares to increase ridership on existing or other transit bus routes
 2. Providing the capital and operating costs to add a new bus/transit route, extend an existing bus/transit route, or improve service (frequency or span) on an existing route
 3. Constructing a new park-and-ride facility

4. Providing funds to increase use of an existing park-and-ride facility
 5. Funding a private shuttle service; e.g., to and from the site to a nearby Metrorail Station or to a park-and-ride facility
 6. Constructing queue-jumper lanes, providing traffic signal pre-emption devices and other techniques to improve bus travel times
 7. Parking management activities
 8. Live-near-your-work programs
- iv. A TMA may require monitoring. If monitoring is required, it shall be done on a quarterly basis at the applicant's expense to ensure compliance with the conditions of the contract. If the goals are not being met, monthly monitoring will be required until such time as the goals are met for three consecutive months. Staff will work with the applicant to seek additional measures to ensure compliance during periods when the goals are not being met.
 - v. Up to a 10% (15 % in the CBD) reduction in new peak hour trips may be allowed for a TMA. These reductions are taken after pass-by trip reductions and before any other reductions or credits are applied. Trips are credited against the total trip generation for the site and not at specific intersections unless agreed upon and deemed in the best interests of the City.
 - vi. However, mitigation will be targeted toward intersections that are impacted by the new development
- d. Non-automobile transportation amenities
- i. Applicants are encouraged to mitigate transportation impacts and bring their impact level to acceptable levels, by providing non-auto improvements and modifications to the transportation system.
 - ii. Applicants may receive trip credits only for off site non-auto improvements approved by the City.
 - iii. Trip credits will generally be applied as mitigation according to the rates outlined in the latest edition of the City of Rockville's Comprehensive Transportation Review Methodology, and may include a combination of facilities, recognizing that certain facilities and programs are more effective in reducing trips than others.
 - iv. Up to a 10% (15 % in the CBD) reduction in new peak hour trips may be allowed for the non-auto improvements. Generally, these reductions are taken after pass-by trip reductions and before any other reductions or credits are applied. Trips are credited against the total trip generation for the site and not at specific intersections unless agreed upon and deemed in the best interests of the City.
 - v. Mitigation involving transit facilities must be done in coordination with DPW&T and WMATA, taking into account the effects such facilities may have on operational costs and transit planning.

4. Coordination with Other Jurisdictions - Auto and non-auto improvements that are within the study area(s) of the development but are outside of City boundaries, or are not controlled by the City, will require coordination with other jurisdictions. If commitment is not guaranteed during the development review process, then the Planning Commission and/or Mayor and Council may or may not grant approval for the development, may approve the development with conditions, or may waive the requirement with full and informed consent.

ADOPTED this 16th day of January, 2007 by the City Council of Gaithersburg, Maryland.

SIDNEY A. KATZ, MAYOR and
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this 16th day of January, 2007. APPROVED by the Mayor of the City of Gaithersburg, this 16th day of January, 2007.

SIDNEY KATZ, Mayor

THIS IS TO CERTIFY that the foregoing Regulation was adopted by the City Council of the City of Gaithersburg, in public meeting assembled, on the 16th day of January, 2007 and that the same was approved by the Mayor of the City of Gaithersburg on the 16th day of January, 2007. This Regulation will become effective immediately.

David B. Humpton, City Manager

**Pipeline of Approved Residential Development
by Project, Unit Type and Policy Area
Montgomery County, Maryland**

Source: M-NCPPC, Research & Technology Center, Pipeline of Approved Development, 2009 Base.
as of January 10, 2010

Plan Number	TZ1999	Project Name	Approved Units by Type			Units Remaining to be Built		
			Detached Single Family	Town-house	Multi-family	Detached Single Family	Town-house	Multi-family
Aspen Hill								
120090040	111	Harry Marton Tract	1	0	0	1	0	0
120070400	111	Allanwood (resubdivision)	3	0	0	3	0	0
120050600	111	Radwick Lane	7	0	0	7	0	0
120040560	111	Atwood Road Property	11	0	0	7	0	0
120020860	111	Layhill Village East	23	6	0	0	0	0
119852420	111	James O'Connor Property	5	0	0	3	0	0
12007043A	113	Homecrest Phase II	6	0	0	6	0	0
820070190	113	Leisure World's Villa Cortese, Building V	0	0	46	0	0	46
12007049A	113	Layhill Overlook	19	18	0	19	18	0
120090170	114	Manor Park	1	0	0	1	0	0
120060100	116	Rock Creek Woods	0	30	0	0	30	0
120050330	119	Brookhaven	6	0	0	5	0	0
Subtotal			62	54	46	52	48	46
Bethesda Central Business District								
120070200	3	Woodmont East Phase II	0	0	250	0	0	250
120070690	3	Lot 31&Lot31A Bethesda	0	0	250	0	0	250
120040410	3	Arlington East	0	0	180	0	0	3
120090060	4	Monty	0	0	200	0	0	200
820080050	4	Hollyoak	4	0	0	4	0	0
120070500	4	Hampden Lane	0	0	60	0	0	60
120070720	4	Edgemoor Phase IV	0	0	11	0	0	11
120080050	4	Holladay at Edgemoor	0	0	45	0	0	45
120070280	4	4901 Hampden Lane	0	0	50	0	0	50
820040090	4	4933 Fairmont Avenue	0	0	2	0	0	2

120010640	97	Deer Park(resubdivision)	12	0	0	3	0	0
120030950	97	Summer Hill	3	0	0	3	0	0
120070260	98	Burn Brae Property	0	63	0	0	63	0
120061090	98	Kushner Property	0	36	0	0	36	0
120060600	98	Naylor Property	0	12	0	0	12	0
81971011A	98	Woodlake	0	59	0	0	59	0
120050020	98	Verbits Acres	7	0	0	1	0	0
120040960	98	Towns of Dogwood	0	29	0	0	20	0
12004097A	98	Alpine Forest	0	16	0	0	6	0
120040200	98	Day Property	0	10	0	0	10	0
119981060	98	Greencastle Woods (ARP)	0	6	0	0	6	0
119842320	98	Silverwood	0	24	0	0	6	0
120060300	99	Rolling Acres	9	0	0	9	0	0
120061140	100	Fairland Road	4	0	0	4	0	0
120050510	100	Mitter Property	2	0	0	2	0	0
120080170	101	Charles Duvall Farm	2	0	0	2	0	0
120050960	101	James Property	2	0	0	2	0	0
120040750	101	Franklin Property	1	0	0	1	0	0
120040380	101	Liberty Grove	2	0	0	2	0	0
11997033A	101	Harding Subdivision	1	0	0	1	0	0
120080420	103	Tischer Property	2	0	0	2	0	0
Subtotal			85	598	0	62	241	0

Friendship Heights

119990390	2	Friendship Commons (Gelco)	0	200	300	0	200	300
Subtotal			0	200	300	0	200	300

Gaithersburg City

SP-04-0007	200	Rashidian Estates	4	0	0	3	0	0
SDP-05-002	214	Watkins Mill Town Center	94	237	735	94	237	735
SP-07-0004	215	Crown Farm	188	433	1611	154	433	1,611
SP-05-0004	215	Crown Pointe	13	55	0	13	36	0
AFP-07-038	222	Kentlands Gatehouse	0	0	1	0	0	1
SP-07-0020	223	Quince Orchard Park - Vistas	13	38	32	13	38	32
Z-306	228	North Frederick Ave	0	0	300	0	0	300
SDP-07-001	228	The Spectrum at Watkins Mill (Casey East)	0	0	224	0	0	224
SP-07-0010	229	Asbury Manor Homes	0	0	60	0	0	60
SP-07-0001	229	Asbury North Village Duplexes	0	43	0	0	43	0

SP-05-0011	229	Summitt Crossing	9	36	0	0	22	0
SP-08-0008	230	Residences @ Olde Towne	0	0	191	0	0	191
AFP-08-022	230	Saint Martin's Convent	0	0	4	0	0	4
SP-07-0016	230	Summit Woods Apartment @ Fairfield	0	0	198	0	0	198
SDP-06-004	230	Fairfield @ West Deer Park	0	53	343	0	53	343
SP-05-0002	230	Observatory Heights	4	0	0	3	0	0
CSP-04-001	232	Flower Apartments	0	0	32	0	0	9
Z-307	233	Summit Center	0	0	300	0	0	300
SP-08-0001	233	Archstone Olde Towne	0	0	389	0	0	389
SP-03-0008	233	Hidden Creek Land Bay lit	16	325	116	0	87	0
SP-08-0001	233	Deer Park Apartments	0	0	22	0	0	22
SP-08-0001	233	Diamond Court Apartments	0	0	26	0	0	26
SP-08-0001	233	Ty-Gwyn Apartments	0	0	25	0	0	25
Subtotal			34	1,220	4,609	280	949	4,470

Germantown East

120020830	287	Boland Farms	5	0	0	1	0	0
120061020	290	Rosewood Manor Estates	2	0	0	2	0	0
120050260	290	The Towns of Boland Farms	0	21	0	0	21	0
120040290	286	Eton Square	0	122	0	0	93	0
Subtotal			7	143	0	3	114	0

Germantown Town Center

120020680	283	Buckingham Station (Fairfield)	0	0	604	0	0	112
Subtotal			0	0	604	0	0	112

Germantown West

120060470	252	Gateway Park Residential	0	28	0	0	28	0
119960840	252	Liberty Heights	2	0	0	1	0	0
120040600	253	13805 Leaman Farm Rd	34	34	0	25	0	0
120050070	253	Kingsview Knolls (resubdivision)	2	0	0	2	0	0
120030850	253	Kingsview Knolls (resubdivision)	4	0	0	4	0	0
119882160A	253	Hoyles Mill Village Phase 1 & 2 (King Hargett Propert	384	152	0	160	115	0
120060620	255	Liberty Heights	1	0	0	1	0	0
WSSC	255	Robins Crest	1	0	0	1	0	0
WSSC	255	Robins Crest	1	0	0	1	0	0
120040520	255	Liberty Mill	3	0	0	3	0	0
Subtotal			432	214	0	198	145	0

Grosvenor

Richard Huang

From: Glenn Cook
Sent: Friday, December 19, 2008 9:00 AM
To: Richard Huang
Subject: FW: Orchard Pond Apartments TIS

Here is information from the City for Background.

-----Original Message-----

From: Eliza Voigt [mailto:EVoigt@gaithersburgmd.gov]
Sent: Friday, December 19, 2008 8:51 AM
To: Glenn Cook
Cc: Ollie Mumpower; Trudy Schwarz
Subject: Orchard Pond Apartments TIS

Gary:

In terms of "pipeline" developments in the near vicinity of the Orchard Pond Apartments for the TIS:

A. Watkins Mill Town Center - property is located north of CSX Railroad tracks and Metropolitan Grove Road and south of Interstate 270 Phase I: Watkins Mill Road. Extended includes: 472 attached and detached residential units; 252 condominium units; 106,639 square feet of mixed use; 493,450 square feet office; 210 room hotel and related 38,000 square feet meeting room/dining facilities; 65 penthouse condos. At this time final site plan approval has been granted for 436 dwelling units for The Woodlands at Watkins Mill Town Center. Phase 2 at the time the Watkins Mill Interchange is completed will include: 14,400 sf (bank/service), 80,600 sf (retail/restaurant), 360,000 office, and 184 room hotel. Phase 3 at the time of the Corridor Cities Transitway (CCT): 276 condo units; 20,300 sf mixed use; 83,200 sf office. *

B. Casey East - 40.10 acres of land located northwest of the intersection of Maryland Route 355 (North Frederick Avenue) and Watkins Mill Road, the proposed plan includes a mix of uses, including 303 residential units, and office, restaurant, retail, service station, and public uses.

C. AREE Building = 14 Firstfield Road - 96,300 office building approved.

D. 1 Bank Street - 3,714 square foot bank building with drive up windows approved.

Please let me know if you have any questions -

Eliza Voigt
Planner
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, MD 20877-2098
301-258-6330
evoigt@gaithersburgmd.gov

Get weekly e-mail updates of upcoming City meetings and events by registering for myGaithersburg at www.gaithersburgmd.gov/mygaithersburg

The opinions expressed in this message are not necessarily those of the City of Gaithersburg Staff, Mayor or Council

Traffic Impact Analysis

REVISED

ORCHARD POND APARTMENTS

City of Gaithersburg, Maryland

Revised December 15, 2009

Prepared for:
JPI Development Company

Joint Hearing - MCC & PC
SDP 09 001
17

ATTACHMENT 6

BACKGROUND TRAFFIC CONDITIONS

DESIGN YEAR

This project is planned to be developed within three (3) years and therefore as stated in the M-NCPPC guidelines, regional traffic growth is not included in this report.

BACKGROUND TRAFFIC

Based on the revised information obtained from the City, four projects were identified to be included in background development. They are as follows:

- Watkins Mill Town Center - 94 single family units, 342 townhouse/condo units
- Casey East Phase 1 - Phase I
- Aree Building - 96,300 sq ft office space
- Bank at Bank Street - 3,714 sq ft drive-in bank

The location of each of the above developments is shown on Exhibit 4. We then consulted the trip generation tables established by the Maryland National Capital Park and Planning Commission and ITE to determine the number of trips projected to be generated by these developments as shown on Exhibit 5.

The peak hour trips shown on Exhibit 5 were then distributed and assigned to the nearby road system as shown on Exhibit C-1 through C-5 contained in Appendix C. The combined peak hour trips are shown on Exhibit 6. Combining the trips to be generated by the other developments, with the existing peak hour volumes, results in the background peak hour volumes shown on Exhibit 7.

There are several major road projects planned in the vicinity of the subject site. These projects are presently shown in the Maryland State Highway Administration's Consolidated Transportation Program (CTP) under the Secondary Development and Evaluation Program, however, there is presently no construction funds listed for any of these projects. Contained in Appendix A are copies of the Line Items from the CTP.

ANALYSIS OF BACKGROUND TRAFFIC CONDITIONS

Intersection Capacity analysis were conducted for each of the study area intersections and the results are shown on Exhibit 11. Copies of the capacity worksheets are contained in Appendix B.

*Traffic Impact Analysis
Orchard Pond Apartments
City of Gaithersburg, Maryland*



TRIP GENERATION FOR BACKGROUND DEVELOPMENTS

1. Watkins Mill Town Center Phase I - without interchange

	MORNING PEAK HOUR			EVENING PEAK HOUR		
	IN	OUT	TOTAL	IN	OUT	TOTAL
94 units, Single Family Detached	21	62	83	63	35	98
342 units, Townhouse /Condos	<u>30</u>	<u>146</u>	<u>176</u>	<u>133</u>	<u>66</u>	<u>199</u>
Net off-site trips	51	208	259	196	101	297

2. Casey East - Phase I "

224 units, Multi-Family Residential Trips	17	81	98	78	38	116
Internal Trips	-5	-24	-29	-27	-20	-47
Net off-site trips	12	57	69	51	18	69
64,000 sq.ft. Office & Recreational Community Trips	187	47	234	40	129	169
Internal Trips	-8	-5	-13	-11	-11	-22
Net off-site trips	179	42	221	29	118	147
87,700 Retail/Restaurants Trips	250	212	462	411	354	765
Internal Trips	-53	-32	-85	-69	-70	-139
Pass-by trips	-75	-65	-140	-158	-135	-293
Net off-site trips	122	115	237	184	149	333

Total off-site trips for Phase 1 - without interchange	313	214	527	264	285	549
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3. Aree Building

96,300 sq.ft. General Office	136	20	156	27	132	159
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4. Bank at Bank Street

3,714 sq.ft. Drive-in Bank	26	20	46	48	48	96
Pass-by trips (PM-47%)				<u>-23</u>	<u>-23</u>	<u>-46</u>
Net off-site trips	26	20	46	25	25	50

Note: 1. Trips information taken from TIS report for Casey East & Modified by the data from County staff. Details refer to Appendix C.



EXHIBIT 5 (CONT'D)

TRIP GENERATION RATES AND TOTALS
FOR BACKGROUND DEVELOPMENTS

TRIP GENERATION RATES

<u>LAND USE</u>	<u>FORMULA</u>	<u>DISTRIBUTION</u>
Garden and Mid-Rise Apartments > 75 Units (Units, Montgomery County Rate)	Morning Trips = 0.40 x Units + 3 Evening Trips = 0.47 x Units + 1	20/80 66/34

TRIP GENERATION TOTALS

Orchard Pond Apartments

Existing Traffic Generation (based on traffic count)

156 Units, Garden and Mid-Rise Apartments	10	35	45	47	25	72
Proposed (based on Montgomery County Rate)						
420 Units, Garden and Mid-Rise Apartments	34	137	171	131	67	198

MORNING PEAK HOUR		EVENING PEAK HOUR	
IN	OUT	IN	OUT
24	102	84	42
TOTAL		TOTAL	
126	126	126	126

Net New Additional Trips

24	102	126	84	42	126
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EXHIBIT 8
TRIP GENERATION
FOR SUBJECT SITE



*The
Traffic
Group*

Traffic Impact Analysis

for

CASEY WEST

City of Gaithersburg, Maryland

Prepared for

BP Realty Investments, LLC

March 31, 2005

Attachment 7

TRIP GENERATION FOR SUBJECT SITE

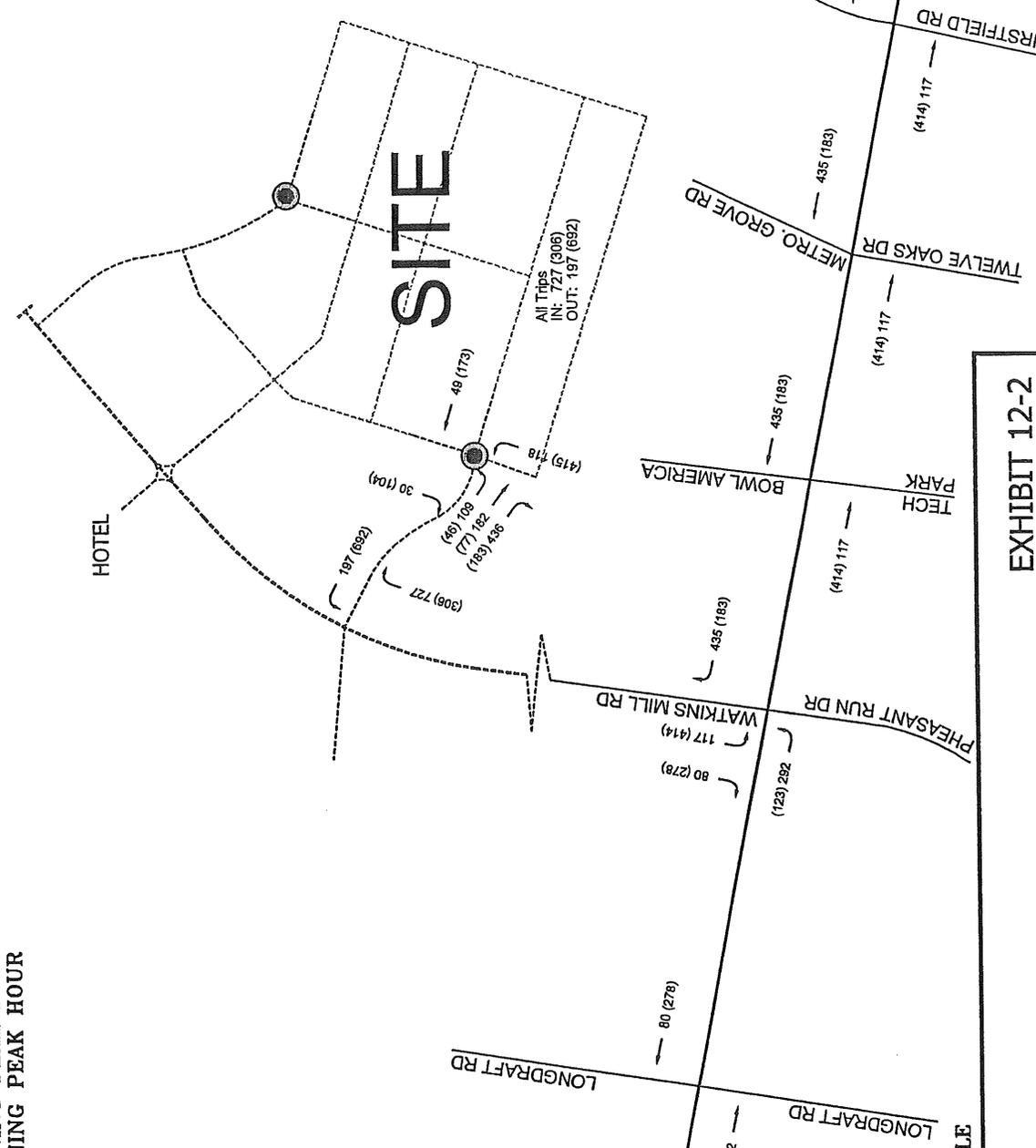
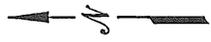
TRIP TOTALS	MORNING PEAK HOUR			EVENING PEAK HOUR		
	IN	OUT	TOTAL	IN	OUT	TOTAL
Movie Theater, Matinee (Seats, ITE-444)						
1500 seats	0	0	0	41	64	105
Residential Trips	132	295	427	329	205	534
less internal	-34	-29	-63	-49	-39	-88
External Res. Trips	98	266	364	280	166	446
Office Trips	592	81	673	107	524	631
less internal	-14	-9	-23	-11	-20	-31
External Office Trips	578	72	650	96	504	600
Retail Trips	289	255	544	406	321	727
less internal for retail/restaurants	-61	-65	-126	-86	-81	-167
Shopping Center (ksf, ITE-820) pass-by am=45%, pm=55%						
30,235 sq.ft.	46	30	76	136	148	284
less internal for retail	-10	-8	-18	-29	-37	-66
external trips	36	22	58	107	111	218
<u>Pass-by Trips</u>	<u>-16</u>	<u>-10</u>	<u>-26</u>	<u>-59</u>	<u>-61</u>	<u>-120</u>
New Trips for retail	20	12	32	48	50	98
High Turnover (Sit-Down) Rest. (ksf, ITE-932) pass-by am=33%, pm=43%						
40,584 sq.ft.	243	225	468	270	173	443
less internal for restaurant	-51	-57	-108	-57	-44	-101
external trips	192	168	360	213	129	342
<u>Pass-by Trips</u>	<u>-63</u>	<u>-55</u>	<u>-118</u>	<u>-92</u>	<u>-55</u>	<u>-147</u>
New Trips for retail	129	113	242	121	74	195
Ext. Ret. Passby Trips	-79	-65	-144	-151	-116	-267
External Ret. New Trips	149	125	274	169	124	293



NOTE:
1. For details of trip generation and internal trip analyses, see Appendix C.

EXHIBIT 11A
TRIP GENERATION TOTALS FOR
SUBJECT SITE, INITIAL PHASE

00 - MORNING PEAK HOUR
 (00) - EVENING PEAK HOUR



SITE

HOTEL

All Trips
 IN: 727 (306)
 OUT: 197 (692)

EXHIBIT 12-2
 NEW SITE TRIP ASSIGNMENT FOR SITE
 INITIAL PHASE, COMMERCIAL, NO INTERCHANGE



NOT TO SCALE

RESOLUTION NO. R-75-05

RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF GAITHERSBURG GRANTING APPROVAL OF
SCHEMATIC DEVELOPMENT PLAN SDP-05-002,
KNOWN AS, CASEY PROPERTY WEST FOR
APPROXIMATELY 125.5 ACRES OF PROPERTY
ZONED MIXED USE DEVELOPMENT (MXD)

SDP-05-002

OPINION

Application SDP-05-002 has come before the Mayor and City Council for approval of a schematic development plan (SDP) for land zoned Mixed Use Development (MXD). The City Council's authority in this matter is pursuant to §24-160D.9(b)(3) of the City of Gaithersburg Zoning Ordinance (Chapter 24 of the City Code), which authorizes the Council and Commission to conduct public hearings on a schematic development plan application following appropriate notification procedures and to take action on the application within ninety (90) days of the close of the hearing record, following receipt of a recommendation by the City Planning Commission.

The subject case involves approximately 125 acres of land and concerns the development of the Betty B. Casey property known as Parcels P33, P211, P888 and P910. The subject property borders existing City owned parkland and a County owned abandoned vehicle impoundment lot. Directly across from the CSX Railroad tracks is the Bennington residential community consisting of 295 Townhouses on RPT Zoned land, a number of commercial, research and development facilities on land Zoned I-3 and the State Motor Vehicle Administration facility. The schematic development plan application was submitted to the City Planning and Code Administration, on April 22, 2005. This application was designated as SDP-05-002.

OPERATIVE FACTS

A. Background

The subject property ("Site"), was annexed into the City of Gaithersburg on May 31, 1968 as part of the approval of Annexation Application X-095 (Resolution R-8-68) to annex approximately 198 acres of land and to classify the land in its entirety in the I-3 Zone by Resolution R-9-68. There was no annexation agreement associated with the approval of Annexation Application X-095.

Quince Orchard Middle School #2 throughout the six-year forecast period. At the high school level, enrollment projections show Quince Orchard High School over capacity throughout the forecast period. A new high school is planned in the central portion of the County. MCPS is currently working with the Maryland-National Capital Park and Planning Commission on possible locations for an additional high school site as part of their work on the Shady Grove Sector Plan and the Gaithersburg Vicinity Master Plan. The Mayor and City Council will continue working with the Board of Education and Montgomery County to identify a suitable site for this high school. In the interim MCPS has available to it various measures to accommodate high school enrollments if necessary.

In conclusion, the City Council finds SDP-05-002, as amended containing 1,066 dwelling units including single-family detached, single-family attached, two-over-two condominium, and high-rise condominium, 259,939 square feet of mixed use commercial space and 936,650 square feet of office space on 125.21 acres of land to be in accordance with Section 24-160D.9(b) & Section 24-160D.10(b) and as hereafter conditioned, is in the public interest and should be approved due to the presence of substantial evidence in the record to indicate that the subject Schematic Development Plan has accomplished the purposes of the MXD Zone, reflects an internally and externally compatible form of development, and is consistent with the purpose of the 2003 Master Plan Land Use Element and the Smart Growth Policy, as well as generally accepted City planning and land use policies, subject to the applicant complying with the conditions stated in this Ordinance.

SCHEMATIC DEVELOPMENT PLAN SDP-05-002

RESOLUTION

NOW, THEREFORE BE IT ORDAINED by the City Council of Gaithersburg, that SDP-05-002, being an application filed by BP Realty Investment, Inc., requesting approval of Schematic Development Plan is hereby approved subject to the following conditions required of the applicant:

1. The project shall be phased as follows:

Phase 1 commences at approval of SDP and shall permit the following:

Year One - 97 Residential Units and 10,000 sf of commercial space outside the urban core and one hotel within the urban core.

Year Two - 97 Residential Units outside the urban core and one condominium building in the urban core.

Year Three - 97 Residential Units outside the urban core, two office buildings and 50,000 sf of cinema or retail in the urban core.

Year Four - 97 Residential Units outside the urban core.

Year Five - Balance of approved residential units (except for Phase 3 condominium tower) and one office building within the urban core.

Completion of construction in any one year may overlap into a subsequent year.