MEMORANDUM TO: Mayor and City Council and the Planning Commission

FROM: Lauren Pruss, Planning Director

DATE: January 17, 2012

SUBJECT: Preliminary Background Report
Z-301(A)/SDP-11-002: The Spectrum at Watkins Mill

APPLICANT/OWNER:

BP Realty Investments, LLC
10000 Falls Road
Suite 100
Potomac, Maryland 20854

TAX MAP REFERENCE:

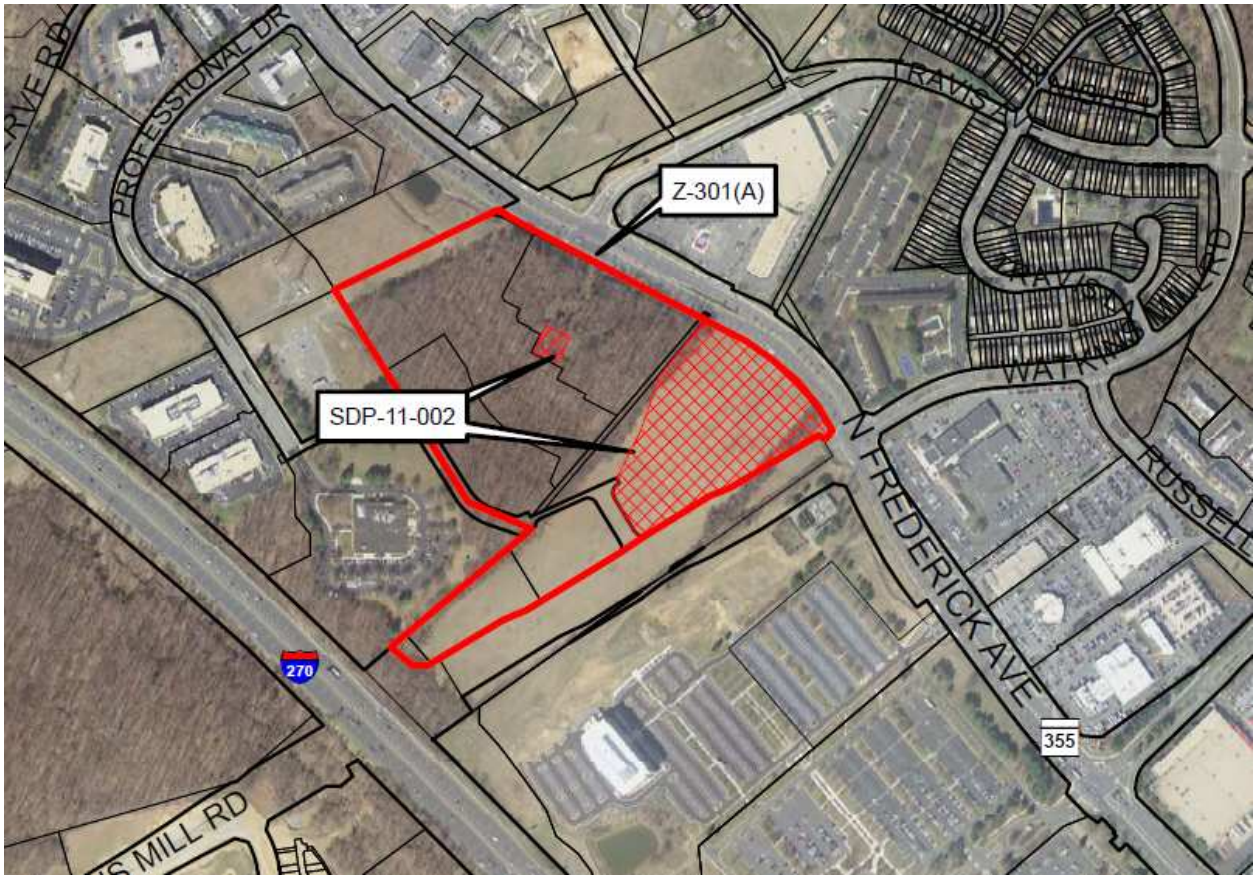
N668 - 09-03664972	N561 - 09-03665010
N633 - 09-03664994	P450 - 09-03501283
N565 - 09-03664983	N455 - 09-02214641
P360 - 09-03501283	N686 - 09-03665008
P356 - 09-03501283	N572 - 09-03664950
P457 - 09-03501476	N613 - 09-03664961

REQUEST:

Application Z301(A)/SDP-11-002 has been filed requesting approval of an amendment to the sketch plan Z-301 and schematic development plan SDP-07-001, known as the Spectrum at Watkins Mill (formerly "Casey East"). The sketch plan proposes 214,810 square feet of mixed office, restaurant, commercial, service station, senior center/public uses, including 678 multi-family residential units to be built in two phases on approximately 40.1 acres of land. The schematic development plan (SDP) proposes to modify the previously approved SDP to incorporate an additional 296 multi-family residential units in Phase One and reduce the proposed commercial and retail square footage within the allowances provided under the proposed sketch plan. The property is located within the Mixed Use Development (MXD) Zone.

LOCATION:

The subject property ("Property") is located east of Interstate 270 and west of Route 355, and is bounded on the west by Route 355, to the north by P 370 & P 182 (Potomac Electric Power Co.), and to the east by parcel N391 (Colonial Pipeline Co.), Parcels N526 and N417 (Humane Society of the United States), and Interstate 270. The Property is currently bounded on the south by Watkins Mill Road which has been recently completed.



PROJECT BACKGROUND AND ZONING HISTORY:

In June 2006, the Mayor and City Council approved rezoning application Z-301 and schematic development plan SDP-05-003 with 29 conditions, as listed in Resolution R-65-06 (Exhibits 83 and 84). The approved sketch plan allows a mix of uses to be developed in two phases, and includes 382 residential units and 250,500 square feet of office, restaurant, retail, service station, and public uses on approximately 40.10 acres of land.

SDP-07-001 was approved via Resolution R-92-07 by the Mayor and City Council in August 2007. The approved SDP differed somewhat from the Sketch Plan, by shifting some commercial density from Phase One to Phase Two, and increased the area of the proposed Senior Center from 10,000 square feet to 30,000 square feet (Exhibit 85).

In 2007, the first final site plan application, SP-07-017 was filed for the development, which split Phase One of the development into two sub-phases, Phase 1A and 1B. Phase 1A and associated infrastructure was filed as application SP-07-017, and provided for the construction of the 6th District Police Station and Watkins Mill Road. This plan was approved on July 15, 2009 and included infrastructure for Watkins Mill Road, Spectrum Boulevard (the entrance to the subdivision), Spectrum Avenue, and final site plan approval for the 6th District Police Station. The roads approved under this plan have been constructed, although construction has not begun on the 6th District Police Station (Exhibit 86). The Planning Commission approved a modification to this plan on December 2, 2009 in application AFP-09-021.

On June 2, 2010, the Planning Commission granted approval of SP-09-004, Phase 1B of the Spectrum at Watkins Mill with eight conditions. This approval provided the remaining infrastructure for Phase One, and final site plan approval for mixed use/multi-family buildings A and C, and one restaurant building C-1 (Exhibit 87).

In September 2011, Mr. Pete Henry of BP Realty Investments filed an application requesting approval of an amendment to both the approved sketch and schematic development plans. The current application, Z-301(A)/SDP-11-002, requests approval to increase the number of dwelling units to be constructed within Phase One by adding a new mixed use residential building, while reducing the overall commercial square footage distributed among the two phases. There is no change to the police station site or the future senior center site. A more detailed description of the application and changes from SDP-07-001 can be found beginning on page 5 of this report.

REQUIRED ACTIONS

Approval of Z-301(A)/SDP-11-002, by the City Council is dependent upon the findings required under § 24-160D.10 of the City Code as follows:

(a) *The city council shall approve MXD zoning and the accompanying sketch plan only upon finding that:*

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

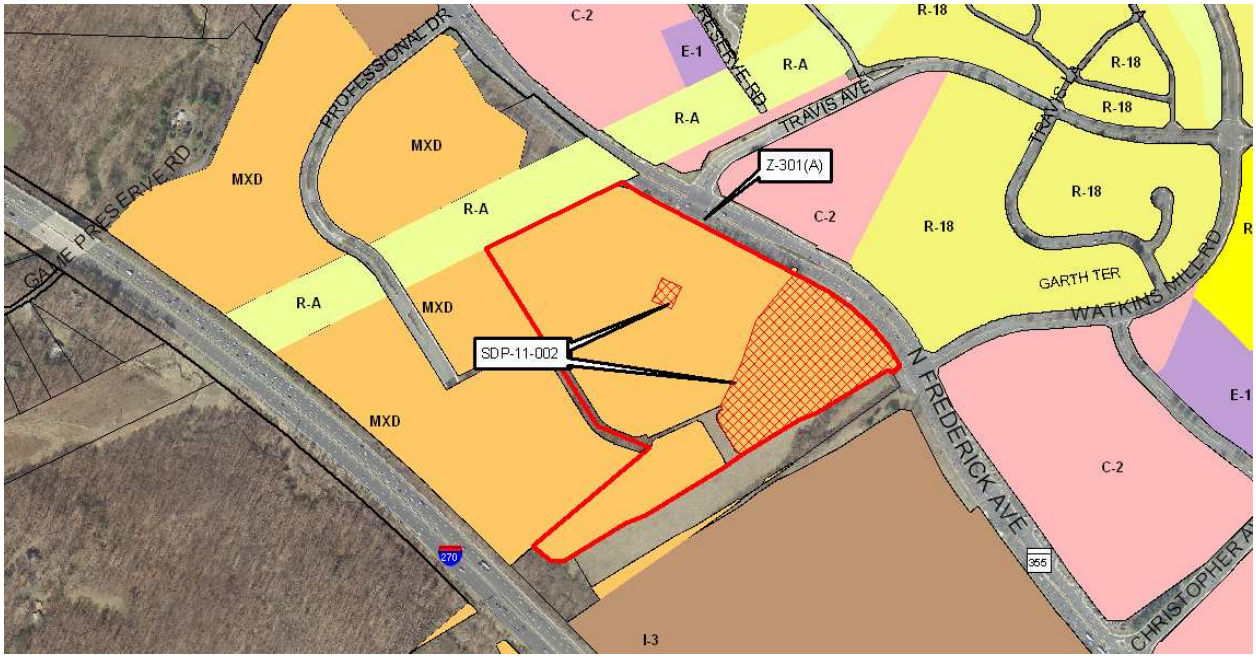
(b) *The city council shall approve a schematic development plan only upon the finding that:*

(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 other requirements of the City Code; 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.*

Therefore, the applicant has the burden of showing that this application for amendment continues to comply with the purpose and intent of the MXD Zone as it did in the first application and also complies with the master plan. Additionally, evidence must show that the revised sketch plan will be compatible and harmonious with the surrounding planned and existing land uses and will accomplish the objectives, minimum standards and requirements of the zone.

SURROUNDING LAND USE/PHYSICAL CHARACTERISTICS:

The Property is irregular in shape and is bounded on the east by a North Frederick Avenue, to the south by Watkins Mill Road, the north by a public utility line, and to the west by the Humane Society of the United States (HSUS) property. Currently, the 40.12± acre Property is mostly undeveloped and contains a combination of open land and forested area. Portions of the site have been developed with roadways approved as part of Phase 1A. The 20.47 acre forested area found on site has been categorized "Mature Oak/Poplar Forest," with no rare or threatened species of plant or trees found on the site.



Pre-development slopes on-site range from 0-25% with moderate slopes dominating and steep slopes concentrated near the stream valleys and the associated buffers. The Property drains into the main stem of Great Seneca Creek and its tributaries through a stream that originates on the site and drains primarily to the north. The Natural Resource Inventory (NRI) has established a 5.86 acre stream valley buffer which is comprised of stream setbacks, steep slopes and floodplains setback. Approximately 3.46 acres of FEMA mapped 100-year floodplain are located within the stream valley buffer. The NRI/FSD provides further detail regarding Streams and Floodplains, Soils, Wetlands, Forests & Trees, Rare, Threatened, or Endangered Species, Existing Wildlife, Stream Quality, Significant Views or Vistas and Historical Significance, and is incorporated as sheet 15 of 21 of the proposed Schematic Development Plan (Exhibit 71).

As part of the Final Site Plan approval for Phase 1B, a Forest Conservation Plan (FCP) was approved in December 2009 and is included within the proposed Schematic Development Plan as sheet 16 of 21 (Exhibit 72). The FCP provides for the retention of 6.12 acres of forest, and 1.17 acres of reforestation. Additionally, 6.94 acres of existing forest and planted forest were preserved within a Category 1 Forest Conservation Easement. This application does not propose any changes to the approved forest conservation plan.

MASTER PLAN AND ZONING:

The Property is located within the Northern Employment District of the *Frederick Avenue Corridor Land Use Master Plan*, a portion of which was adopted as a Special Study Area to the Master Plan for the City of Gaithersburg in 2001. The Corridor Master Plan identified the property as a "future mixed-use development parcel. Uses should include commercial, residential and retail." Buildings are intended to be placed along the edges of the site with parking located behind the buildings. Recommendations in the Corridor Plan for development within 600 feet of Frederick Avenue, including design, building placement, landscaping, pedestrian orientation, open space, and proposed uses (residential and retail) have been incorporated into the proposed Casey East development. There are no additional recommendations for the property in either the 2003 Land Use Element or the draft 2009 Land Use Element.

Z-301(A) SKETCH PLAN:

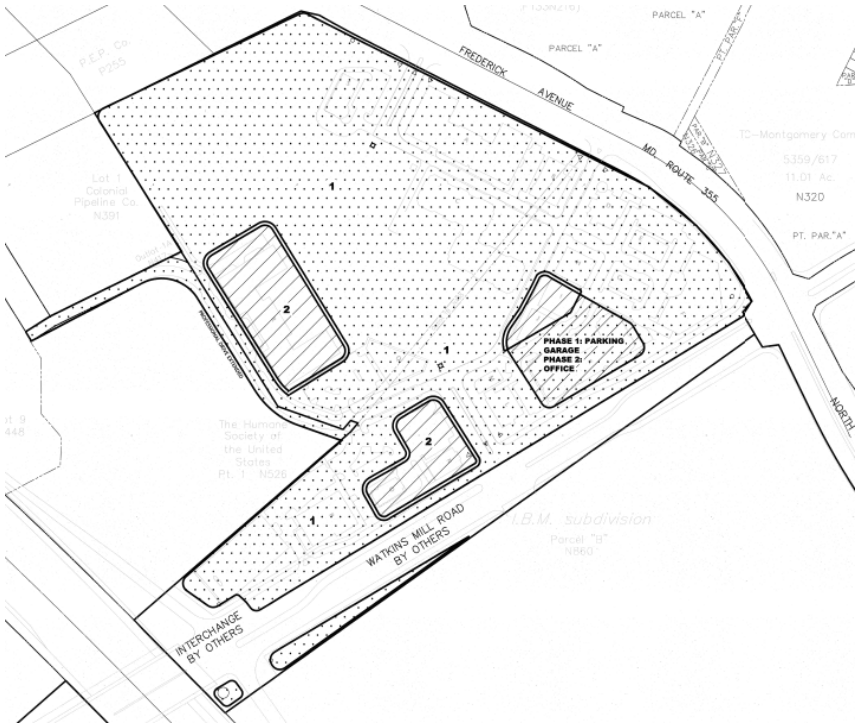
The approved sketch plan Z-301 (below) provided for a mix of uses including 382 residential units and 230,800 square feet of commercial, office, restaurant, service station, senior, and public uses to be developed in two phases as shown below:

Phase 1: Commencement at Approval of the Final Site Plan

105,400	Square feet mixed use (retail, restaurant, commercial) – Buildings B, D, F, G, H, L, M, and S
29,200	Square feet County Police Station – Building P
10,000	Square Feet City Senior Center – Building Q
224	Condominium units over retail with parking deck – Buildings A and C

Phase 2: Commencement of Watkins Mill Road Interchange

8,900	Square feet mixed use (bank/service) – Buildings O and N
17,000	Square feet mixed use (retail/restaurant) – Buildings E, I J, and R
60,000	Square feet office – Building K
158	Condominium units (age-restricted) with parking deck – Building R



Z-301 Phasing Exhibit

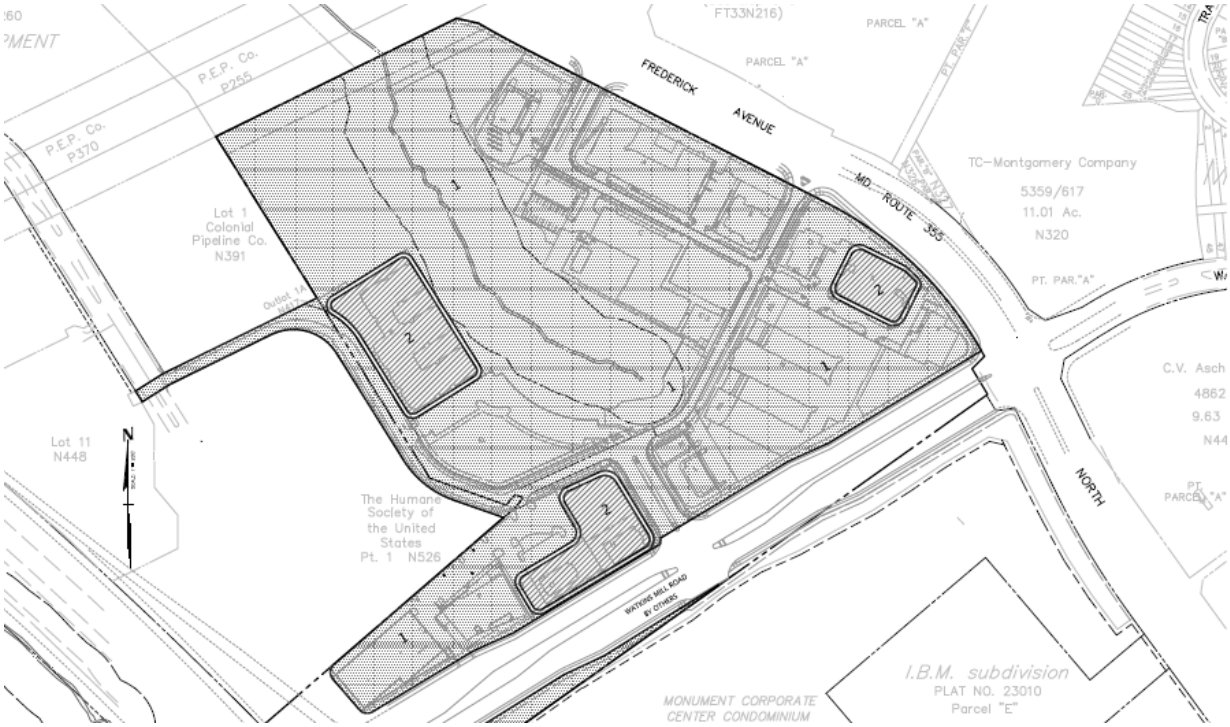
The proposed sketch plan Z-301(A) (below) also provides for a similar mix of uses, but requests approval for an increase in the total allowable residential units from 382 condominium units to 678 multi-family units, and a decrease in overall commercial floor area to 214,810 square feet. In addition, the phasing of the sketch plan has been modified as follows:

Phase 1: Commencement at Approval of the Final Site Plan

61,710 sf	Mixed Use (retail/restaurant) - Buildings A (retail), B, C (retail and restaurant), D, F, H (retail), M, and T
8,000 sf	Mixed Use (office/bank) - Buildings L and S
29,200 sf	Montgomery County Police Station - Building P
30,000 sf	City Senior Center - Building Q
523 ea	Multi-family units - Buildings A, C and H

Phase 2: Commencement at commencement of Watkins Mill Road Interchange

17,000 sf	Mixed Use (retail/restaurant) - Building K (retail/ restaurant) and R (retail)
64,100 sf	Mixed Use (office/bank) - Buildings K and O
4,800 sf	Mixed Use (service station) - Building N
158 ea	Multi-family units - Building R



Proposed Z-301(A) Phasing Exhibit

SDP-11-002 SCHEMATIC DEVELOPMENT PLAN:

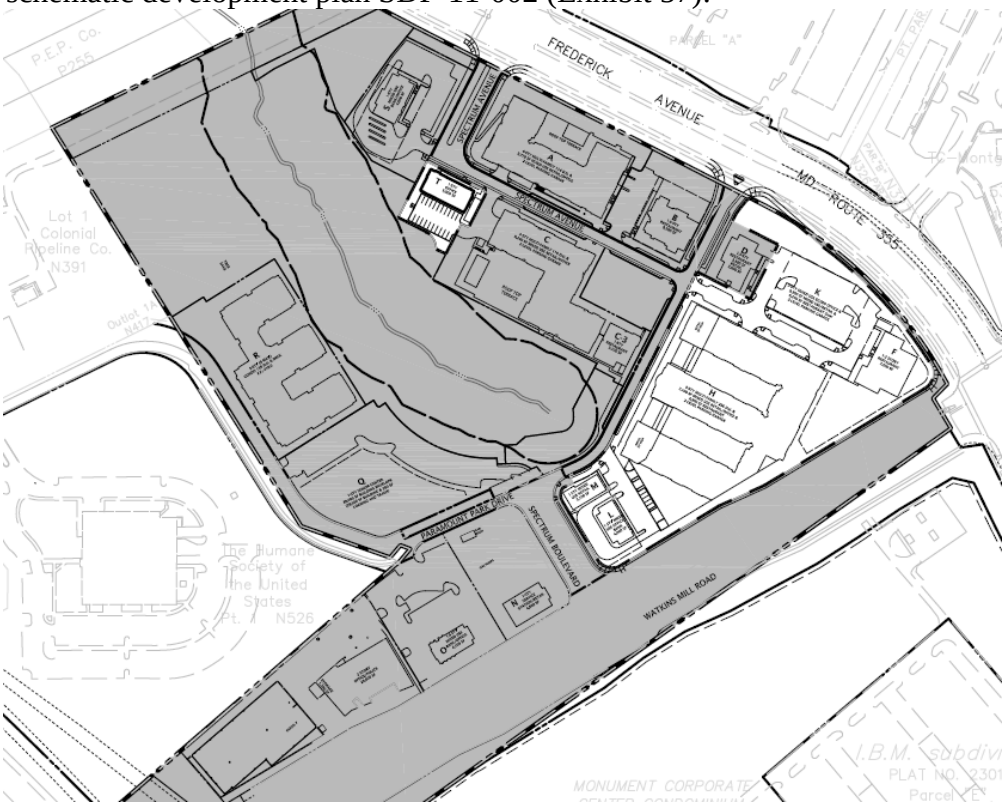
The proposed amendment, SDP-11-002, provides, as did the original application, a detailed breakdown of uses, including a mix of restaurants, offices, retail and condominium units, a county police station, a City senior center, a service station and banking facilities, collectively served by a combination of surface and structured parking to be developed as part of an integrated mixed use development. The following exhibit provides detailed building by building comparison of changes to square footage and residential units from the approved SDP-07-001 to the proposed amendment SDP-11-002 is presented by phase in the following chart:

Spectrum At Watkins Mill

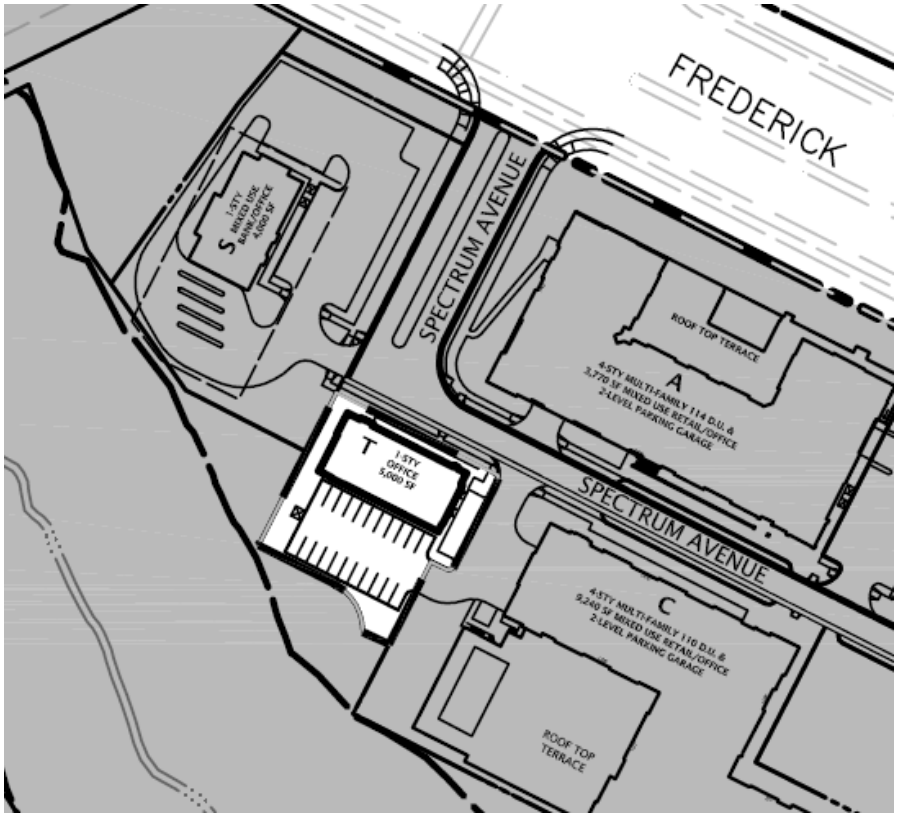
Phase 1		Existing Approval	Proposed Revision	Proposed Modification
Office/Police	P	**28,000 SF**	**28,000 SF**	
Warehouse/Police	P	**1,200 SF**	**1,200 SF**	
Senior Center	Q	**30,000 SF**	**30,000 SF**	
Multifamily	A	114 DU	114 DU	
	C	110 DU	110 DU	
	H	--	296 DU	
		224 DU	**520 DU**	**+ 296 DU**
Mixed Use/Retail:	A	3,770 SF	3,770 SF	
	C	9,240 SF	9,240 SF	
	C-3	5,100 SF	---	
	F	41,690 SF	---	
	G	6,500 SF	---	
	H	---	4,000 SF	
	M	2,700 SF	3,100 SF	
	T	---	5,000 SF	
		69,000 SF	**25,110 SF**	**- 43,890 SF**
Restaurants:	B	9,500 SF	9,500 SF	
	C-3	---	5,100 SF	
	D	6,500 SF	6,500 SF	
	F	---	7,500 SF	
	H	7,000 SF	8,000 SF	
	L	7,400 SF	---	
		30,400 SF	**36,600 SF**	**+ 6,200 SF**
Mixed Use Office/Bank	L	---	4,000 SF	
	S	6,000 SF	4,000 SF	
		6,000 SF	**8,000 SF**	**+ 2,000 SF**
Phase 2				
Multifamily	R	**158 DU**	**158 DU**	
Mixed Use/Retail:	E	5,000 SF	---	
	J	4,300 SF	---	
	K	---	9,300SF	
	R	1,500 SF	1,500SF	
		10,800SF	**10,800 SF**	
Restaurants:	I	6,200 SF	---	
	K	---	6,200 SF	
		6,200 SF	**6,200 SF**	
Mixed Use Office/Bank:	O	4,100 SF	4,100 SF	
	K	60,000 SF	60,000 SF	
		64,100 SF	**64,100 SF**	
Service Station/Retail:	N	**4,800 SF**	**4,800 SF**	

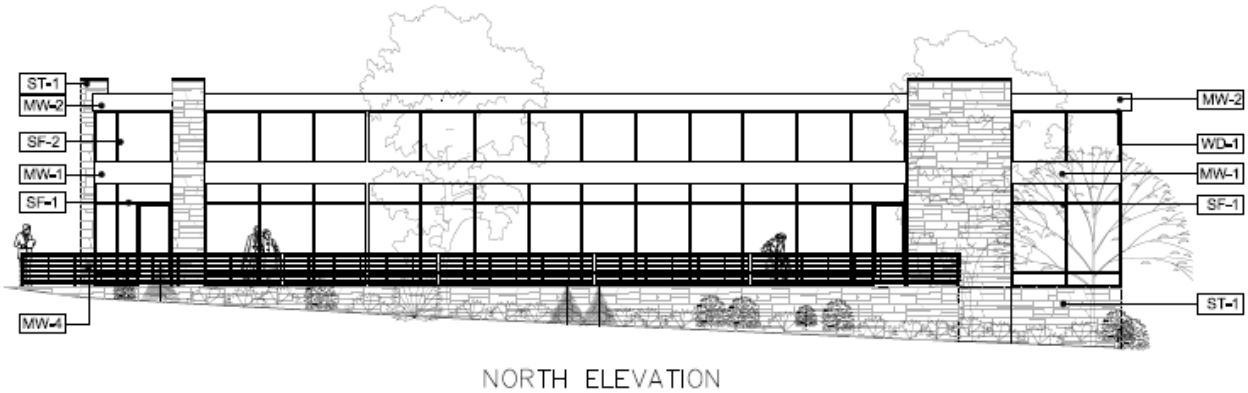
The following exhibit shows the approved schematic development plan SDP-07-001:

Proposed schematic development plan SDP-11-002 (Exhibit 57):



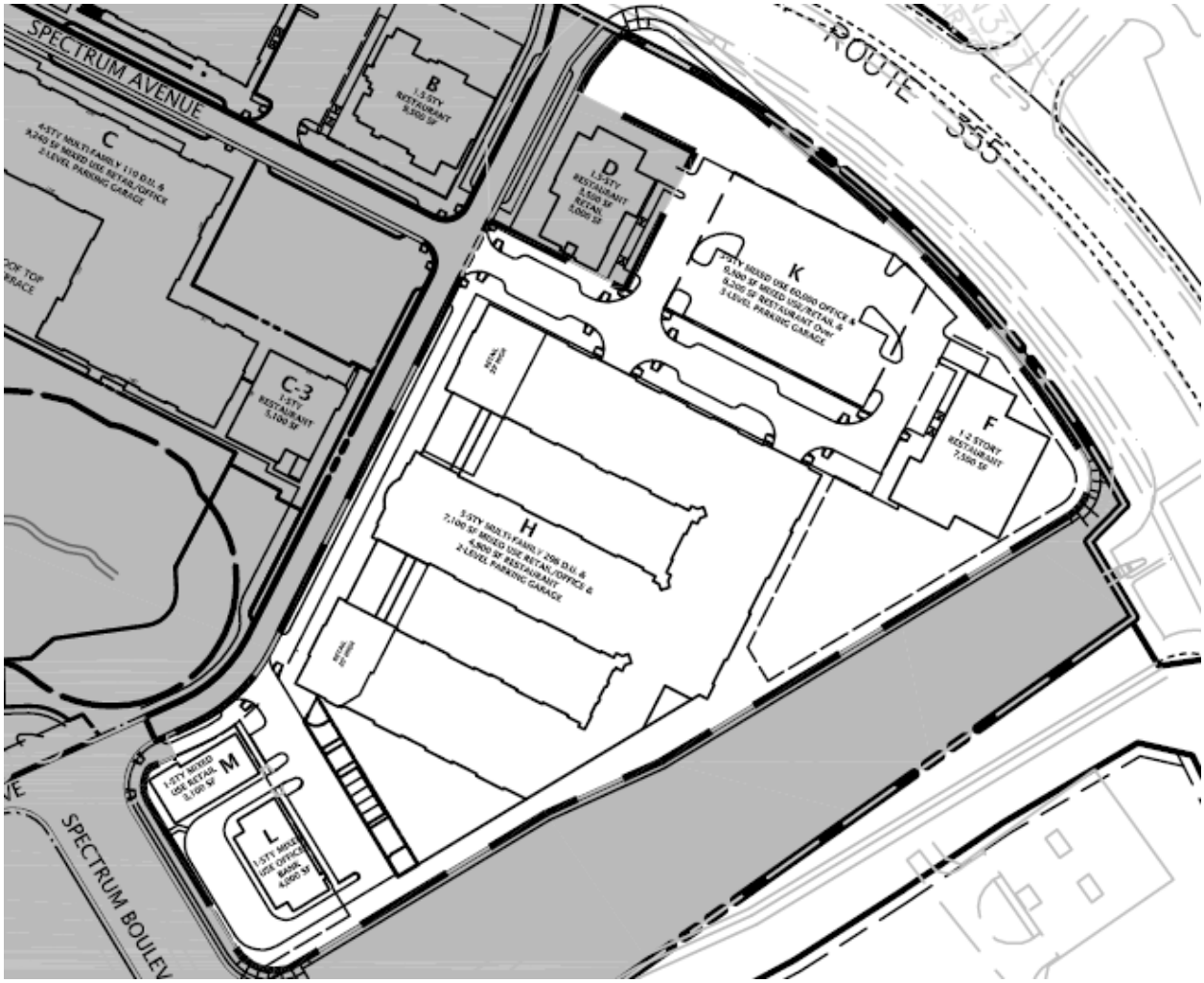
Final Site Plan SP-07-017 provided for the relocation of the tennis courts and pool from the area where building T is currently proposed (circled in red, p. 9). A roof top terrace tucked behind building C adjoining the stream valley buffer will now house the pool and other recreational space, thereby creating a new lot for development which is the current location for proposed building T, a one-story, 5,000 square foot office building (below, Exhibit 57).



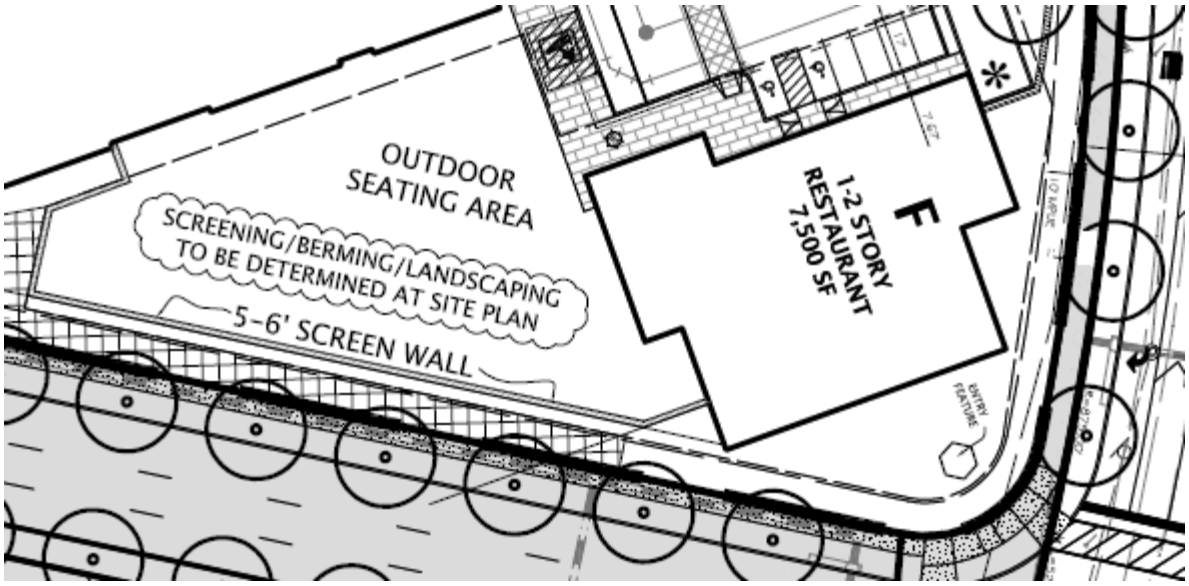


Conceptual Elevation for Building T (Exhibits 58 and 75)

In addition to the new building T, the proposed SDP-11-002 plan (below), modifies the previously approved layout for most of the "triangle" lot located at the corner of Watkins Mill Road and North Frederick Avenue.

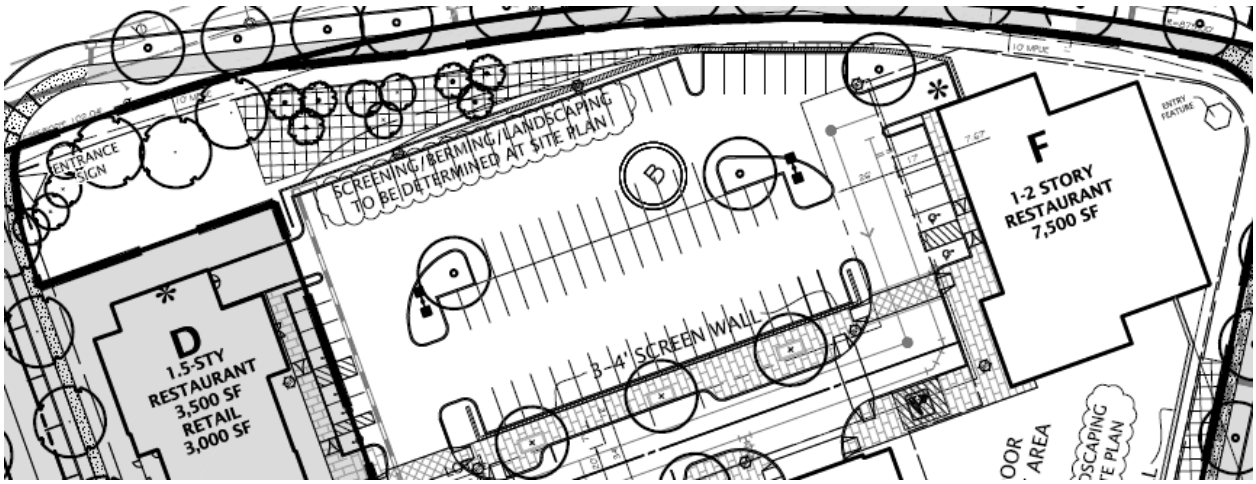


To discuss the proposed modifications within the triangle, we will begin with describing the corners of the proposed plan. Building D is carved out from the proposed amendment, and remains unchanged as a 6,500 square foot restaurant. Building M remains a one-story mixed use retail building, but increases from 2,700 square feet to 3,100 square feet of floor area. Building L, previously a 7,500 square foot restaurant is now a proposed 4,000 square foot "mixed use" bank/office. Building F is proposed as a one-two story restaurant building. This 7,500 square foot building replaces the previous 41,690 square foot mixed use retail building that had originally been intended to be a large signature building anchoring the site. The applicant proposes to create a large outdoor gathering space in the area between Watkins Mill Road and building H that would be screened by a five to six foot landscaping wall (next page).



Detail for Building F and Outdoor Seating Area (Exhibit 69)

Building H and K represent the most significant changes to the approved plan. Building K is a six story mixed use building proposed for Phase Two of the project. A surface parking lot that would serve the restaurant building F is proposed for the interim/Phase One condition. The Spectrum Avenue frontage of the surface parking lot would have a decorative wall to buffer the parking lot from the pedestrian way along Spectrum Avenue. A combination of both timber and block walls are proposed along the North Frederick Avenue frontage along with landscaping for a buffer treatment (below).



Interim Condition Showing Surface Parking Lot (Exhibit 69)

The following exhibit provides a more detailed explanation for how the proposed surface parking lot would relate to North Frederick Avenue:

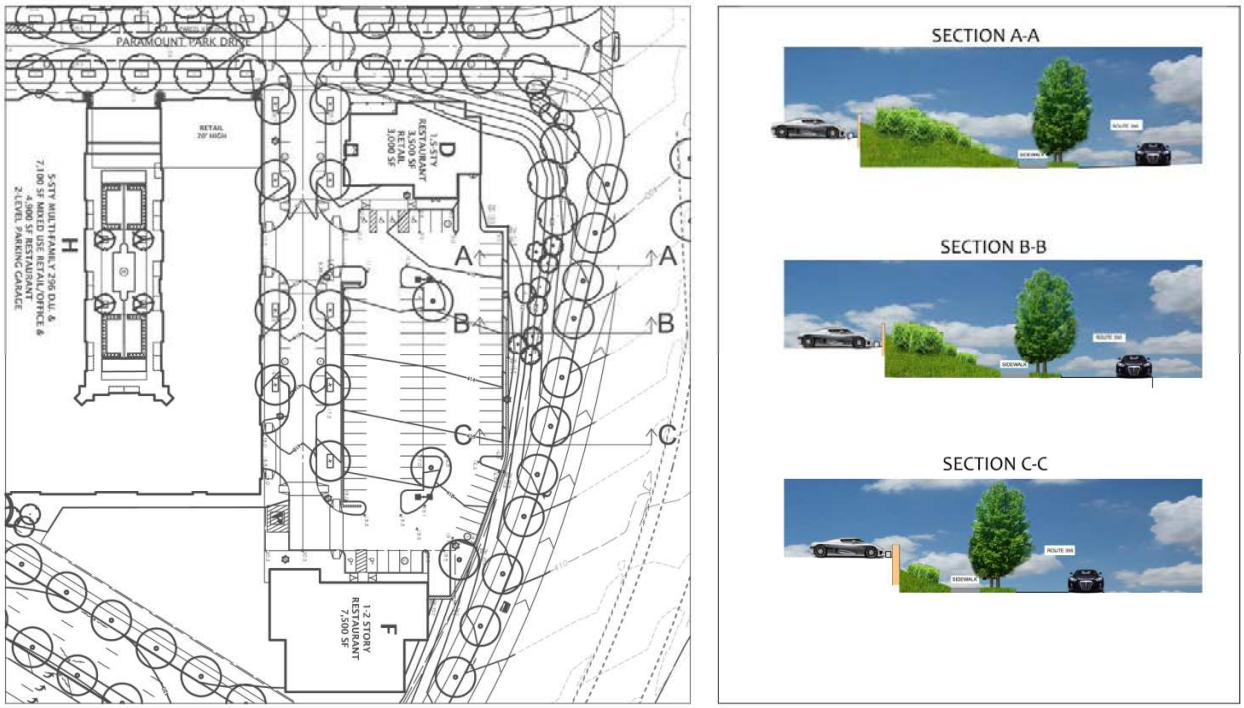
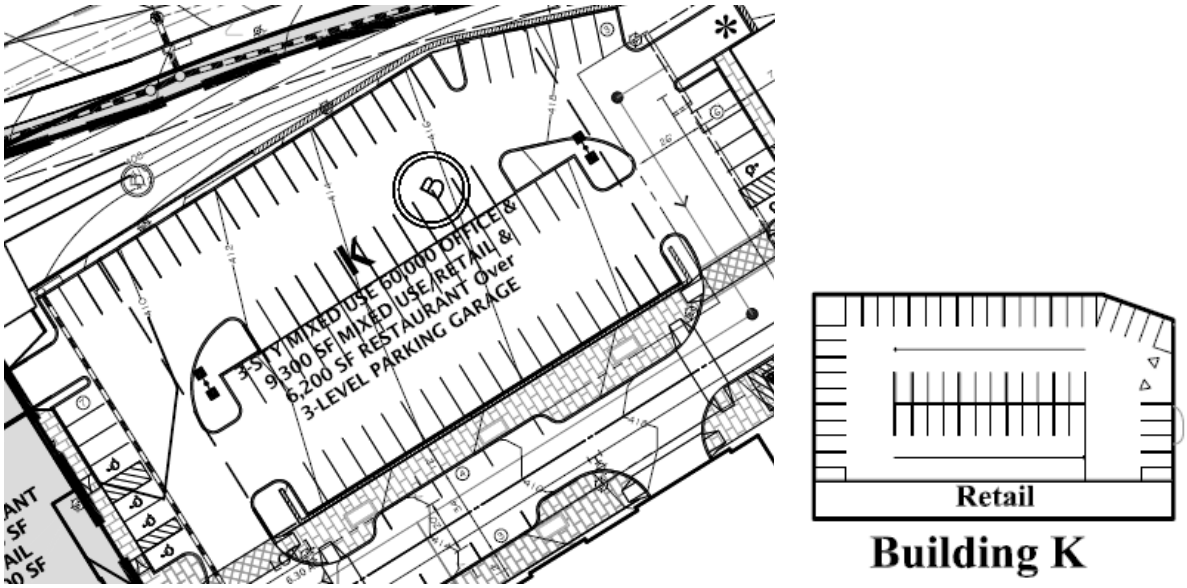


Exhibit 79

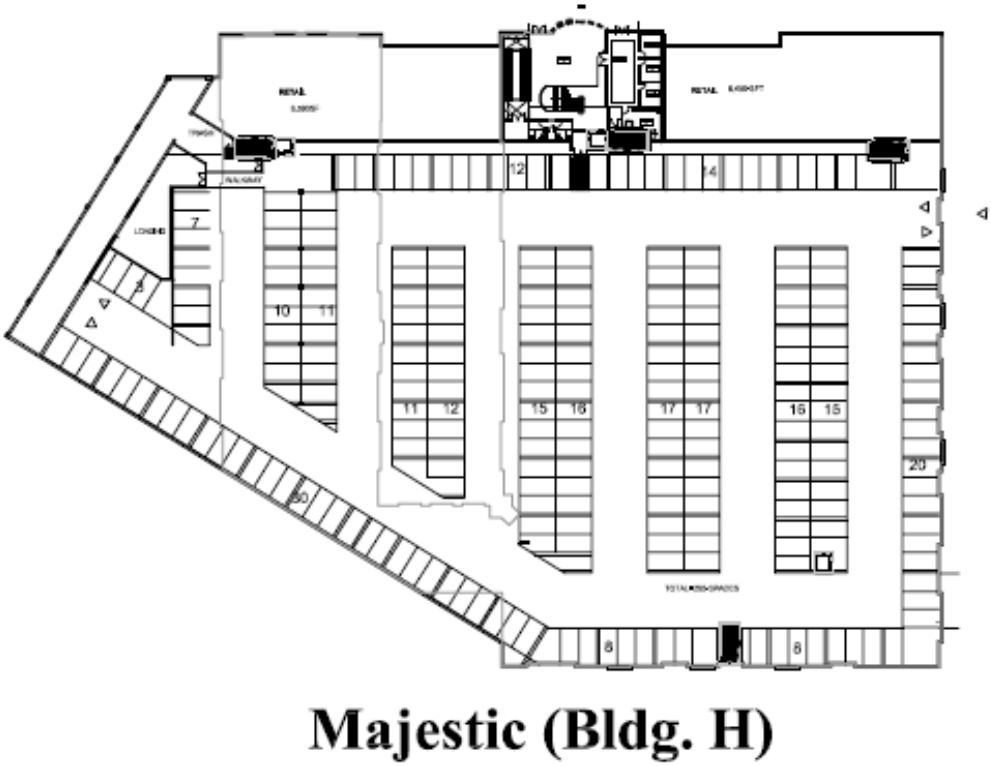
The Phase Two condition for building K would have 9,300 square feet of mixed retail uses lining the Spectrum Avenue frontage of the first floor of a three story parking garage. A three-story 60,000 square foot office building would be located atop the parking garage (below).



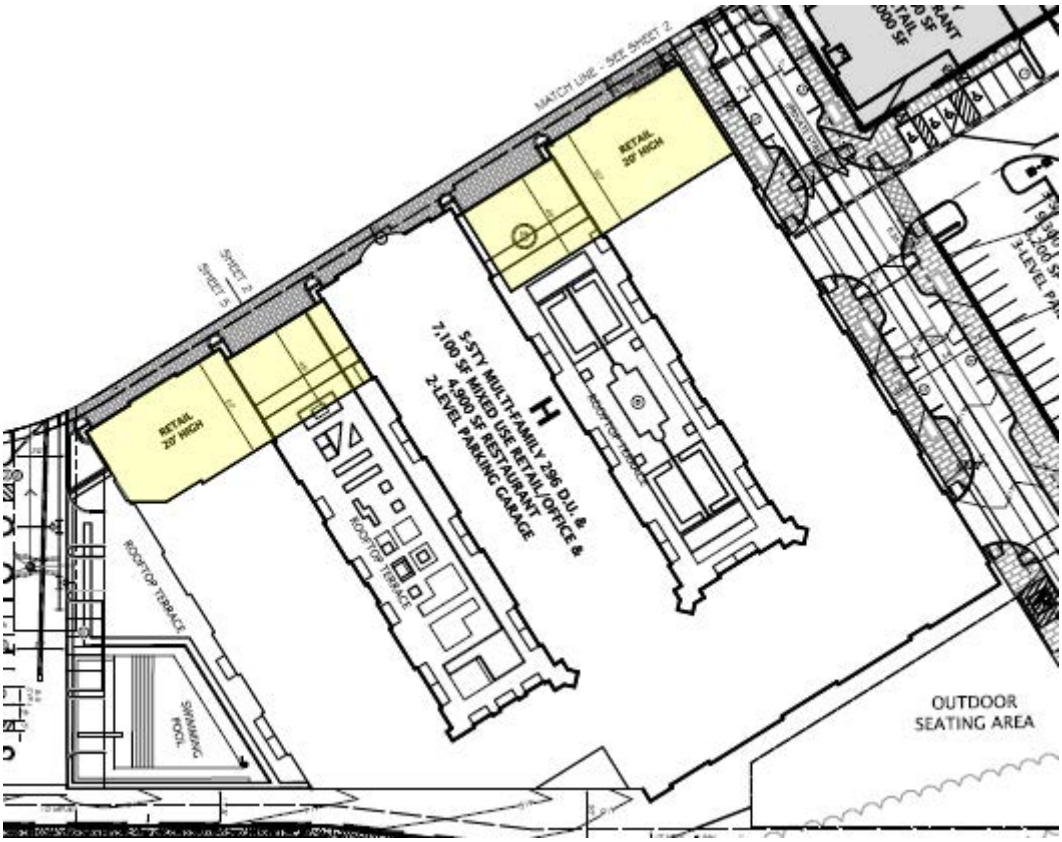
Building K Details (Exhibits 59 and 64)

Proposed Building H Conceptual Elevations (Exhibit 78)

Building H will be a mixed use building containing 296 multi-family units. The proposed plan includes a large enclosed parking garage that is lined with 4,000 square feet of retail space and 7,500 square feet of restaurant space that will front directly on a large promenade that extends along Paramount Park Drive and faces Performers Park. The building will include four residential stories above the retail space.



First Floor Plan for Building H Showing Parking Garage (Exhibit 64)



Building H Detail Showing Retail Floor Area and Rooftop Terraces (Exhibit 59)

The building features three roof top terraces above the first floor. Two large roof top terraces break up the mass of the building, and will overlook Performer's Park. These terraces would provide passive recreation/amenity space for the residents of the building. The third terrace receives better sun exposure, and is the proposed location for a swimming pool. The building also features interior recreation spaces and balconies located above the retail space which will overlook the stream valley buffer and Performer's Park.

Transportation and Parking

The transportation network remains unchanged from the approved SDP-07-001 and final site plans. The property has approximately 1500 +/- feet of frontage along North Frederick Avenue and approximately 1600 +/- feet of frontage along Watkins Mill Road. Access to the site is provided from North Frederick Avenue at Spectrum Avenue which aligns with the existing stop light intersection at North Frederick/Travis Avenue, as well as a right in/right out at Performer's Park Drive locate approximately midway between Travis Road and Watkins Mill Road.

The proposed SDP addresses required parking through a mix of on-street, surface, and garage parking. The on-street parking will be owned and maintained by the developer, with the option to be converted to metered parking in the future. Each residential building has its own garage parking. The parking garages will provide a combination of public parking, and gated parking designated for the residents. Overall, a total of 1,719 parking spaces are required for the

proposed development, and 1,944 parking spaces are provided, representing a 225 space surplus. The following table provides a summary of the required and proposed parking (Exhibit 64):

Building Sizes & Parking Requirements									
Parking Summary - Phase 1	**Public/Bldg. P**		**Residential**		**Shared**		**Total**		**Surplus**
	Provided	**Req'd**	**Provided**	**Req'd**	**Provided***	**Req'd**	**Provided**	**Req'd**	
Surface parking									
Permanent					389	615	389	615	-226
Temporary					71		71	0	71
Deck A			158	153	17		175	153	22
Deck C			148	143	30		178	143	35
Deck H			368	368	126		494	368	126
Restricted Building P	162	94					162	94	68
Phase 1 total:	162	94	674	664	633	615	1469	1373	96
Parking Summary - Phase 2	**Public/Bldg. P**		**Residential**		**Shared**		**Total**		**Surplus**
	Provided	**Req'd**	**Provided**	**Req'd**	**Provided***	**Req'd**	**Provided**	**Req'd**	
Surface parking									
Permanent					476	766	476	766	-290
Deck A			158	153	17		175	153	22
Deck C			148	143	30		178	143	35
Deck H			368	368	126		494	368	126
Deck R			208	195	46		254	195	59
Deck K					205		205	0	205
Restricted Building P	162	94					162	94	68
Phase 2 total:	162	94	882	859	900	766	1944	1719	225
Parking number to be finalized at Final Site Plan									
* This figure does not include 108 spaces allocated for Public Building P.									

PUBLIC FACILITIES:

Water and Sewer Services and Public Utilities

The subject property will be served by water and sewer pursuant to a signed agreement for the extension of utilities with the relevant public utility. As such, the site has W-1 and S-1 categories (areas served by community systems which are either existing or under construction) as verified by the Washington Suburban Sanitary Commission. 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 subject property is located within a ten-minute response time of three fire stations: the Gaithersburg/Washington Grove Fire Station 8 (Montgomery Village Avenue), Germantown Station 29, and the Germantown East Station 34. Therefore, the site complies with the requirements for the Adequate Public Facilities requirements for Emergency Services.

Adequacy of School Capacity

The proposed development is located within the Watkins Mill cluster of the Montgomery County Public School (MCPS) system. Within this cluster, the schools that currently serve the proposed development are Watkins Mill High School, and `

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..." None of the schools within this cluster that serve the proposed development currently exceed 110% of capacity two years in the future. As such, the proposed development complies with the school test of the Adequate Public Facilities Ordinance.

Traffic Impacts

In 2007, the applicant submitted a Traffic Impact Analysis (TIA) in conjunction with SDP-07-001. Based upon the amount of traffic generated by the previous SDP, a finding of adequacy was made for Phase One of the development. One major element of the required conditions for approval for SDP-07-001 was completion of the east leg of Watkins Mill Road, which was completed Fall 2011. As a component to the current application, the applicant submitted a Traffic Assessment prepared by The Traffic Group (Exhibit 2). The Traffic Group analyzed the proposed amended SDP to determine if the development would significantly alter the findings of the previous TIA. A review of the previous and proposed plans found that both plans are projected to generate 676 off-site trips during the morning peak hour. During the evening peak hour, the proposed plan is expected to generate 141 fewer trips then the plan that was previously approved. As such, it is expected that the proposed plan would generate the same or significantly less traffic than the previously approved plan. Engineering Services Director Mumpower reviewed the findings of the study, and agreed with the findings detailed in the study (Exhibit 92).

Transportation Demand Management Plan

A condition of approval for SDP-07-001 the applicant was required to Applicant is to work with City and Montgomery County Transportation staff to develop, fund in the amount of $500,000 and implement a Transportation Demand Management Plan to mitigate the effects of the proposed development on surrounding intersections. As an alternative, the applicant, the City Manager, and Montgomery County could reach an agreement whereby the Montgomery County Department of Transportation would administer and manage the TDM Plan. The applicant must escrow $500,000 or an equivalent bond or letter of credit with the City to fund the TDM Plan prior to applying for final site plan approval. Staff will continue to work with the applicant regarding this condition.

Watkins Mill Interchange

The City of Gaithersburg is positioned as a major transportation gateway for commuter/pass-through traffic from the surrounding region, placing increasing pressure on the existing transportation infrastructure. One of these important gateways is the intersection of MD 124/MD 355, which acts as the entry and exit point for Interstate I-270 as well as the major east/west connector for the City. The applicant's Traffic Report and draft Transportation Demand Management Plan submitted with SDP-07-001 stated that the Rt. 355/124 intersection is congested and will continue to experience increased congestion due to background traffic primarily from outside of the City's boundaries. Despite the project being phased so as to minimize the development's impact prior to the interchange's construction, the traffic analysis showed that the development of Casey East will increase the CLV congestion by approximately

three percent in the AM and 3.7 percent in the PM rush hour.

To relieve this condition, the Maryland State Highway Administration, along with Montgomery County and the City of Gaithersburg, have targeted the construction of the new interchange at Watkins Mill Road and I-270, which will serve to provide both substantial relief to the Rt. 355/124 intersection as well as providing the City with a much needed additional east/west connector over I-270.

This project has been Montgomery County's top transportation project for more than 5 years and is a critical element to creating a multi-modal hub for the County's technology corridor that will also provide access to the Corridor Cities Transitway (CCT) and the MARC Station at Metropolitan Grove. This year, the State's Blue Ribbon Commission on Transportation Funding has recommended to the Governor and General Assembly to push the issue of transportation funding during the annual legislative session in January 2012 by enacting an increase in the wholesale gasoline tax by 15 cents. There has already been discussion on this topic during the General Assembly's Special Session this past October, and both Senate President Mike Miller, and Speaker Mike Busch have indicated strong support for pushing this approach. Local and county support for this proposed increase in the gas tax will undoubtedly be linked to solid assurances that a portion of the new revenue is dedicated to the Watkins Mill project.

To date, Montgomery County has provided the State $4.9 Million for:

- 35% of engineering for the entire interchange - will be complete -2012
- 100% engineering plans for the bridge - to be complete -2013

If additional funding becomes available, the State could provide:

- 100% engineering plans for the total project - complete –2014
- Construction could begin – Spring 2015

Commencement of this critical project will allow initiation of Phase Two of the proposed development. However, it should also be noted that a condition of approval for SDP-07-001 states the following: "The property included in the Second Phase is intended to be fully developed and not held as open space (except as shown on the submitted SDP), and such development density noted above is intended to commence construction concurrent with the commencement of the Watkins Mill Interchange. If the Watkins Mill Interchange project has not commenced on or before March 1, 2015, or is abandoned by the Maryland State Highway Administration (SHA), the Developer may apply to the City for an amendment to the Sketch Plan."

Public Transportation

The property is serviced by Montgomery County Ride On Bus Route #55, which has a bus stop on Travis Avenue, just east of its intersection with North Frederick Avenue. A condition of SDP-07-001 required the applicant to provide new bus shelters near the Travis Avenue and Watkins Mill Road entrances to the development. The exhibit on the next page identifies the quarter mile walking radius from the existing stops on Route #55 which are located nearby the development.

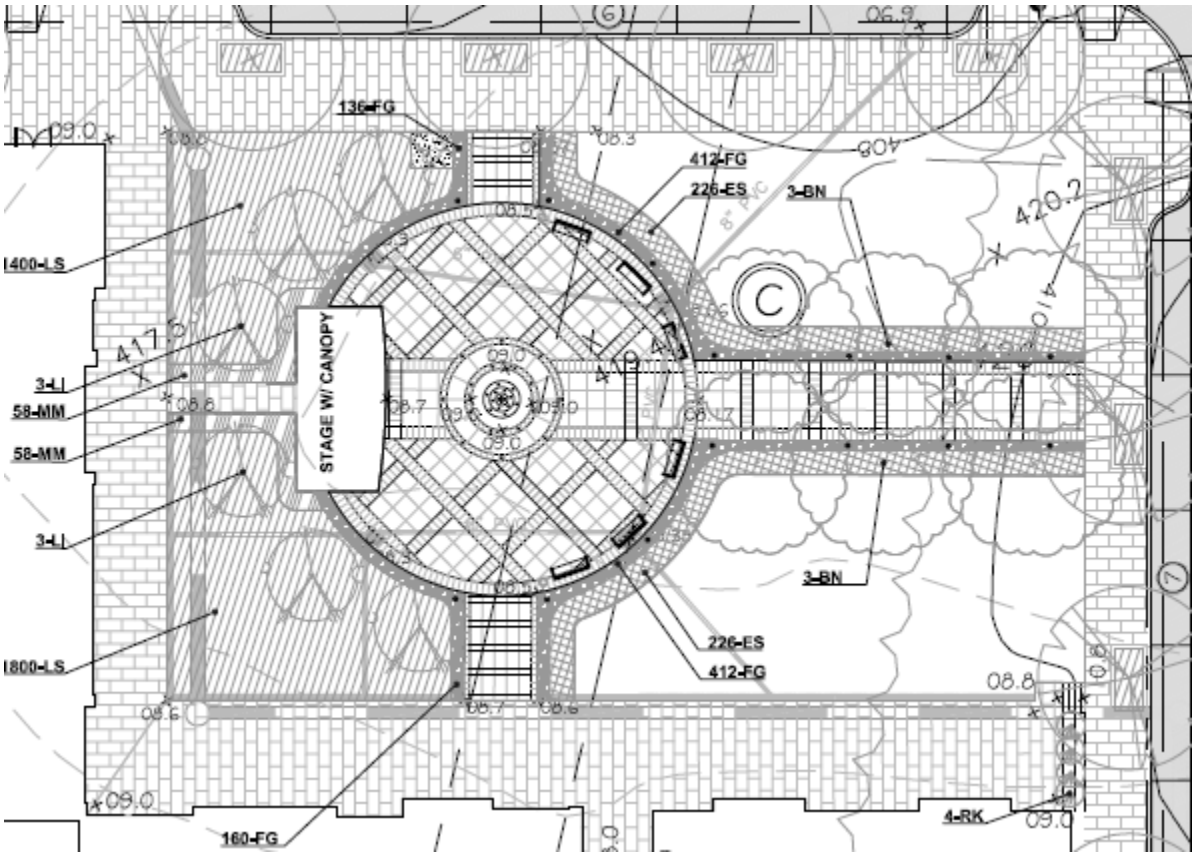
Affordable Housing

Because the development received schematic development plan approval prior to the City's adoption of an affordable housing ordinance, it is not required to conform to the City's affordable housing ordinance. However, pursuant to the Agreement of Dedication (Exhibit 91) for Watkins Mill Road and the 6th District Police Station and Senior Center property, affordable and workforce housing must be provided within the development. According to the Agreement, 6.25% MPDU, 6.25% Workforce Housing, and 5% Workforce Housing for income qualified City employees, public safety workers and teachers. Based on the proposed amendment, the applicant would be required to provide 119 Moderately Priced Dwelling Units throughout the development. City Staff will continue to work with the applicant to finalize the details of this plan prior to final site plan approval for Building H.

Planned Amenities

Performer's Park

A focal point for the development is the roughly one-quarter acre Performer's Park located at the northwest corner of Spectrum Avenue and Paramount Park Drive. The park, framed and activated by first floor retail and restaurant uses on two sides by Building C, will have both programmed events/performances and will feature a fountain located at the center of the site. The final plan (below) for Performer's Park was approved as part of SP-09-004.



Senior Center

The previously approved SDP-07-001 provided a site for a 30,000 square foot senior center. The design of this site remains unchanged.

Residential Amenities

Buildings A, C and H will feature a variety of interior and exterior amenities. Each residential building includes at least one rooftop terrace. The terraces will be designed with a mix of natural and man-made plant materials, fountains, paths and active and passive recreation space. Building A features a gym, pet grooming facilities, common area with TV, a catering kitchen, and an outdoor terrace with a barbeque. Building C amenities include a pool and spa, TV, card, and billiards rooms, clubroom with bar, movie theater, and business center. Building H includes business and conference centers, three different outdoor terraces, one with a pool; two outdoor lounges, a movie theater, ballet/yoga room, gym, TV, video gaming, and billiards rooms, and a club room with a lounge.

<u>Stormwater Management</u>

The development received final stormwater management approval for both Phase One and Phase Two in conjunction with Phase 1A and 1B of the final site plan. Additionally, the applicant applied for, and received approval of an Administrative Waiver (Exhibit 51). Under the

provisions of the Administrative Waiver, the developer has until 2017 to fully develop the plan under the previous stormwater management regulations. That being said, staff requested that the applicant include environmental site design elements within the amended portions of the SDP. In response, the applicant has proposed to use permeable pavers between building H and Paramount Park Drive, and along the private extension of Spectrum Avenue located between building H and future building K (Phase Two). Additionally, the applicant proposes to use roof drains on Building H to provide groundwater recharge.

Open Space

The plan exceeds the MXD zone requirement for Open Space. 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. The minimum green area requirement, which shall include designated parks, public and private open space, active and passive recreational areas, 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.

The proposed plan provides 25 acres of commercial land area and 7.7 acres of residential land area, requiring a minimum of 6.25 and 3.08 acres of green space, respectively, for a total of 9.33 acres of required green space. In total, the proposed development provides 15.68 acres of green space provided within Performer's Park, the Category 1 Forest Conservation Easement, as well as various other green areas within the development. Within the Forest Conservation Easement, the applicant is preserving the 5.86 acre stream valley buffer as open space and is also preserving forested land (outside of the stream valley buffer or environmental controlled areas) as open space along the northwest portion of the Site.

Architecture/Art in Public Places

Under the conditions of SDP-07-001, the applicant is required to provide an Art in Public Places Program (AIPP) and commit funding to be approved by city staff and the AIPP committee during the final site plan stage. Final Design Guidelines were approved as part of the approved final site plan for Phase 1B, SP-09-004 (Exhibit 87). The design guidelines will be utilized to ensure that the design of future buildings for which architecture has not been identified will be designed in a manner compatible with the surrounding development. All architecture will be reviewed by the Planning Commission as part of final site plan review.

STAFF RECOMMENDATION:

Because this is the initial public hearing and staff continues to complete their analysis of the proposed project, no formal recommendation is provided at this time. A recommendation will be provided by staff prior to Mayor and City Council policy discussion. That being said, staff has identified the following points of interest for the Council's consideration which should be considered in more depth:

1. Staff would prefer that building L be situated closer to the lot line. The current plan for a bank at this location will result in the drive through/teller windows being situated at a prominent entrance to the development. Reconfiguring the site so that the drive through is situated between buildings L and M would provide an improved introduction to the development.

2. Staff has concerns about the pedestrian environment along Spectrum Avenue between building H and building K. This side of building H will house the entrance to the parking garage and lack a retail presence. This results in a pedestrian way entirely flanked by parking uses (a parking lot and a parking garage) during the interim condition for Phase One. If, for some reason, the Phase Two condition is not implemented, the Phase One condition would become permanent. Additionally, it is not clear whether the proposed retail space in Building K is of sufficient depth to ensure viable use in the Phase Two condition.

3. Although staff appreciates the desire to situate a restaurant at the most visible corner of the development (building F), there is a concern that this design does not fulfill the previously expressed preference for a signature building and tenant at this location. Additionally, the combined design with the interim Phase One condition between buildings H and K may not provide a significant draw for pedestrians to wander within this portion of the development.

4. Staff supports the improved retail frontage along Paramount Park Drive and addition of residential units in the development. This change in the plan will provide an improved urban and pedestrian environment for the development, as well as strengthen the 24/7 nature of the neighborhood. The addition of the second floor "amenity overlooks" in building H is a unique urban touch not currently found within Gaithersburg that will increase the opportunity for residents to experience the programming at Performer's Park. The proposed building H addition moves the plan from what was a much more suburban plan, to a more urban environment that will provide a variety of recreation and shopping opportunities.