
STAFF COMMENTS FOR PLANNING COMMISSION

MEETING DATE: December 3, 2008

SITE PLAN: **SP-08-0008**

TITLE: Residences at Olde Towne

REQUEST: **PRELIMINARY SITE PLAN APPROVAL**
191 Multi-Family Units

ZONE: CBD (Central Business District)

Owner/Developer: Keystone Real Estate Investments – Rich Koch

Engineer: Loiederman Soltesz Associates – Steve Tawes

Architect: Donnally Vujcic Associates – Patrick Casey

STAFF LIAISON: Jacqueline Marsh, Planner

Enclosures:

Staff Comments

- Exhibit 1: Application
- Exhibit 2: Location Aerial Map
- Exhibit 3: Ordinance 0-9-08
- Exhibit 4: Parking Waiver Request
- Exhibit 5: Preliminary Site Plan
- Exhibit 6: Preliminary Landscape Plan
- Exhibit 7: Preliminary Forest Conservation Plan & Details (3 pages)
- Exhibit 8: Green Area Exhibit
- Exhibit 9: Conceptual SWM, Erosion Sediment Control and Utility Plan
- Exhibit 10: Schematic Garage and First Floor Plans (3 pages)
- Exhibit 11: Site Sections
- Exhibit 12: Preliminary Elevations (4 pages)

STAFF COMMENTS

I. BACKGROUND:

The application requests Preliminary Site Plan approval for a four story 191 multiple-family building above a two-level parking garage. The property is in the Central Business District (CBD) Zone and located at the intersection of Water Street and West Diamond Avenue. The State Highway Administration (SHA) service ramp, which leads from West Diamond Avenue to southbound Route 355, or South Frederick Avenue, is located east of the property. Two apartment buildings, Diamond House and Diamond Acres, exist on the property and are addressed as 1 Water Street and 49 West Diamond Avenue.

II. SCOPE OF REVIEW:

The application requests Preliminary Site Plan approval for 191 multiple-family building. Site plan approval is required by § 24-168 of the Zoning Ordinance, which states:

No building or structure shall be hereafter erected, moved, added to or structurally altered under circumstances which require the issuance of a building permit under this chapter, nor shall any use be established, altered or enlarged under circumstances which require the issuance of a use and occupancy permit under this chapter, upon any land, until a site development plan for the land upon which such building, structure or use is to be erected, moved, added to, altered, established or enlarged has been approved by the city planning commission.

In addition, this plan requires preliminary subdivision approval to create the parcel. Section 20-11, requires:

Every proposed plan for subdivision or resubdivision shall be submitted to the planning commission for tentative or conditional approval in the form of a preliminary subdivision plan prior to the submission of a final subdivision plat for recording ...

A preliminary site plan constitutes a preliminary subdivision. Section 20-41 states:

Approval of a preliminary site plan or schematic development plan (S.D.P.) shall constitute preliminary subdivision approval and the provisions of subsection 20-18(b) shall apply.

Accordingly, staff provides the following comments and findings for Planning Commission consideration:

III. SITE PLAN ANALYSIS AND FINDINGS:

Zoning History & Master Plan

The site, then zoned as R-20 (Medium Density Residential), was included in the 2003 Land Use Element of the Master Plan that recommended the site be designated as mixed use and rezoned to CBD. It specifically stated *"This area should provide a premier gateway development into downtown Gaithersburg, with the extension of West Diamond Avenue into Olde Towne."*

An application for rezoning to the CBD zone using the optional method was submitted as application Z-308(o). The rezoning was granted July 21, 2008, by ordinance O-9-08. This approved plan established development requirements such as height, setbacks, and unit counts. Among other items, there were specific conditions attached to the rezoning approval that mandated the provision of a minimum of 40% onsite green space, green building techniques, and the inclusion of an affordable housing component (Exhibit #3).

Site Characteristics & Environmental Background

The 2.14-acre property consists of two rectangular apartment buildings that are situated perpendicular to West Diamond Avenue and associated parking lots and maintained lawns. Directly to the south of the Diamond Acres property is an area of shrubs and trees, which is approximately 0.24 acres and is its own separate parcel. This piece of landlocked property, commonly referred to as the "Bermuda Triangle," because it had not had an identified owner for thirty years, was recently identified as under the ownership of the Princeton Theological Society. The applicant is in the process of obtaining the land from the group. The applicant must provide documentation of its ownership of the Bermuda Triangle or the current owners' consent to be incorporated in the subdivision. Staff has included a condition this reflecting this request.

According to the reapproved Natural Resources Inventory (NRI), dated June 23, 2008, there is a total of 0.13 acres (5,596 square feet) of forested land onsite and there are a total of 14 specimen trees. The site is located within the Great Seneca creek watershed, but there are no wetland areas or stream valley buffer areas onsite. While the NRI indicates there are no floodplain areas onsite, the property is recognized to be located within a 100-year floodplain on current FEMA (Federal Emergency Management Agency) maps because there was a drainage area existing prior to 1962. A storm drain pipe was installed in the mid 1960s that has removed any flooding from this area. FEMA flood maps identify this as a Zone A flood hazard.

The applicant, with assistance from the City, is in the process of requesting FEMA to issue a revision to the Flood Insurance Rate Map (FIRM) for this area of Montgomery County. Such revisions are not uncommon and have been completed for several properties in the City.

Although final forest conservation calculations will be completed during final site plan, it is estimated that there will be eight trees removed and approximately 25 trees replanted as part of the reforestation requirements. The applicant has submitted a plan that exhibits how the minimum 40% green space requirement has been achieved (Exhibit #8).

Surrounding Land Use and Zoning

West of the subject property, across the SHA service ramp is Barron's Lumber, zoned CBD. The primary use of this site is commercial with some light industrial use. Southeast of the property is the Spring Hollow townhouse development, constructed in the 1980s, zoned RP-T (Medium Density Residential). To the immediate west and southwest are the Summit Hall Apartments and the Lilac Garden Condominiums, both developed with multiple family buildings, zoned R-20. To the west, across Water Street, is a Washington Suburban and Sanitary Commission (WSSC) facility, which is mainly in use as an inspections and repair location. This site is zoned RP-T and R-A (Low Density Residential). To the northwest of the site, across West Diamond Avenue, is an unoccupied residential structure that was once in use as an office and is zoned R-B (Residential Buffer). Directly to the north is Uncle Bob's Storage Facility, zoned I-1 (Light Industrial).

Adequate Public Facilities Ordinance

Transportation – As a part of the rezoning application, the applicant submitted a Traffic Impact Study (TIS) by The Traffic Group. Engineering Services Director Mumpower reviewed the findings of the study, which show 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 under total traffic conditions. He agrees with the finding detailed in the study and has granted approval of the final TIS for this project.

Schools – The proposed Residences plan property is currently located within the Gaithersburg Cluster of the Montgomery County Public School (MCPS) system. Within the cluster, the schools that currently serve the proposed development are Rosemont Elementary School, Forest Oak Middle School and Gaithersburg High School. According to the applicant, this project will generate 8.02 elementary school (kindergarten through fifth grade) students, 7.45 middle school (sixth through eighth grade) students, and 6.30 high school (ninth through twelfth grade) students. Staff will confirm these numbers prior to the final site plan submittal.

The City Manager's review of the *2009-2014 MCPS Capital Budget and Capital Improvements Program* in July of 2008, indicated none of the schools within the Gaithersburg Cluster are above the capacity level of 110 percent. Therefore, the subject application complies with §24-246, Adequacy of School Capacity at this time.

Emergency Service – The Gaithersburg/Washington Grove Fire Station 8

(Montgomery Village Avenue) provides an eight-minute response time to the property. The property is also served by Fire Stations 28 (Shady Grove and Muncaster Mill Roads) and 31 (Rockville Station at Quince Orchard and Darnestown Roads) within a ten-minute response time. Therefore, the site complies with the requirements for the Adequate Public Facilities requirements for Emergency Services, §24-248.

Water and Sewer – The subject proposal is a redevelopment project of an existing residential use, therefore the site maintains W-1 and S-1 (areas served by community systems which are either existing or under construction) categories. Washington Suburban Sanitary Commission (WSSC) has indicated that the applicant must abandon the existing water and sewer connections and establish the new connections for this use. Service does exist and therefore, the application complies with the requirements of the City's Adequate Public Facility Ordinance for water and sewer, § 24-247.

Affordable Housing

At the time of the rezoning approval, a requirement was included in the conditions of approval and declaration of covenants for the provision of Moderately Priced Dwelling Units (MPDUs). Accordingly, the applicant has designated 15 percent of the total units as affordable dwellings. The units will be proportionate and evenly distributed throughout the mix of unit types, consistent with the Program Regulations as provided by Chapter 24 of the City Code.

Site Plan

The applicant is proposing a 191-unit multiple family building with structured parking. The range of units is as follows:

Studio Units:	51
One Bedroom Units:	60
Two Bedroom Units:	76
Three Bedroom Units:	4

The proposed plan contains approximately 41% green area, including the 0.15-acre public use park that is situated on the corner of Water Street and West Diamond Avenue, the 0.16-acre playground area located on the southern edge of the property, and the two rooftop courtyards.

The plan proposes a two level parking garage with approximately 272 parking spaces. There will be an access entrance from Water Street and an access entrance from the SHA Service Ramp. The Department of Public Works (DPW) will approve the final design layout of the garage at final site plan.

At the time of final site plan approval, the applicant will be requesting a parking waiver request of 38 parking spaces (Exhibit#4). Staff is in support the parking

waiver because site is in close proximity to mass transit (MARC train station and surrounding bus stops) and it is also within walking distance to many downtown commercial establishments.

The applicant has implemented many pedestrian enhancements in the preliminary site plan, which feature a widened streetscape, that includes a seven foot planting strip and five foot sidewalk; crosswalks at the Water Street, Meem Avenue, and West Diamond Avenue intersections; and landscaped refuge areas to provide for pedestrian safety. The applicant should continue to improve and enhance the landscape and lighting plans to further encourage the pedestrian experience.

Architecture

Preliminary elevations have been submitted by the applicant that replicate the conceptual architecture presented during the map amendment application process (Exhibit #12). In hopes of creating a "downtown sense of place," the architecture gives an impression of multiple buildings. This has been achieved by breaking the roof lines and adding design elements such as spires and turrets. There is variety in the massing and scale surrounding the length of the building. Staff has emphasized that top quality materials should be used for this project, such as cementitious siding, brick, and stone, and will continue to work with the applicant on the final elevations for this project.

Varied portions of the residential buildings will be five (5) stories. While this is not a five-story project, there are six walk-out units and a fitness center on a portion of the building that is partially below grade. This portion of the building meets the technical definition of a "story" thus requiring the waiver. In accordance with §24-160F.5 of the City's Zoning Ordinance, the Mayor and City Council granted a height waiver, allowing the structure to be taller than four stories as outlined in the Development Standards of the CBD Zone on November 17, 2008.

Summary of Findings

Staff recommends preliminary approval of the site plan finding that the plan complies with the preliminary requirements of the 2003 Land Use Master Plan, § 20-11, and § 24-170. The plan shows information concerning orderly placement of the buildings and driveways, adequate parking facilities, and a preliminary landscape plan. The proposed residential use is in keeping with the surrounding area and the use will not affect the health or safety of the residents within and outside. The applicant has shown that there are adequate public services to support the proposed use on the site.

IV. CONCLUSION.

Staff recommends granting **SP-08-0008, Residences at Olde Towne, PRELIMINARY SITE PLAN APPROVAL, FINDING IT IN COMPLIANCE WITH § 20-11, AND IN PRELIMINARY COMPLIANCE WITH § 24-170, WITH THE FOLLOWING CONDITIONS:**

1. The applicant shall be required to provide a letter of map amendment showing that FEMA has issued a change to the flood maps to indicate the property is no longer in a floodplain prior to the Final Site Plan or final subdivision (record) plat approval;
2. The applicant shall provide documentation of its ownership of the parcel of land known as the Bermuda Triangle or the current owners' acknowledgement and consent that it be incorporated in the subdivision prior to Final Site Plan approval;
3. The applicant shall work with staff to further refine the landscape and lighting plans and architecture elevations to be approved at the time of final site plan approval; and
4. The applicant to submit signed Declaration of Covenants prior to close of record for Final Site Plan Review. Declaration to provide that Applicant will not re-occupy the apartments after all tenants have been relocated but before demolition has occurred. Declaration to be recorded at Applicant's expense promptly after Planning Commission approval of Final Site Plan without any conditions that materially affect the Applicant's ability to implement its redevelopment program.

SITE PLAN APPLICATION

In accordance with Article III, Division 19, Section 24-160 D.9
 and Article V of the City Code

Application # <u>SP-08-0008</u>
Date Filed <u>9/3/08</u>
Total Fee <u>\$2510</u>

- CONCEPT
- PRELIMINARY
- FINAL (MXD FEE APPLIES)
- SCHEMATIC DEVELOPMENT

1. SUBJECT PROPERTY

Project Name Residences at Olde Towne

Street Address 1 Water Street and 49 W. Diamond Avenue

Zoning CBD Historic area designation Yes No

Lot _____ Block _____ Subdivision Parcels - P184, P185 and P239

Tax Identification Number (*must be filled in*) 09-201-00821061, 09-201-00821050 and 09-03629320

2. APPLICANT

Name KEYSTONEREI Contact: Richard Koch

Street Address 103 Leekes Lot Way Suite No. _____

City Gaithersburg State MD Zip Code 20878

Telephones: Work 301-840-5424 Home _____

3. CITY PROJECT NUMBER

Original Site Plan Number (*if applicable*) _____

Name of previously approved Final Plan (*if applicable*) _____

4. ARCHITECT/ENGINEER/DEVELOPER

Architect's Name Donnally Vujcic Associates, L.L.C. Contact: Patrick Casey and Frederick Liwanag

Architect's Maryland Registration Number 12729 Telephone 301-590-8900

Street Address 400 Professional Drive Suite No. 200

City Gaithersburg State MD Zip Code 20879

Engineer's Name Loiederman Soltesz Associates, Inc. Contact: Steve Tawes, RLA or Dan Pino, PE

Engineer's Maryland Registration Number 17731 Telephone 301-948-2750

Street Address 2 Research Place Suite No. 100

City Rockville State MD Zip Code 20850

Developer's Name KEYSTONEREI Telephone 301-840-5424

Street Address 103 Leekes Lot Way Suite No. _____

City Gaithersburg State MD Zip Code 20878

Contact Person Richard Koch

5. PROPERTY OWNER

Name Lee and Mary A. Wells

Street Address 11505 Pleasant Meadow Dr. Suite No. _____

City North Potomac State MD Zip Code 20878

Telephones: Work _____ Home _____

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505/2006

PENNSA 800-631-6989

SP-08-0008

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12.3.08

6. PRIMARY USE

- Mixed Use Non-Residential Residential

7. PROPOSED UNIT TYPE

- Mixed Use Retail/Commercial Other
 Office/Professional Residential Multi-Family
 Restaurant Residential Single Family

8. WORK DESCRIPTION

9. PROJECT DETAIL INFORMATION. Please supply the following information.

DEVELOPMENT INFORMATION		REQUIRED	PROVIDED
1. Site (square feet)		N/A	93,287 sf
2. Site Area (acres)		N/A	2.1416 ac
3. Total Number of Dwelling Units/Lots		TBD	191 du
4. Height of Tallest Building		TBD	4 Stories
5. Green Area (square feet)		TBD	41,573.21 sf
6. Number of Dwelling Units/Acre		TBD	89.19 du
7. Lot Coverage (percent)		TBD	52%
8. Green Area (percent)		TBD	41.6%
9. Residential			
a. Single Family Detached	# Units		
b. Single Family Attached	# Units		
c. Multi-Family Condo	# Units		
d. Multi-Family Apartment	# Units		191 Units
e. Other			
10. Retail/Commercial	Sq. Ft.		
11. Restaurant Class: <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C	Sq. Ft.		
12. Office/Professional	Sq. Ft.		
13. Warehouse/Storage	Sq. Ft.		
14. Parking			267 spaces (approx.)
15. Shared Parking/Waiver			
16. Other			
17. Totals			

10. SUBMISSION REQUIREMENTS

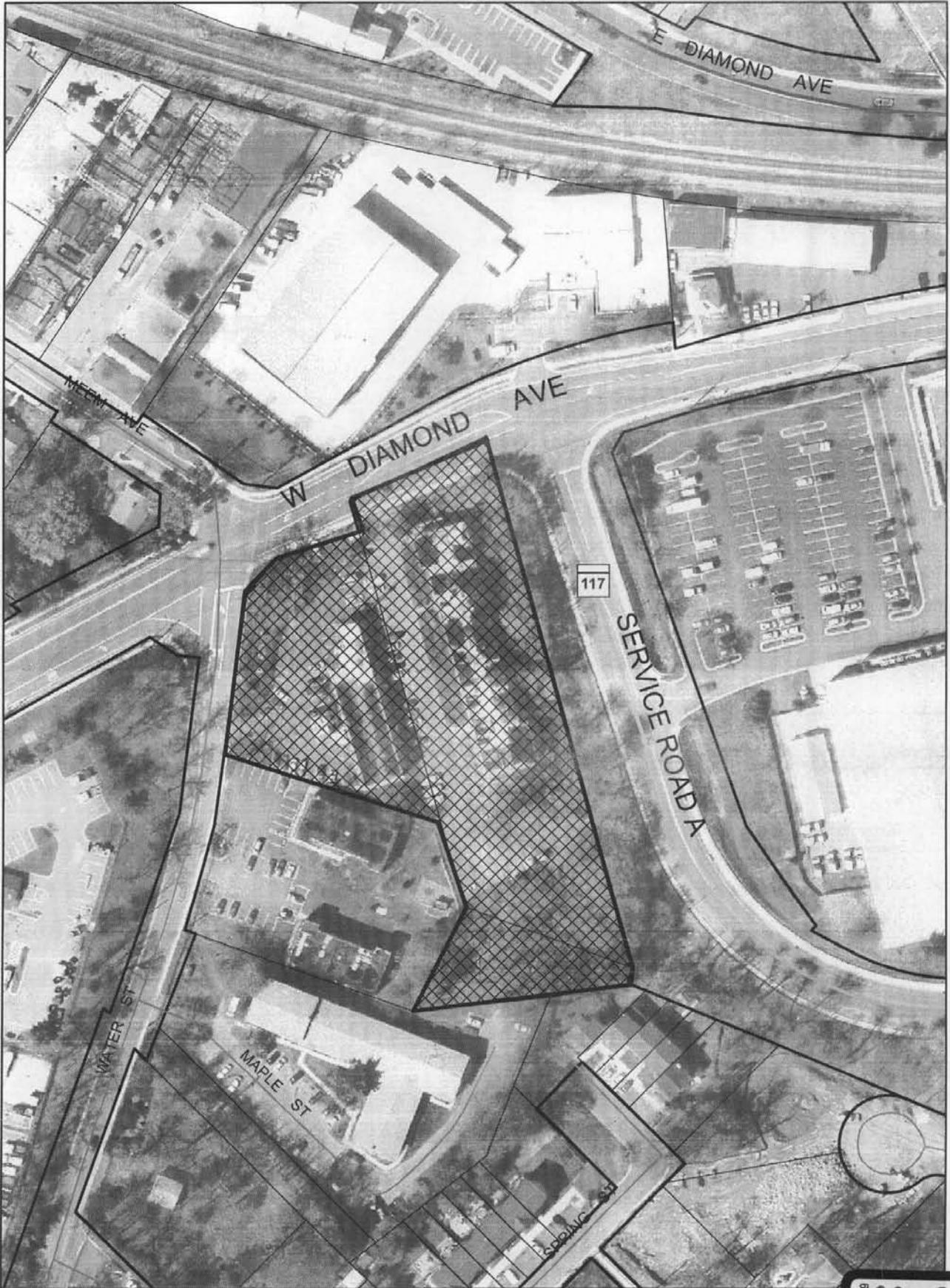
- a. Set of plans per the respective checklist. Plans must be folded to 8 1/2 x 11."
 b. Completion of the table above.
 c. Completed checklist.
 d. Fee as applicable.

I have read and complied with the submission requirements and affirm that all statements contained herein are true and correct.

Applicants Name (please print) RICHARD KOCH, MANAGING MEMBER Telephone 301.540.5404

Applicant's Signature [Signature] Date 9.3.08

SP-08-0008 Residences at Olde Towne



SP-08-0008
#2
12.3.08

PENGAD 800-631-6989

ORDINANCE NO. 0-9-08

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GAITHERSBURG GRANTING APPROVAL FOR 2.14 ACRES OF LAND KNOWN AS PARCELS 184 & 185, AND PART OF PATENT CERTIFICATE 476 APPARENT RESIDUE OF THE LAND PATENTED TO JOHN T. & SARAH ANN DESELLUM, TO BE REZONED FROM THE R-20 (MEDIUM DENSITY) ZONE TO THE CBD (CENTRAL BUSINESS DISTRICT) ZONE IN ACCORDANCE WITH § 24-196 (MAP AMENDMENTS) AND § 24-198 (OPTIONAL METHOD) OF THE CITY CODE

Z-308(o)

OPINION

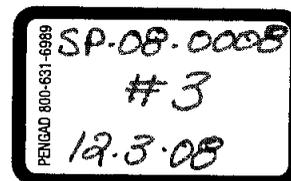
BE IT ORDAINED by the Mayor and Council of the City of Gaithersburg in public meeting assembled, that they find the following facts from the evidence of record in Zoning Map Amendment Application Z-308(o):

A. The application Z-308(o), filed by Jody Kline, of Miller, Miller, and Canby, on behalf of Keystone Real Estate Investments, Inc, requests that 2.14 acres of land, currently known as Diamond House and Diamond Acres, located at 1 Water Street and 49 West Diamond Avenue, and being Parcels 184 & 185 and part of patent certificate 476 apparent residue of the land patented to John T. & Sarah Ann Desellum and being more particularly described as follows:

PROPERTY OF LEE J. WELLS & MARY ANN WELLS

Being all of the property described in the following two (2) conveyances to Lee J. Wells and Mary Ann Wells, the first (1st) being from George L. F. Seidl by deed dated November 6, 1998 and recorded among the Land Records of Montgomery County, Maryland in Liber 16463 at Folio 543, and the second (2nd) being from Robert E. Richards, Successor Trustee, by deed dated October 30, 2002 and recorded among the said Land Records in Liber 23725 at Folio 516; and being more particularly described in the meridian of the Maryland State Plane Grid System (NAD 83/91), as follows:

Beginning for the same at a stone found marking the end of the third (3rd) or South 63° East, 10 perch line of Parcel One as described in the aforementioned conveyance from George L. F. Seidl to Lee J. Wells and Mary Ann Wells, L.16463 F.543, said stone also marking the end of the North 79°41'10" East, 72.17 foot line as shown on a plat of subdivision entitled "OBSERVATORY HEIGHT, ADDITION TO GAITHERSBURG, SPRING HOLLOW TOWNHOUSES" and recorded among the aforesaid Land Records in Plat Book 125 as Plat 14667; thence running reversely



with and along said third (3rd) line of Parcel One and the third (3rd) line of Parcel Two of said conveyance from Seidl as now surveyed

- 1.) North 68°42'26" West, 164.00 feet to a rebar found, with an illegible cap, marking the beginning of the fifth (5th) or North 16°38'40" West, 82.26 foot line as described in a conveyance from Alvin L. Aubinoe, III, Trustee, to Shah Property Group I, LLC, by deed dated April 26, 2004 and recorded among the aforesaid Land Records in Liber 27282 at Folio 523; thence running with and along said fifth (5th) line and the sixth (6th) line of said conveyance to Shah Property Group I, LLC, the following two (2) courses
- 2.) North 16°07'48" West, 81.70 feet to an axle found, said axle also marking the beginning of the first (1st) or North 67°43'50" West, 204.19 foot line as described in the aforementioned conveyance from Richards to Wells, L.23725 F.516; thence running with and along said line
- 3.) North 67°57'38" West, 201.36 feet to a point on the westerly side of Water Street (formerly Mudd Branch Road), 35 foot right of way as described in a conveyance from Oscar F. Fulks, et ux. to the Washington Suburban Sanitary Commission by deed dated November 27, 1935 and recorded in Liber 612 at Folio 345; thence running with and along the westerly side of Water Street
- 4.) North 06°56'14" East, 150.65 feet to a point on the southerly right of way line of West Diamond Avenue, Maryland Route 924, right of way width varies, as shown on SHA Plat No. 48219 and described in a conveyance from Peggy Lane, et al. to the State of Maryland by deed dated October 30, 1984 and recorded among the aforesaid Land Records in Liber 6590 at Folio 561; thence running with and along said conveyance to the State of Maryland and the conveyance from George Seidl to the State of Maryland by deed dated December 5, 1983 and recorded among the aforesaid Land Records in Liber 6260 at Folio 618 the following three (3) courses
- 5.) North 42°06'56" East, 25.58 feet to a point; thence
- 6.) 208.25 feet along the arc of a non-tangent curve deflecting to the right, having a radius of 2261.83 feet, and a chord of North 67°07'37" East 208.17 feet, to a point on the westerly side of a Service Road as shown on said SHA Plat and described in said conveyance for Seidl; thence running with and along said Service Road
- 7.) South 16°15'12" East, 482.32 feet to the POINT OF BEGINNING; Containing 84,673 square feet or 1.9438 acres of land.

**PART OF PATENT CERTIFICATE 476 APPARENT RESIDUE OF THE LAND
PATENTED TO JOHN T. DESELLUM & SARAH ANN DESELLUM**

Being part of the property described in a patent granted unto John T. Desellum and Sarah Ann Desellum by patent dated May 1, 1857 and recorded among the Patent Records of Montgomery County, Maryland as Patent No. 476; and being more particularly described in the meridian of the Maryland State Plane Grid System (NAD 83/91), as follows:

Beginning for the same at a stone found marking the end of the North 79°41'10" East, 72.17 foot line as shown on a plat of subdivision entitled "OBSERVATORY HEIGHT, ADDITION TO GAITHERSBURG, SPRING HOLLOW TOWNHOUSES" and recorded among the Land Records of Montgomery County, Maryland in Plat Book 125 as Plat 14667, said line also being part of the North 79°41'10" East 200.61 foot line as shown on a plat of subdivision entitled "OBSERVATORY HEIGHT, ADDITION TO GAITHERSBURG" and recorded among the aforesaid Land Records in Plat Book 96 as Plat 10703; thence running reversely with and along said line as now surveyed

- 1.) South 79°43'56" West, 200.70 feet to a rebar found, with no cap, said rebar also marking the beginning of the fourth (4th) or North 25°12'00" East, 105.15 foot line as described in a conveyance from Alvin L. Aubinoe, III, Trustee, to Shah Property Group I, LLC, by deed dated April 26, 2004 and recorded among the aforesaid Land Records in Liber 27282 at Folio 523; thence running with and along said fourth (4th) line
- 2.) North 25°06'47" East, 105.28 feet to a rebar found, with an illegible cap, said rebar also marking the beginning of the third (3rd) or South 63° East, 10 perch line of Parcel One as described in a conveyance from George L. F. Seidl to Lee J. Wells and Mary Ann Wells by deed dated November 6, 1998 and recorded among the said Land Records in Liber 16463 at Folio 543; thence running with and along said third (3rd) line of Parcel One and with the third (3rd) line of Parcel Two as described in said conveyance to Wells
- 3.) South 68°42'26" East, 164.00 feet to the POINT OF BEGINNING; Containing 8,614 square feet or 0.1977 of an acre of land, as shown on a Description Plat labeled Exhibit "B", attached hereto and made a part hereof by this reference.

be rezoned from the R-20 (Medium Density Residential) Zone to the CBD (Central Business District) Zone.

B. The applicant is requesting the rezoning to the CBD Zone that can be accomplished under §§ 24-10A(2), (Floating Zones), 24-196 (Map Amendments), and 24-198 (Optional Method of application for local map amendments) of the City Code. The City Council's authority in this matter is pursuant to § 24-10A(2) of the City of Gaithersburg Zoning Ordinance.

C. A portion of the subject property was included in Map Designation #9 in the City's 2003 Land Use Element of the Master Plan that recommended the property be rezoned to the CBD Zone.

D. The applicant requests that rezoning to the CBD Zone be accomplished under the optional method of application for local map amendments. This approach requires the submission of a schematic development plan with elements required by §24-198(a) and a covenant detailing the restriction of uses and/or development standards per §24-198(b) as part of the rezoning application. The purpose of a schematic development plan is to limit the development standard or standards to less than the maximum permitted in the requested zone and/or limit the land use of the applicant's subject property to one or more of the permitted uses in the zone. The covenant detailing the restriction of use and/or development standards, after recordation in the County Land Records, will be in effect until such time as the property is rezoned.

E. The schematic development plan proposes 191 multiple-family units, with structured parking. The Declaration of Covenants proposes the following:

1. Density:

The number of dwelling units constructed on the Subject Property shall not exceed 191.

2. Building Height:

No building constructed on the Subject Property shall exceed a total of four stories (excluding garage levels), except for feature towers and turrets that shall not exceed five stories.

3. Setback of Buildings:

Buildings constructed on the Subject Property shall provide not less than the following setbacks.

West Diamond Avenue:	15 feet
Maryland 117A "Service Road:"	5 feet
Water Street:	15 feet

4. Minimum Green Space Requirement:

The amount of green area, including designated parks, public and private open space, active and passive recreational areas and courtyards provided on the Subject Property shall not be less than 40%.

5. Moderately Priced Dwelling Units¹:

The property shall be used only for a multi-family residential apartment residential use, and ancillary uses typically associated with apartment communities, in which not less than fifteen percent (15%) of the dwelling units will be offered to residents earning at least sixty percent (60%) of the area median income, but not more than eighty percent (80%) of the area median income, adjusted for household size in accordance with City Code Regulation No. 02-07 as written as of the date of approval of Zoning Application No. Z-308(o).

Use of the Subject Property shall be restricted to the following:

1. Multi-family residential dwellings.
2. Offices and rooms for marketing, sales, leasing, operation and management of the multi-family residential dwellings
3. Rooms for resident services and amenities including but not limited to rooms for community social events and parties; theater rooms; fitness centers; business centers with provisions for internet, computer, copying and facsimile facilities.
4. Parking garages for the residents of the multi-family residential dwellings and their guests and visitors.

F. The Mayor and City Council and the Planning Commission conducted a joint public hearing on this application on April 21, 2008. At the public hearing, in addition to the testimony of the applicant and the project team, testimony was received from interested and affected parties. The Planning Commission's record closed on May 21, 2008. The Commission made its recommendation on June 4, 2008, and forwarded their recommendation of approval to the Mayor and City Council for Z-308(o). The Mayor and City Council closed their record on June 6, 2008.

G. The Planning Commission recommended approval of the Map Amendment, finding that the Z-308(o) application meets the purpose and intent of the CBD (Central Business District) Zone with the conditions as listed:

1. The applicant shall record the revised Covenant (Exhibit #74) for Z-308(o) in the Land Records of Montgomery County prior to the submission of Final Record Plats;
2. The applicant shall be required to provide a letter of map amendment showing that FEMA has issued a change to

¹ Recorded by separate covenant

the flood maps to indicate the property is no longer in a floodplain prior to the Final Site Plan approval;

3. The applicant shall receive approval of a revised NRI and a preliminary forest conservation plan by the Environmental Services Division prior to Final Site Plan approval;
4. The applicant shall provide documentation of its ownership of the parcel of land known as the Bermuda Triangle or the current owner's acknowledgement and consent prior to Final Site Plan approval;
5. The applicant shall obtain approval from the SHA to disturb any land in the current SHA right-of-way, or provide verification the land has been transferred to the applicant;
6. The applicant shall comply with Gaithersburg Green Residential Criteria as adopted by Ordinance O-14-07 by the Mayor and City Council on October 15, 2007;
7. The applicant shall designate 15% of the total units as Work Force Housing Units, which shall be proportionately and evenly disturbed throughout the project, as nine studio apartments, ten one-bedroom apartments, and ten two-bedroom apartments, in accordance with the WFHU Program Regulations; and
8. The applicant shall continue to work with staff to implement Green strategies in pursuit of LEED Silver Certification.

H. On June 16, 2008, during their policy discussion meeting, the City Council carefully reviewed the evidence of record and considered all submitted testimony, documents and correspondence presented, along with the Planning Commission's recommendation for approval, and made the following findings in accordance with § 24-10A(2) of the City Code:

(1) The application complies with the purposes and intent of the zone as stated in the zoning ordinance:

Purpose:

- (a) The proposed development is in accordance with the Master Plan recommendation by consolidating properties and redeveloping the property as

multi-family residential units. It will create a premier gateway development into downtown Gaithersburg and follows the Master Plan recommendation by requesting rezoning to CBD;

- (b) The multi-family community provides a mix of unit types to meet the needs and requirements of a variety of age groups, lifestyles, and income ranges;
 - (c) The conceptual architecture will be designed in such a way to be in conformance with the Architectural Regulations of the Downtown Plan by utilizing quality materials and incorporating methods historically familiar to Olde Towne Gaithersburg;
 - (d) The density and use promotes the use of public transportation by placing appropriate residential density in an urban area where there are two Ride On Bus Stops and a major commuter rail station stop (MARC) within a five to ten minute walk from the site.
 - (e) The proposed development includes a public use park, a playground, and sidewalks, which will promote improved pedestrian facilities. The applicant is providing underground parking onsite, which improves vehicular circulation;
 - (f) The wide range of style, type, and size of the units, including a large number of studio units, provides housing that is more affordable for people within a wide range of incomes. Additionally, the applicant has agreed to provide Work Force Housing Units;
 - (g) The subject rezoning application includes a public pocket park at the corner of Water Street and West Diamond Avenue, which will be accessible to the general public, and a larger public use playground at the southern edge of the site both which can be classified as public amenities;
 - (h) The proposal is an assemblage of three parcels of land and redevelops two blighted apartment communities in a highly visible and well traveled area in the City of Gaithersburg.
- (2) The application as applied will be compatible and harmonious with existing and planned land uses in the surrounding area:

The application is proposing to rezone the property to CBD and develop a multi-family building in an area that can be considered the gateway to Olde Towne. Surrounding this site is a variety and mix of uses and density, which is highly encouraged in the CBD Zone. A higher residential density is appropriate at this location due to its proximity to public transportation, existing infrastructure, and the public amenities available in Olde Towne.

Further, this property is contiguous to the CBD Zone, and will provide a logical extension to the Central Business District of Gaithersburg.

In conclusion, the City Council finds that Z-308(o), as submitted in accordance with § 24-10A(2) of the City Code and hereafter conditioned, is in the public interest and should be approved due to the presence of sufficient evidence in the record to indicate that the subject map amendment request has accomplished the purposes of the CBD Zone. Additionally, the proposed plan reflects an internally and externally compatible form of development, as well as generally accepted city planning and land use policies, subject to the applicant complying with the conditions stated in this Ordinance.

Z-308(o)

ORDINANCE

NOW, THEREFORE, BE IT ORDAINED by the City Council of Gaithersburg, that Application Z-308(o), being an application filed by Keystone Real Estate Investments is hereby approved with the following conditions required of the applicant:

1. The applicant shall receive approval of Covenants that reflect the development standards and the provision for 15% Moderately Priced Dwelling Units for Z-308(o) by staff and record said Covenants in the Land Records of Montgomery County prior to the submission of Final Record Plats;
2. The applicant shall be required to provide a letter of map amendment showing that FEMA has issued a change to the flood maps to indicate the property is no longer in a floodplain prior to the Final Site Plan approval;
3. The applicant shall receive approval of a revised NRI and a preliminary forest conservation plan by the Environmental Services Division prior to Final Site Plan approval;
4. The applicant shall provide documentation of its ownership of the parcel of land known as the Bermuda Triangle or the current owner's acknowledgement and consent prior to Final Site Plan approval;
5. The applicant shall obtain approval from the SHA to disturb any land in the current SHA right-of-way, or

provide verification the land has been transferred to the applicant;

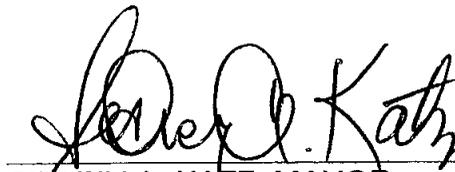
6. The applicant shall comply with Gaithersburg Green Residential Criteria as adopted by Ordinance O-14-07 by the Mayor and City Council on October 15, 2007;
7. The applicant shall designate 15% of the total units as Moderately Priced Dwelling Units, which shall be proportionately and evenly disturbed throughout the project, as nine studio apartments, ten one-bedroom apartments, and ten two-bedroom apartments, in accordance with the MPDU Program Regulations; and
8. The applicant shall continue to work with staff to implement Green strategies in pursuit of LEED Silver Certification; and
9. Applicant to submit signed Declaration of Covenants prior to close of record for Final Site Plan Review. Declaration to provide that Applicant will not re-occupy the apartments after all tenants have been relocated but before demolition has occurred. Declaration to be recorded at Applicant's expense promptly after Planning Commission approval of Final Site Plan without any conditions that materially affect the Applicant's ability to implement its redevelopment program.

ADOPTED by the Mayor and Council of the City Gaithersburg, Maryland, on the 21st day of July, 2008.



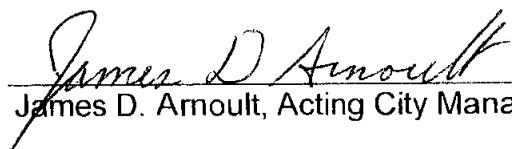
SIDNEY A. KATZ, MAYOR
and President of the Council

DELIVERED to the Mayor of the City of Gaithersburg this 21st day of July, 2008. APPROVED by the Mayor of the City of Gaithersburg this 21st day of July, 2008.



SIDNEY A. KATZ, MAYOR

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the City Council in public meeting assembled on the 21st day of July, 2008. This Ordinance will become effective on the 11th day of August, 2008.



James D. Arnoult, Acting City Manager

STATEMENT IN SUPPORT OF PARKING WAIVER REQUEST

Residences at Olde Towne

Keystone Real Estate Investments LLC proposes to redevelop property located in the City's "Olde Towne" District with a mixed income residential project containing 191 multi-family units in one four story building with parking for the residents in a two level garage below the building.. Section 24-160F.7 ("Parking Requirements") of the City Zoning Ordinance authorizes the City Planning Commission to waive the parking requirements for sites in the central business district that are being redeveloped "...based on the criteria and findings applicable in Section 24-222A..." of the City Zoning Ordinance.

A computation of required parking spaces for the project reflects the following:

Multi-family Units:

51 studio @ 1.0 = 51

60 one bedroom @ 1.7 = 102

76 two bedroom @ 2.0 = 152

4 three bedroom @ 2.5 = 10

315 spaces

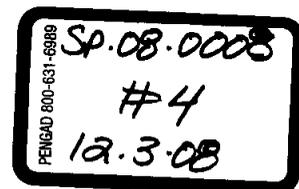
Rental Leasing Office (1,200 SF x 1 per 300 SF = 4.0)

4 spaces

Total Spaces Required

319 spaces

The total number of parking spaces provided on site has been calculated to be 272. Accordingly, the difference between the calculated amount of required on-site parking and the amount of provided on-site parking is 47 spaces. The Applicant requests that the City Planning Commission waive the requirement for on-site parking from 319 to 272 spaces for the following reasons:



1. Residential communities in close proximity to transit facilities and local personal service establishments tend to require less parking. The “Residences at Olde Towne” project, with its close proximity to public transportation, anticipates its residents will own fewer vehicles and are more likely to use public transportation given the convenience of this opportunity provided by its urban location. In this instance, within an easy walking distance of the proposed mixed-use project are (i) three Ride On bus stops with routes to the Shady Grove Metro and Rockville Metro Stations and (ii) the Gaithersburg MARC commuter rail station which provides accessibility by commuter rail service to lower Montgomery County and District of Columbia locations. The “Residences at Olde Towne” project is also within easy walking distance to shops, services, bars and restaurants in downtown Olde Towne. Residents will choose to live at “Residences at Olde Towne” because they seek the lifestyle that is associated with urban living including the convenience of walking to downtown Olde Towne to patronize the shopping, services, restaurants and bars.

2. The City’s parking requirements do not differentiate between urban or suburban locations. The same parking is required in all locations in the City even though Smart Growth principles would support that in more urban areas where higher density development is planned, where public transportation is available and where new multifamily housing is designed for an urban lifestyle, the residents will own fewer vehicles and therefore the parking requirement should be less.

3. The City requires that parking be provided for every dwelling unit in the Project as if the Project is always 100% leased and occupied. It is widely accepted that multifamily rental projects are rarely 100% leased and occupied. Market surveys of multifamily rental housing in the DC Metro area typically show a vacancy rate in the 4 - 8% range. Appraisers and lenders typically assume a minimum 5% vacancy when estimating the annual rent income generated by a

multifamily project to determine the estimated value or loan amount. Using the assumption that 5% of the units are vacant then 16 less parking spaces would be required.

4. By comparison, the Montgomery County parking requirement for the proposed development would be 210 parking spaces (109 fewer parking spaces) for a comparable 191 unit multifamily project with the same mix of units to be located in a central business district and within walking distance of a MARC commuter rail station.

5. As the price of gasoline continues to increase reasonable minds will conclude that one of the reasons that many residents will choose to live in more urban areas where public transportation, services and amenities are available is so that they can live without dependency on owning a cars. This doesn't mean that residents will not own cars but for example couples renting a one or two bedroom apartment may choose to only have one car instead of two.

6. Parking garages are expensive to build. Projects that are being designed today need to be mindful of the changes in lifestyles and driving habits that are forthcoming in the future as a result of the rising cost of automobiles, gasoline and insurance, congestions on roads and cost of housing among other things. Building more parking than is needed adds an extraordinary cost on new residential redevelopment projects that the project cannot financially support. Building parking that is not needed increases the cost of multifamily housing making multifamily housing less affordable because rents need to be increased to cover the construction, financing and operating costs directly related to the excess parking.

In summary, for the reasons enumerated above the City parking requirements can be relaxed for communities in and near the central business district and public transportation without any detrimental effect. Accordingly, the Applicant requests a parking waiver and a parking space reduction from 319 spaces (required) to 272 spaces (provided).

The basis on which the Planning Commission can waive the required parking spaces for a proposed project is that the granting of a waiver should not be detrimental to the public health, safety and general welfare. In this instance, this project promotes the revitalization of Olde Towne by integrating a medium density residential component near existing mass public transportation infrastructure and exemplifies “Smart Growth.” This project has been thoughtfully designed to encourage use of public transportation and create convenient pedestrian usage and linkages to access the public transportation as well as the existing and future retail opportunities within Olde Towne. The parking garage is located under the multifamily building with two entrances, one on each side of the building, which helps even out the distribution of vehicles arriving at and departing from the community. The unique characteristics of the site’s location, particularly its proximity to three Ride On Bus stops, the MARC commuter rail station and its proximity to downtown recreational and shopping opportunities justifies the granting of the modest parking waiver requested above.



OWNER / DEVELOPER
KEYSTONEREI
 103 Leekes Lot Way
 Gaithersburg, Maryland 20878
 301.840.5424, 301.840.5859 Fax
 Attn: Richard Koch, Managing Member
 rkoch@keystonerei.com

EXHIBIT - 1
CONCEPTUAL SWM, EROSION SEDIMENT CONTROL AND UTILITY PLAN

RESIDENCES AT OLDE TOWNE - PHASE 2

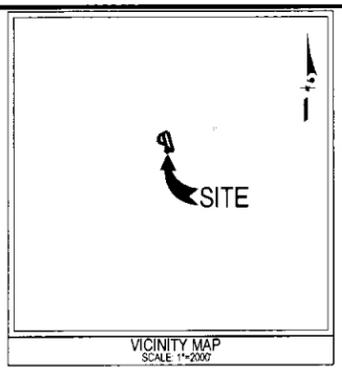
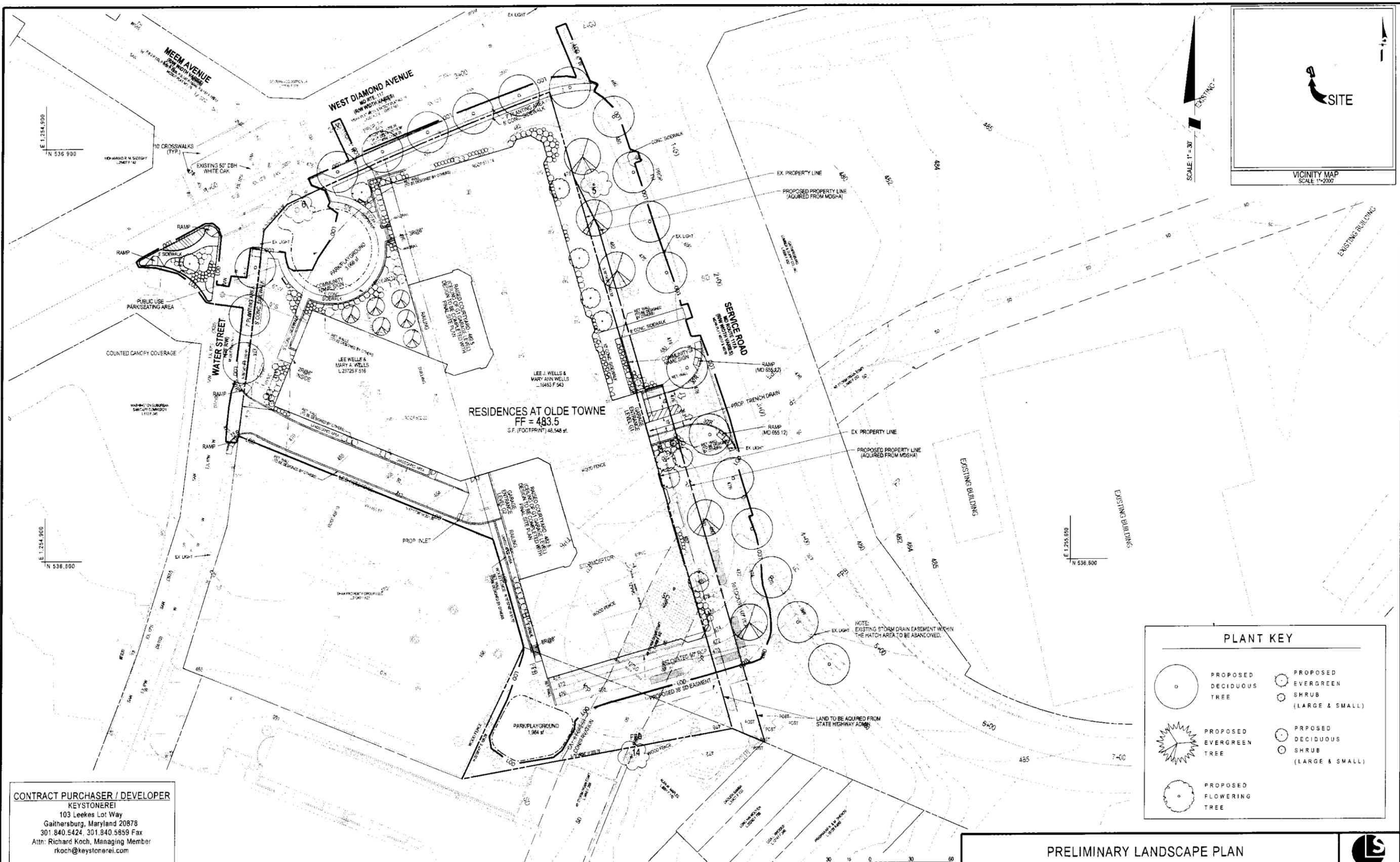
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Soltész Associates, Inc.
 Rockville
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 Frederick
 Waldorf
 Leonardtown
 Chantilly
 Engineering
 Planning
 Surveying
 Environmental Sciences
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2007/11/14/02 The Map Person Permitted Use Number: 201139 19 E-9 223 NW 10 223 NW 10 223 NW 10 223 NW 10	2007/11/14/02 The Map Person Permitted Use Number: 201139 19 E-9 223 NW 10 223 NW 10 223 NW 10 223 NW 10	2007/11/14/02 The Map Person Permitted Use Number: 201139 19 E-9 223 NW 10 223 NW 10 223 NW 10 223 NW 10	2007/11/14/02 The Map Person Permitted Use Number: 201139 19 E-9 223 NW 10 223 NW 10 223 NW 10 223 NW 10
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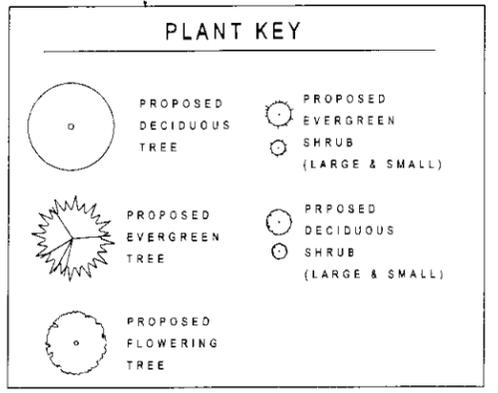
MISS UTILITY NOTE
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GAITHERSBURG (9th) ELECTION DISTRICT
 CITY OF GAITHERSBURG, MARYLAND

SP.08.0008
 #9
 12.3.08



CONTRACT PURCHASER / DEVELOPER
KEYSTONEREI
 103 Leekes Lot Way
 Gaithersburg, Maryland 20878
 301.840.5424, 301.840.5859 Fax
 Attn: Richard Koch, Managing Member
 rkoch@keystonerei.com



Lolederman Soltész Associates, Inc.
 Rockville Office
 2 Research Place, Suite 100
 Rockville, MD 20850
 t. 301.948.2750 f. 301.948.9067
 www.LSAssociates.net

NO.	REVISIONS MADE PER STAFF COMMENTS	DATE	BY
7	REVISIONS MADE PER STAFF COMMENTS	10/14/08	CTW
6	REVISED PER BUILDING FOOTPRINT RECEIVED	09/03/08	JDC
5	REVISED PER COMMENTS RECEIVED	07/29/08	TH
4	BUILDING FOOTPRINT MODIFIED	04/14/08	TH
3	REVISED PER CLIENT COMMENTS	03/07/08	TH
2	REVISED PER CITY OF GAITHERSBURG REVIEW	02/26/08	TH
1	ENTRANCE REVISION TO STATE HIGHWAY ACCESS ROAD	10/25/07	TH

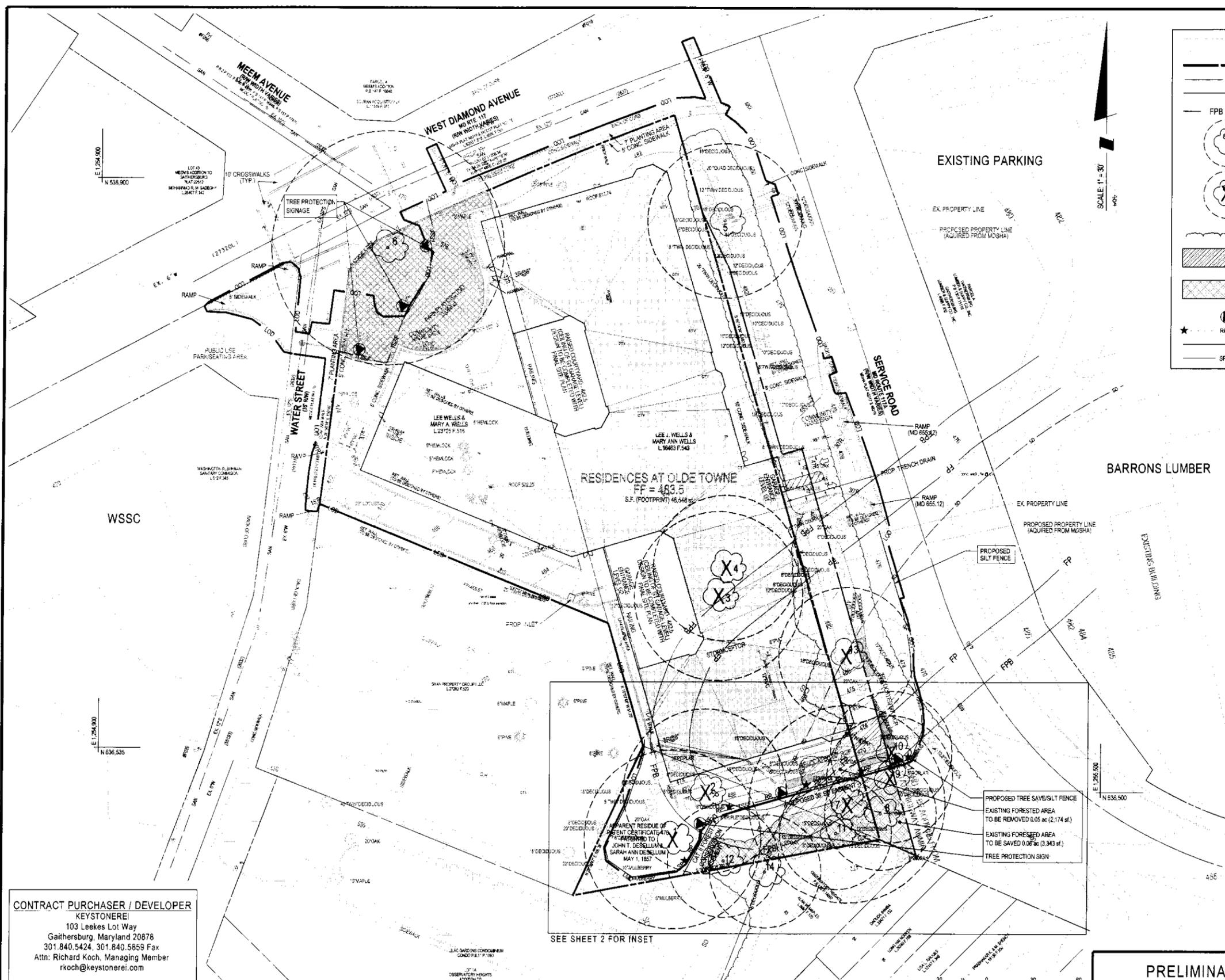
Copyright ©2008 The LSA People Registered as Maryland 0271186	Scale: 1"=30'
Map No. FT 341	Zone: CBD
Sheet No. 223 NW 10	Zone: E9
Site Name: Residences at Olde Towne	Map No. NAD 83
Version: NAD 83	Version: NAD 83

MISS UTILITY NOTE
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PRELIMINARY LANDSCAPE PLAN

RESIDENCES AT OLDE TOWNE
 GAITHERSBURG (9TH) ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND

SP-08-0008
 #6
 12-3-08



LEGEND

---	EXISTING CONTOURS
---	PROPOSED CONTOURS
---	PROPERTY BOUNDARY
---	LIMIT OF DISTURBANCE
---	100 YEAR FLOODPLAIN LIMITS (Source: FEMA)
---	100 YEAR FLOODPLAIN BUFFER (Source: FEMA)
(8)	SPECIMEN TREE (Approximate location. Exact location shown by retained from the tree replacement or added by a new tree)
(X)	REMOVED SPECIMEN TREE (Exact location shown by retained from the tree replacement or added by a new tree)
---	EXISTING TREE LINE
---	FOREST CLEARING
---	FOREST/TREE RETENTION
(*)	FOREST/TREE RETENTION SIGN
(*)	ROOT PRUNING
---	TSSF TREE SAVE/SILT FENCE
---	SILT FENCE



FOREST CONSERVATION WORKSHEET
Residences at Olde Towne
25-Jun-08

NET TRACT AREA						
A. Total tract area					2.28	
B. Land dedication acres (parks, county facility, etc.)					0.00	
C. Land dedication for roads or utilities (not being constructed by this plan)					0.00	
D. Area to remain in commercial agricultural production/use					0.00	
E. Other deductions (specify)					0.00	
F. Net Tract Area					2.28	
LAND USE CATEGORY (from Trees Technical Manual)						
Input the number "1" under the appropriate land use. Limit to only one entry.						
	ARA	MDR	IDA	HDR	MPD	CIA
	0	0	0	0	0	0
G. Afforestation Threshold					15%	x F = 0.34
H. Conservation Threshold					20%	x F = 0.46
EXISTING FOREST COVER						
I. Existing forest cover						0.13
J. Area of forest above afforestation threshold						0.00
K. Area of forest above conservation threshold						0.00
BREAK EVEN POINT:						
L. Forest retention above threshold with no mitigation						0.00
M. Clearing permitted without mitigation						0.00
PROPOSED FOREST CLEARING						
N. Total area of forest to be cleared						0.05
O. Total area of forest to be retained						0.08
PLANTING REQUIREMENTS:						
P. Reforestation for clearing above conservation threshold						0.00
Q. Reforestation for clearing below conservation threshold						0.10
R. Credit for retention above conservation threshold						0.00
S. Total reforestation required						0.10
T. Total afforestation required						0.21
U. CRZ Saved (in addition to Forest Area Saved)						0.15
V. Landscape Canopy Coverage						0.17
W. Total reforestation and afforestation required						0.31
X. Total reforestation and afforestation proposed						0.32

* SEE SHEET 3 FOR PLAN VIEW OF COUNTED TREES AND CALCULATIONS

CONTRACT PURCHASER / DEVELOPER
KEYSTONEREI
103 Leekes Lot Way
Gaithersburg, Maryland 20878
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Loiederman Soltes Associates, Inc.
Rockville
Lenham
Frederick
Waldorf
Leonardtown
Chantilly

ROCKVILLE OFFICE
2 Research Place, Suite 100
Rockville, MD 20850
t. 301.948.2750 f. 301.948.9067

www.LSAssociates.net

6	REVISIONS MADE PER STAFF COMMENTS	KDL	10/14/08
5	REVISIONS MADE PER STAFF DISCUSSION & COMMENTS RECEIVED MARCH 26, 2008	TH	07/29/08
4	REVISIONS MADE PER STAFF DISCUSSION	TH	06/11/08
3	BUILDING FOOTPRINT MODIFIED	TH	04/14/08
2	REVISED PER CITY OF GAITHERSBURG REVIEW	TH	03/25/08
1	ENTRANCE REVISION TO STATE HIGHWAY ACCESS ROAD	TH	10/25/07

DATE: SEPTEMBER 2007
DRAWN BY: JDC
CHECKED BY: SPT/TP

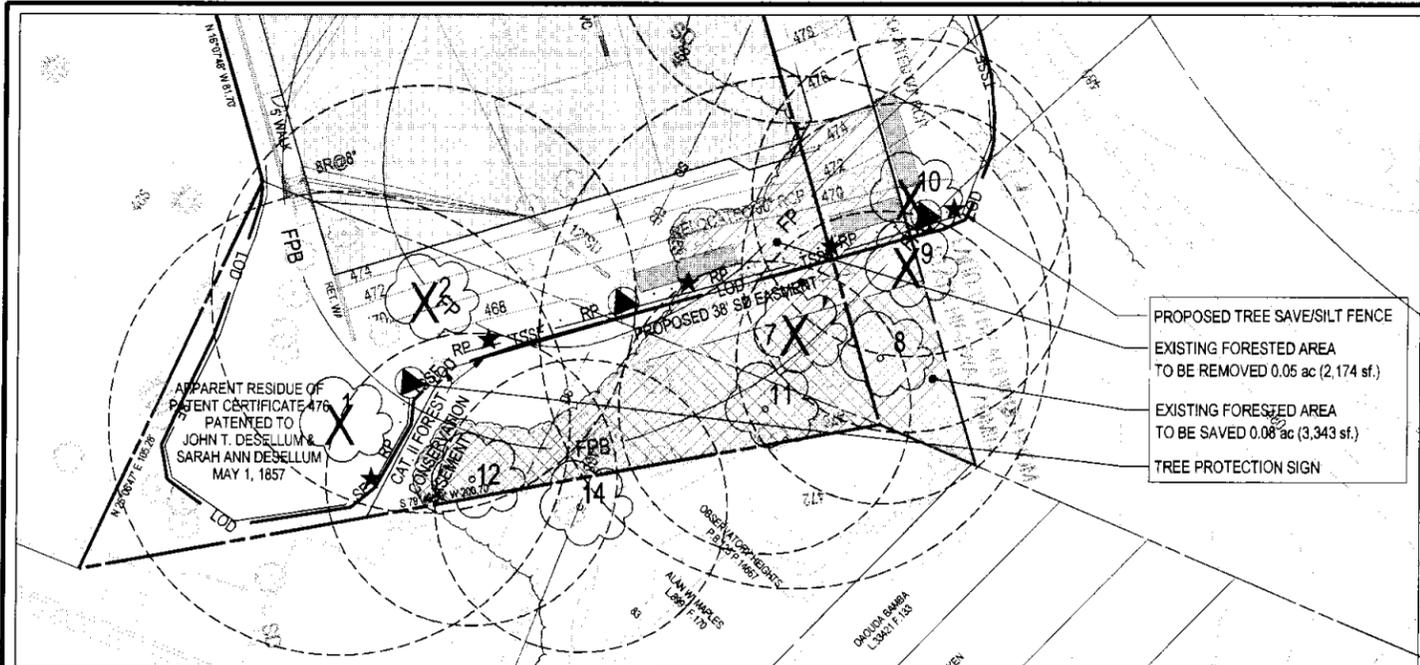
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PRELIMINARY FOREST CONSERVATION PLAN

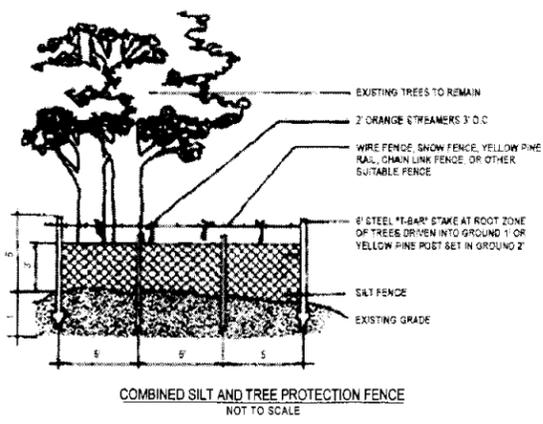
RESIDENCES AT OLDE TOWNE
GAITHERSBURG (9TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

SP-08-0008
#7
12.3.08

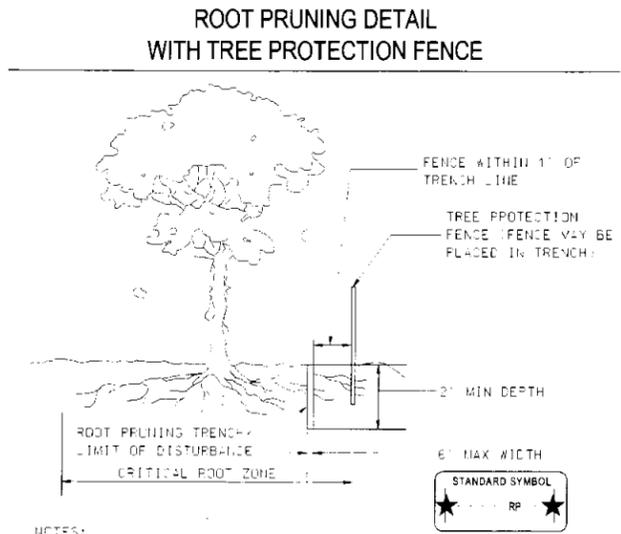


INSET FROM PRELIMINARY FOREST CONSERVATION PLAN SHEET 1

SCALE 1:20



COMBINED SILT AND TREE PROTECTION FENCE
NOT TO SCALE
NOTE: WHEN COMBINED SILT AND TREE PROTECTION FENCE IS USED, ROOT PRUNING SHALL OCCUR ON THE LOD WHERE THE FENCE IS ERECTED.



NOTES:
1. RETENTION AREAS WILL BE SET AS PART OF THE REVIEW PROCESS.
2. BOUNDARIES OF RETENTION AREAS SHOULD BE STAKED AND FLAGGED PRIOR TO TREKCHING.
3. EXACT LOCATION OF TRENCH SHOULD BE IDENTIFIED.
4. TRENCH SHOULD BE IMMEDIATELY BACKFILLED WITH SOIL REMOVED OR OTHER HIGH ORGANIC SOIL.
5. ROOTS SHOULD BE CLEANLY CUT USING VIBRATORY KNIFE OR OTHER ACCEPTABLE EQUIPMENT.

Residences at Olde Town Specimen Tree Save List

Note: Trees were tagged with a metal tag corresponding to the numbers below. Tags were placed approximately 5' from the ground with colored flagging attached. Tree locations were located by survey or field observation.

Tag #	Common Name	Scientific Name	DBH (inches)	Disposition
5	Black Gum	<i>Nyssa sylvatica</i>	33	Save
6	White Oak	<i>Quercus alba</i>	50	Save
8	Pin Oak	<i>Quercus palustris</i>	24	Save
11	Pin Oak	<i>Quercus palustris</i>	24	Save
12	Silver Maple	<i>Acer saccharinum</i>	30	Save

Residences at Olde Town Specimen Tree Removal List

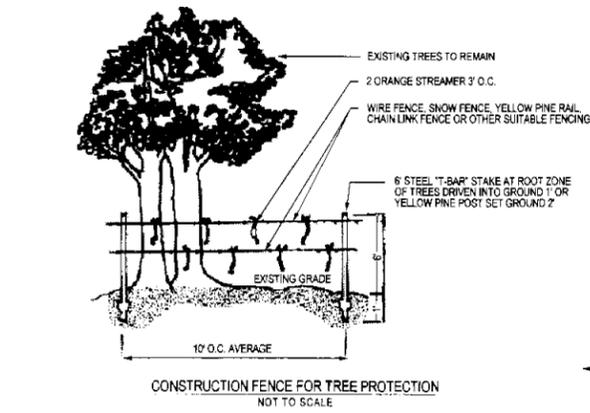
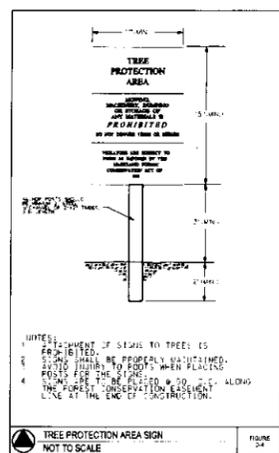
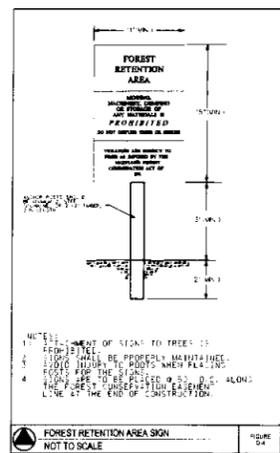
Note: Trees were tagged with a metal tag corresponding to the numbers below. Tags were placed approximately 5' from the ground with colored flagging attached. Tree locations were located by survey or field observation.

Tag #	Common Name	Scientific Name	DBH (inches)	Disposition
1	Silver Maple	<i>Acer saccharinum</i>	38	Remove
2	Silver Maple	<i>Acer saccharinum</i>	35	Remove
3	Pin Oak	<i>Quercus palustris</i>	36	Remove
4	Pin Oak	<i>Quercus palustris</i>	31	Remove
7	Silver Maple	<i>Acer saccharinum</i>	42	Remove
9	Silver Maple	<i>Acer saccharinum</i>	27	Remove
10	Silver Maple	<i>Acer saccharinum</i>	26	Remove
13	Box Elder	<i>Acer negundo</i>	29	Remove

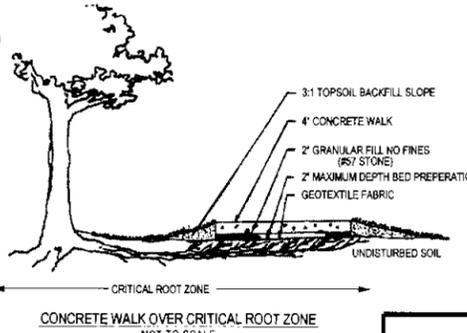
- Pre-construction meeting, held on-site to include a presentation of protective measures to construction supervisors, equipment operators, developer's representative, and site and sediment control inspectors.
- Clearing limits shall be rough staked by developer in order to facilitate location for trenching and fencing installation.
- No clearing or grading shall begin in areas where tree treatment and preservation measures have not been completed.
- The sequence of tree treatment and conservation measures shall be:
 - 1) Root pruning trenching.
 - 2) Tree protection fencing.
 - 3) Aeration system installation.
 - 4) Sign installation.
 - 5) Tree pruning and chemical treatment.
 - 6) Mulch treatment.
- Above measures shall be directed in the field by the project forester, arborist, naturalist, ecologist, site engineer or landscape architect.
- Tree protection fencing shall be maintained and repaired by the developer or contractor for the duration of construction and once approved by the city site inspector, must not be altered without prior approval by the city site inspector.
- Access to fenced areas will only be permitted with the prior approval of the owner's representative and the city site inspector.
- Designated aeration zones shall be protected with temporary fencing until final grading.
- Any excavation or grading required within the fenced areas shall be done as directed and approved by the person mentioned in note # 5 and the city site inspector.
- Trees, shrubs, or undergrowth shall be removed from the protected root zone areas only when necessary and shall be removed by hand.
- Refer to tree protection action key for specific treatment of each specimen tree.
- Attachment of signage, fencing, etc., to trees to be saved is prohibited.
- After construction, all temporary barriers, fencing, debris, etc., shall be removed from the site by the contractor.
- No sod or seed shall be planted within the designated root zones for all trees to be saved.

FOREST CONSERVATION INSPECTION PROCEDURES

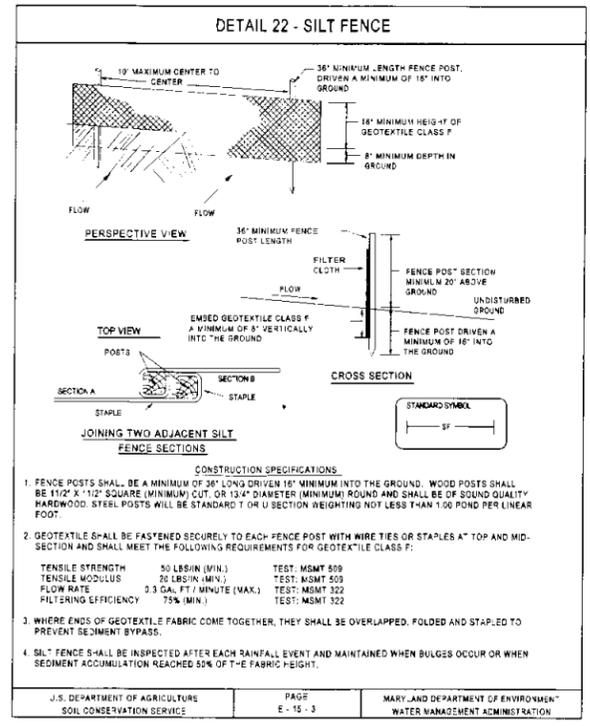
- Upon permit issuance, the builder/developer must arrange for an engineer's stake out of tree protection in accordance with approved plans. A preconstruction meeting will then be scheduled to determine the location of tree protection devices. The Planning and Code Administration inspector shall adjust tree protection and root pruning in the field as necessary, which may expand or decrease the area being protected. Installation of all tree protection devices should be scheduled and an inspection arranged with the City after all work is complete. The City will issue a punch list for any remaining work needed prior to the start of grading, or issue a report approving the start of grading.
- Once work begins on-site, the tree protection devices will be reinspected on a biweekly basis, and the builder/developer will be notified of any work that is needed. It shall be the builder/developer's responsibility to maintain all tree protection devices and make any repairs needed.
- City approval is required prior to removal of any tree protection device or entrance into a tree save area. **Tree save areas cannot be used for storage of any building materials.**
- The Planning and Code Administration inspector may require pruning and removal of any tree in the tree save area during construction and prior to bond release. These decisions will be based on the trees' health, proximity to buildings, drainage, or other concerns. Every effort will be made to preserve those trees in the tree save area.
- The City will require mitigation of trees lost during construction in accordance with the Forest Conservation Ordinance. Mitigation will be required prior to bond release, and all replacement trees must be inspected by the City after installation. These replacement trees shall have a one-year guarantee in accordance with the industry standards. The City may also allow the developer to escrow monies for mitigation to satisfy their obligation, which will be used by the City to purchase and install the replacement trees.
- For mitigation and afforestation, City inspection is required after the plantings have been made. The maintenance period, one year or as stated in the maintenance agreement, will not begin until this inspection has been made. Quarterly reports to the City, if required, on the health of the trees in the save area should also be made, and any recommendations implemented. It shall be the builder/developer's responsibility to maintain these plantings and, if they are accepted by the City. A final inspection by the City will be made prior to the end of the maintenance period, and a punch list developed for any trees that need to be replaced. The City may allow the developer to escrow monies to satisfy their obligation for any further planting required, which will be used by the City to purchase and install the replacement trees.
- It shall be the builder/developer's responsibility to satisfy all requirements and conditions of the Forest Conservation Plan and/or any maintenance agreement. In the event of a violation, the City will take enforcement action in accordance with the Trees and Forest Conservation Ordinance (Chapter 23) of the City Code. This may include correction notices, civil citations, or collection of the bond guaranteeing this work.



CONSTRUCTION FENCE FOR TREE PROTECTION
NOT TO SCALE



CONCRETE WALK OVER CRITICAL ROOT ZONE
NOT TO SCALE



CONSTRUCTION SPECIFICATIONS:
1. FENCE POSTS SHALL BE A MINIMUM OF 36\"/>

Lolederman Soltesz Associates, Inc.
Rockville
Lanham
Frederick
Waldorf
Leonardtown
Chantilly

ROCKVILLE OFFICE
2 Research Place, Suite 100
Rockville, MD 20850
t. 301.948.2750 f. 301.948.9067

www.LSAssociates.net

NO.	REVISIONS PER STAFF COMMENTS	DATE	BY
8	REVISIONS PER STAFF COMMENTS	10/14/08	KDL
5	REVISIONS PER STAFF DISCUSSION & COMMENTS RECEIVED MARCH 28, 2008	07/28/08	TH
4	REVISIONS PER STAFF DISCUSSION	06/11/08	TH
3	BUILDING FOOTPRINT MODIFIED	04/18/08	TH
2	REVISED PER CITY OF GAITHERSBURG REVIEW	03/26/08	TH
1	ENTRANCE REVISION TO STATE HIGHWAY ACCESS ROAD	10/25/07	TH

DATE: SEPTEMBER 2007
DESIGNED: JDC
CHECKED: SPT/TP

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 CROSSINGS BY DIGGING 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 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.

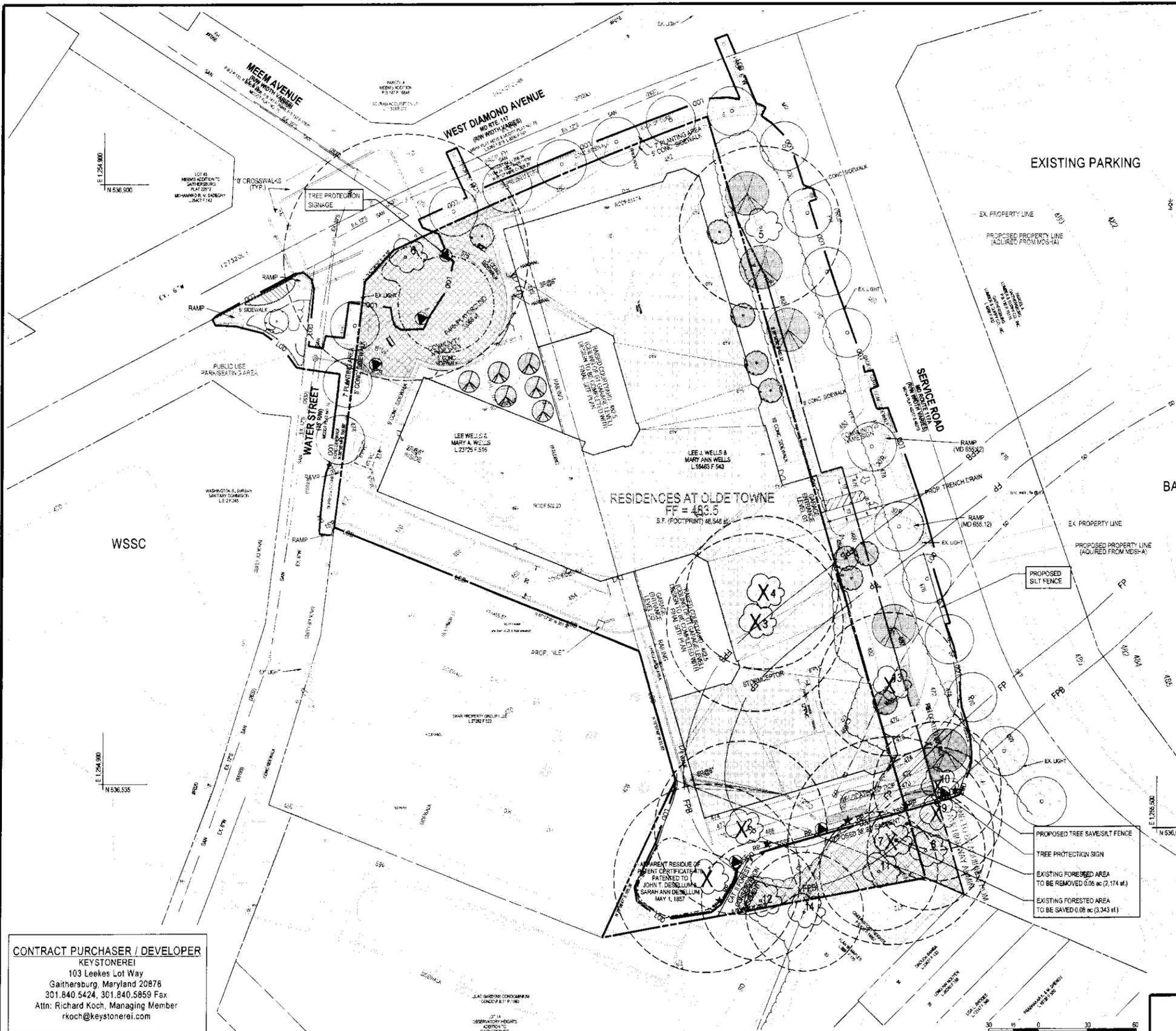
PRELIMINARY FOREST CONSERVATION DETAILS

RESIDENCES AT OLDE TOWNE

GAITHERSBURG (9TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

PROJECT NO. 2990-02-00

SHEET 2 OF 3



LEGEND

- FP: 100 YEAR FLOODPLAIN LIMITS (Source: FEMA)
- FPB: 100 YEAR FLOODPLAIN BUFFER (Source: FEMA)
- SPECIMEN TREE (Applicable to 100' Root Zone): Root zone shown as shaded area from the root collar (shown or implied by the re-landscaping)
- REMOVED SPECIMEN TREE (Applicable to 100' Root Zone): Root zone shown as shaded area from the root collar (shown or implied by the re-landscaping)
- EXISTING TREE LINE
- FOREST CLEARING
- FOREST/TREE RETENTION
- EXISTING 50' OAK CANOPY COVERAGE (FOR CREDIT)
- FOREST/TREE RETENTION SIGN
- ROOT PRUNING
- TREE SAVE/SUPER SILT FENCE
- EXISTING CONTOURS
- PROPOSED CONTOURS
- PROPERTY BOUNDARY
- LIMIT OF DISTURBANCE

SCALE: 1" = 30'

VICINITY MAP SCALE: 1" = 2000'

TREES COUNTED TOWARDS TREE CANOPY COVER

- ON-SITE SHADE TREES @ 20x20
- ON-SITE ORNAMENTAL & EVERGREEN @ 15x15
- OFF-SITE STREET TREES @ 20x20

Forest Conservation Summary

Existing Forest	0.13 ac
Cleared Forest Area	0.05 ac
Reforestation Requirement	0.10 ac
Afforestation Requirement	0.21 ac
Total Afforestation and Reforestation	0.31 ac
Total Critical Root Zone and Landscape Canopy Coverage*	0.32 ac

*Critical Root Zone Calculation:
Existing 50' White Oak 6,767.07 sf. = (0.15 ac)

Landscape Canopy Coverage Calculation:
3 On-site Shade Trees @ 20x20 2,400.00 sf.
15 On-site Ornamental & Evergreen @ 15x15 3,600.00 sf.
3 Off-site Street Trees on Water Street @ 20x20 2,000.00 sf.
Total Landscape Coverage 7,200.00 sf. (0.17 ac)

Total Critical Root Zone and Landscape Canopy Coverage 13,967.07 sf. (0.32 ac)

CONTRACT PURCHASER / DEVELOPER
KEYSTONEREI
 103 Leekes Lot Way
 Gaithersburg, Maryland 20878
 301.840.5424, 301.840.5859 Fax
 Attn: Richard Koch, Managing Member
 rkoch@keystonerei.com

Lolederman Soltész Associates, Inc.
Rockville Office
 2 Research Place, Suite 100
 Rockville, MD 20850
 t. 301.948.2750 f. 301.948.9067
 www.LSAssociates.net

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2	REVISIONS MADE PER STAFF COMMENTS	KDL	10/14/08
1	CREATED PER COMMENTS RECEIVED ON MARCH 28, 2008	JHC	07/29/08
1	SEPTEMBER 2007	JHC	07/29/08

SEPTEMBER 2007
 JHC

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 CROSSINGS BY DIGGING TEST PITS BY HAND. WELL IN ADVANCE OF THE START OF EXCAVATION CONTACT MISS UTILITY AT 1-800-257-7777 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.

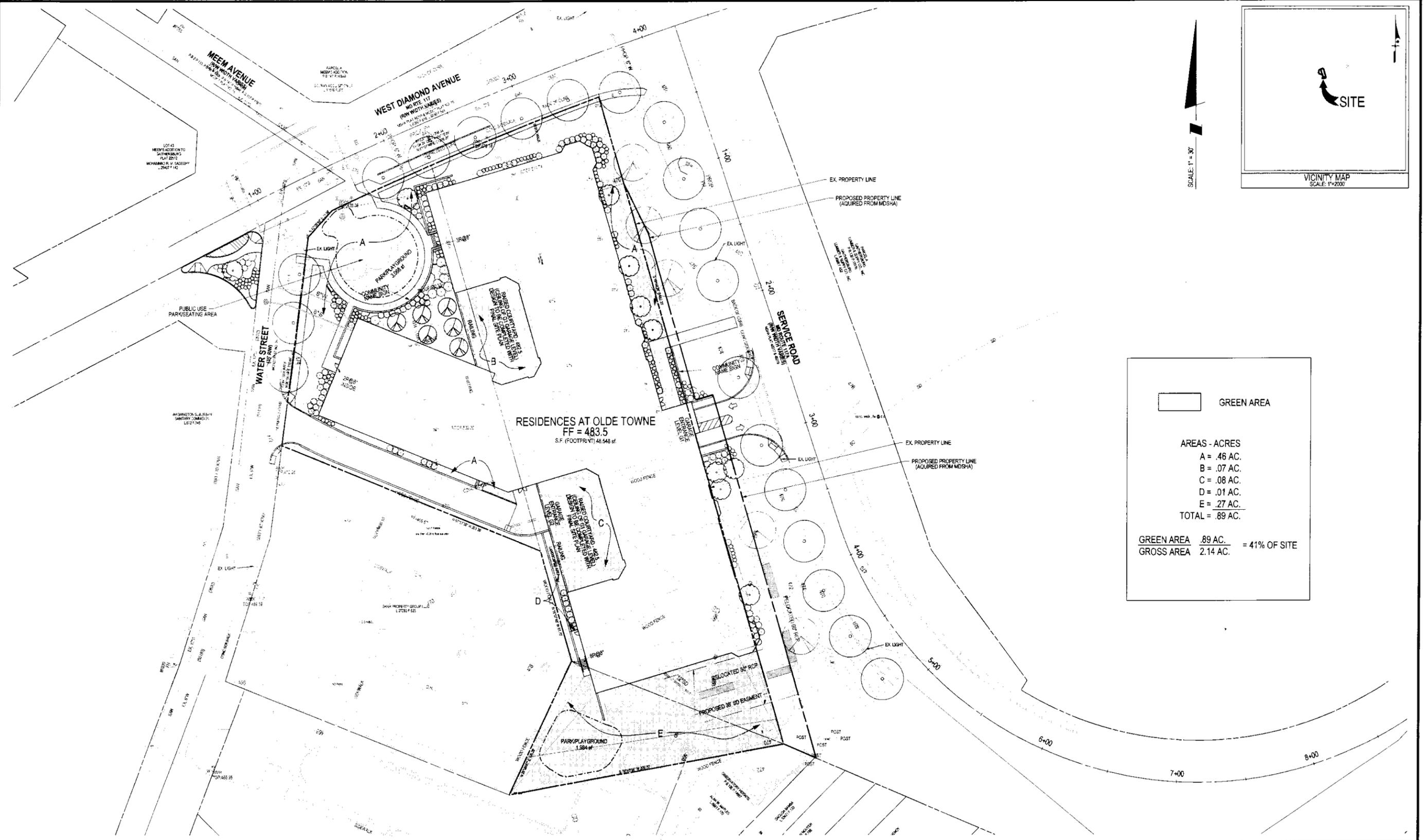
PRELIMINARY FOREST CONSERVATION COUNTED CANOPY COVERAGE PLAN

RESIDENCES AT OLDE TOWNE

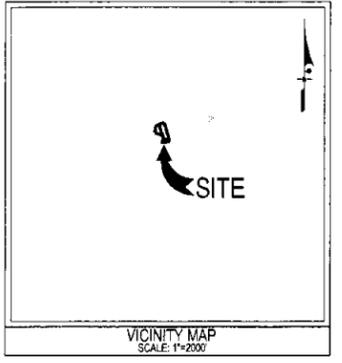
GAITHERSBURG (9TH) ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND

SHEET 3 OF 3

PROJECT NO. 2990-02-00



SCALE: 1" = 30'



	GREEN AREA
AREAS - ACRES	
A	= .46 AC.
B	= .07 AC.
C	= .08 AC.
D	= .01 AC.
E	= .27 AC.
TOTAL	= .89 AC.
GREEN AREA	.89 AC. = 41% OF SITE
GROSS AREA	2.14 AC.

GREEN AREA EXHIBIT

RESIDENCES AT OLDE TOWNE

GAITHERSBURG (9TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

LS Liederman
Soltész Associates, Inc.
Rockville Office
2 Research Place, Suite 100
Rockville, MD 20850
t. 301.948.2750 f. 301.948.9067
www.LSAssociates.net

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Engineering
Planning
Surveying
Environmental Sciences

REVISIONS MADE PER STAFF COMMENTS	PE: JDC	CTW	10/14/08
SEPTEMBER 2008	Checked: JDC	Checked: SPT/TP	

Project No.	223 NW 10
Sheet No.	223 NW 10
Scale	As Shown
Site Date	
Drawn by	
Checked by	

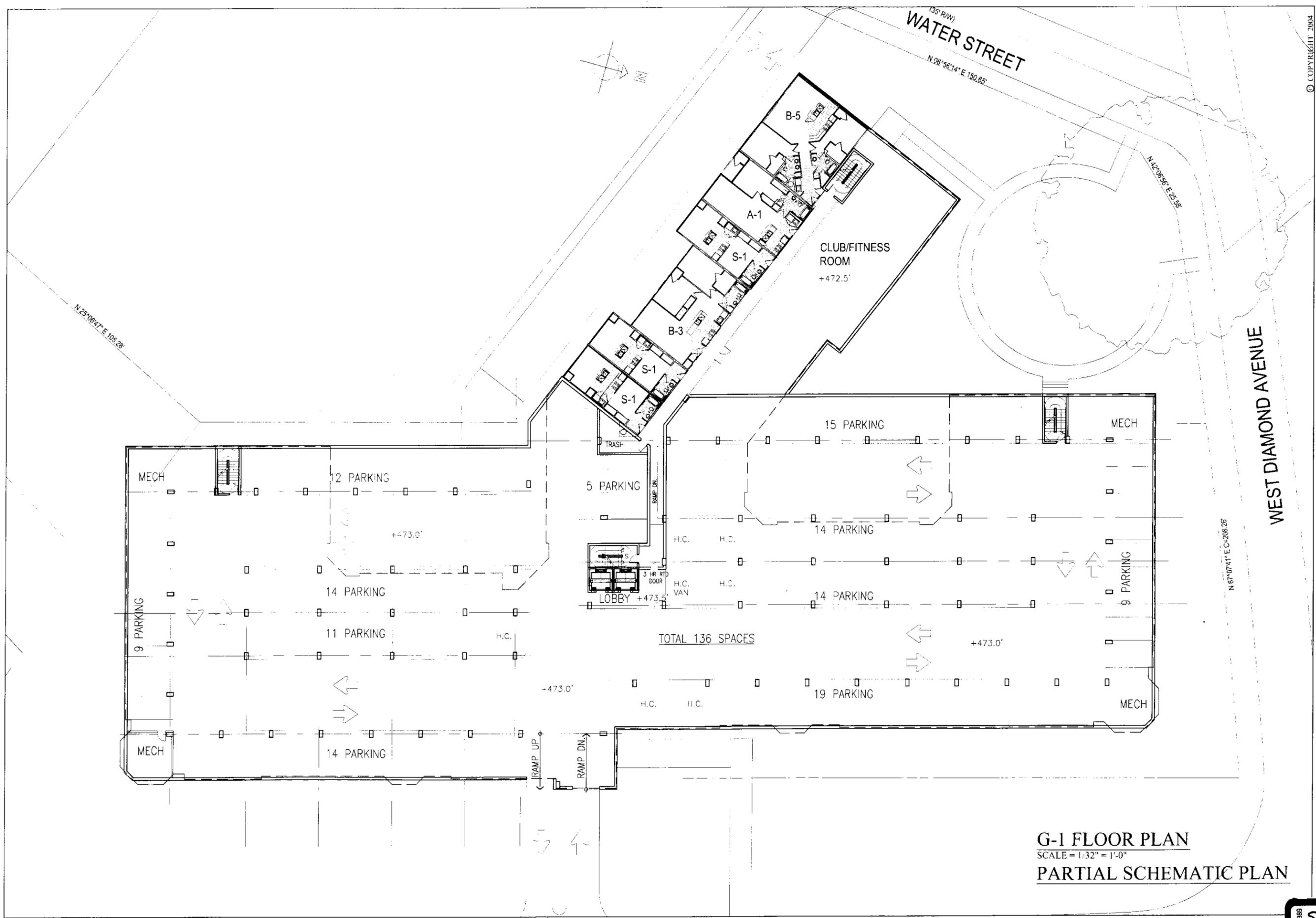
MISS UTILITY NOTE

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SP-08-0008
#8
12.3.08

BLSAPLOTCHMENTS



G-1 FLOOR PLAN
 SCALE = 1/32" = 1'-0"
PARTIAL SCHEMATIC PLAN

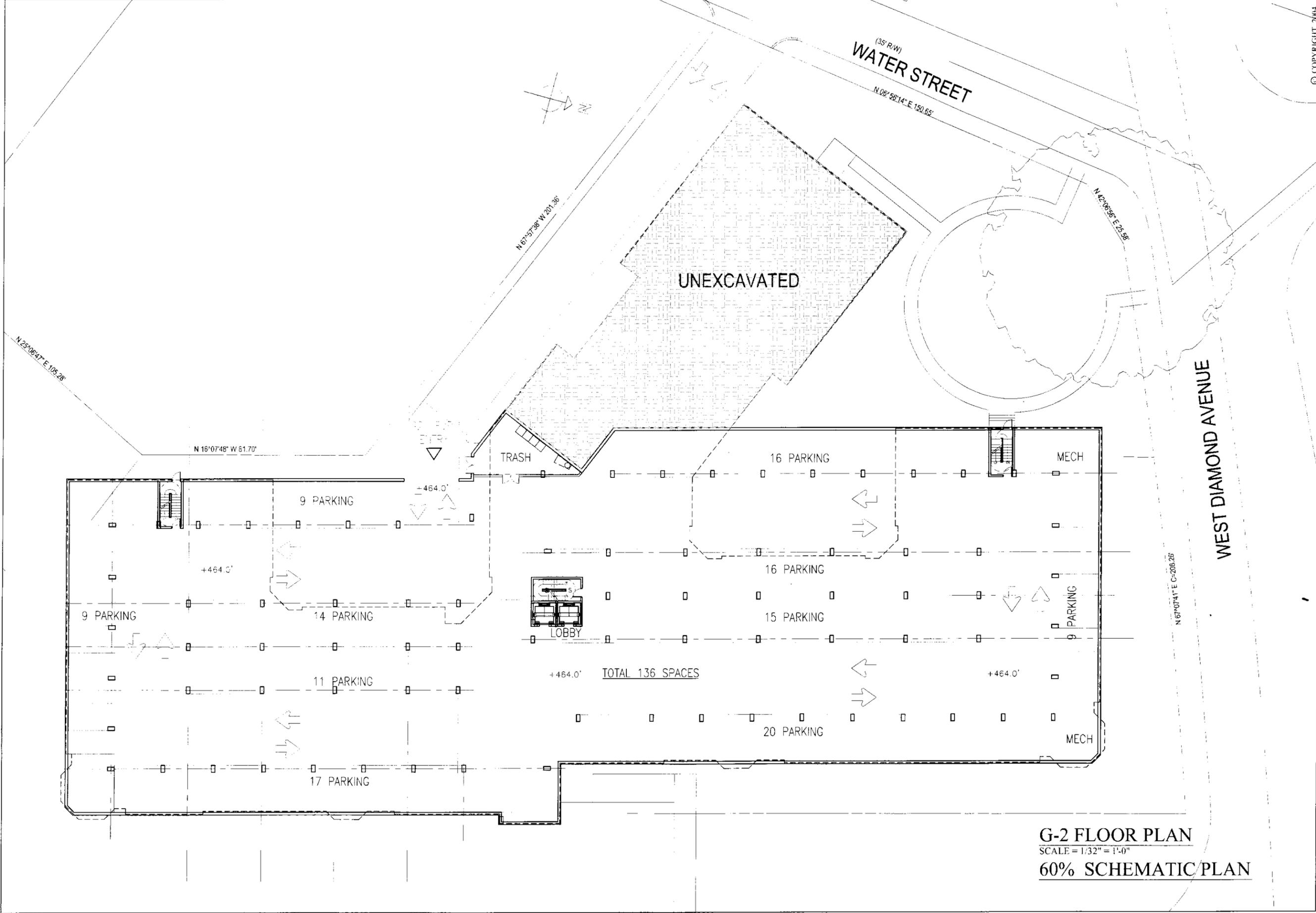
DVA
DONNALLY VUJIC ASSOCIATES, I.L.C.
 architecture ■ planning ■ interiors
 400 Professional Drive ■ Suite 200 ■ Gaithersburg, Maryland 20879-3433
 301-590-8900 ■ Fax 301-590-8620 ■ EMAIL: DVA-ARCH.COM

RESIDENCES AT OLDE TOWNE
 OLDE TOWNE, GAITHERSBURG, MARYLAND
 A PROJECT FOR KEYSTONESM
 103 Leekes Lot Way, Gaithersburg, MD 20878
 G-1 PARKING LVL.

REVISIONS	
1-03-08	50% Schematic Design
1-24-08	60% Schematic Design Set
ISSUED 11-03-08	
FLOOR PLAN	
DRAWN SC	CHECKED K. K.
DVA JOB NO. 493020	SCALE 1/32" = 1'-0"
DRAWING	

G-1
 SP-08.0008
 #10
 12.3.08

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G-2 FLOOR PLAN
 SCALE = 1/32" = 1'-0"
60% SCHEMATIC PLAN

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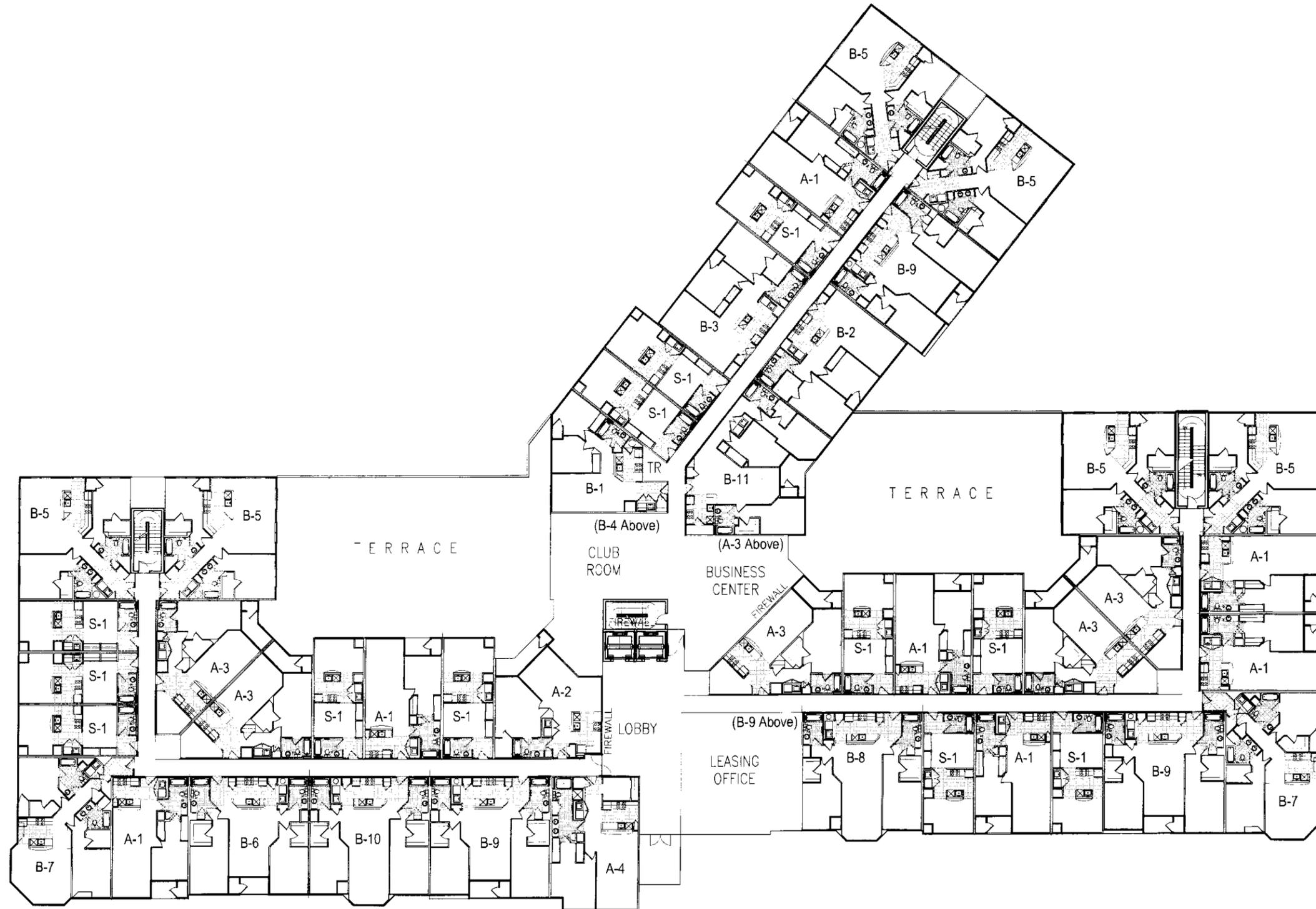


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400 Professional Drive ■ Suite 200 ■ Gaithersburg, Maryland 20879-3433
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RESIDENCES AT OLDE TOWNE
 OLDE TOWNE, GAITHERSBURG, MARYLAND
 A PROJECT FOR KEYSTONE^{RFI}
 103 Leekes Lot Way, Gaithersburg, MD 20878
 G-2 PARKING LVL.

REVISIONS	
1-03-08	50% Schematic Design
1-24-08	80% Schematic Design Set
ISSUED: 05/2008	
FLOOR PLAN	
DRAWN SC	CHECKED RT KT
DVA JOB NO. 40302.01	SCALE 1/32" = 1'-0"
DRAWING	
G-2	
SHEET _____ OF _____	



FIRST FLOOR PLAN
SCALE = 1/32" = 1'-0"

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400 Professional Drive ■ Suite 200 ■ Gaithersburg, Maryland 20879-3433
301-590-8900 ■ Fax 301-590-8620 ■ EMAIL: DVA-ARCH.COM

RESIDENCES AT OLDE TOWNE
OLDE TOWNE, GAITHERSBURG, MARYLAND
A PROJECT FOR KEYSTONE
103 Leekes Lot Way, Gaithersburg, MD 20878
FIRST FLOOR PLAN

REVISIONS

1-10-08	50% Scheme Design
1-22-08	60% Scheme Design Set

ISSUED 11:03:2008
FLOOR PLAN

DRAWN SC	CHECKED KT KT
DVA JOURNAL 4302 01	SCALE 1/32" = 1'-0"

DRAWING

FLR-1
SHEET ___ OF ___

