

**BEFORE THE PLANNING COMMISSION AND THE
MAYOR AND CITY COUNCIL
GAITHERSBURG, MARYLAND**

In the Matter of the Application of **BP REALTY INVESTMENTS, LLC**.

**Schematic Development Plan application amendment No. ASDP-0641-2012, Watkins Mill
Town Center**

For amending a portion of approved SDP-05-002 to convert twenty (20) live-work townhome units with ground-level retail to 20 townhome units

**MEMORANDUM IN SUPPORT OF AMENDMENT TO THE APPROVED SCHEMATIC
DEVELOPMENT PLAN**

BP Realty Investments, LLC (the “Applicant”) hereby submits this Memorandum in Support of the requested amendment to the Schematic Development Plan SDP-05-002 for the modification of approximately one (1) acre of property (“Property”) within the approved Watkins Mill Town Center project. The Watkins Mill Town Center project (“Watkins Mill”) is a 125-acre planned, mixed-use development located east of the CSX rail line and Watkins Mill Road Extended and west of I-270. The Property consists of approximately one (1) acre of land made of four parcels, which constitute the four corners of Community Center Avenue (previously Parkview Avenue) and Uptown Street (previously Midtown Street), within the Parklands residential section of the Watkins Mill development. In addition, an approximate acre parcel that is to the north side of Watkins Mill Road is also made a part of this Application in that it would receive the 10,000 square feet of commercial space transferred from the other parcels.

The Property is currently zoned MXD and has received both SDP approval (SDP-05-002) and Final Site Plan SP-05-0013) approval for twenty (20) ‘live-work’ loft type units, comprised of townhome units with the ground level of each unit utilized for commercial uses. Following the approvals, the site improvements for the surrounding roads and utilities have been installed, and the balance of the Parkland’s project has been and continues to be built out.

Following a review of the issues raised by including ‘live-work’ style units in residential communities, and in light of the additional land purchased to the south which would allow for the

potential expansion of commercial density to the Urban Core, this Application seeks to shift the ground level commercial space from these 20 units to the future hotels along Watkins Mill Road Extended, thus converting the twenty (20) ‘live-work‘ loft townhome units to twenty (20) townhome units. The plan, if approved, would be in the public interest.

I. INTRODUCTION

The Property, which is the subject of this ASDP-0641-2012 (“SDP Amendment”), is located at the intersection of Uptown Street and Community Center Avenue. The Property is made up of four (4) small parcels that frame the four corners of that intersection, within the Parklands section of the Watkins Mill project, and has received Final Site Plan approval to construct the 20 “live-work” style townhomes, including up to 10,000 square feet of commercial uses at the ground level of the units. The roads and infrastructure have been brought to all of these 20 units as part of the surrounding Parklands project.

The Property is part of the master planned Watkins Mill Town Center project, which is between Interstate 270 and the CSX rails, and adjoining the newly constructed Watkins Mill Road Extended. The tax accounts numbers for the four parcels are 09-03598160, 09-03598125, 09-03596844 and 09-03596651, as shown in the tax records Liber 30782, Folio 774 and Liber 35664, Folio 153-162, in the Montgomery County Land Records, owned by BPTC Twelve, LLC, an affiliate of BP Realty Investments, LLC, which is contractually authorized to process this Amendment.

As originally envisioned, the purpose of these 20 “live-work” units was to add commercial opportunities to the Watkins Mill project, thus reinforcing its commercial element. Since that time, several new considerations have arisen that warrant revising this approach:

- 1) Acquisitions to the south of the Urban Core: The first consideration to have arisen is the opportunity to expand Town Center Boulevard and the Urban Core to the south with the acquisition of additional property south of the approved Watkins Mill Town Center project by the master developer of Watkins Mill, BP Realty Investments, LLC. These additional parcels will, following their approval by the City, provide significant additional commercial street-level opportunities for restaurants, retail, and other establishments to support and serve both the residence of the Watkins Mill project, as well as the citizens of Gaithersburg.

- 2) Concentration of retail resources along a “Main Street”: The second change is the practical experience gained by tracking other town centers and the results of their attempts to introduce commercial on streets other than the “Main Street” within their projects. As can be seen in many new “town centers”, the introduction of secondary streets for retail and restaurant uses acts to diminish the energy that needs to be concentrated in and along the “Main Street” of these projects. The dilution of these retail and restaurant resources away from the commercial “spine” of the project ultimately leads to a diffusion of energy, the loss of interest for the project.

- 3) Parking impact of “live-work” units on their surrounding residential neighborhoods: The third consideration for this change is learning and observing a practical impact on the quality of life of those residents whose homes adjoining or near these “live-work” units. While initially intended as businesses where shopkeepers live upstairs, in fact many soon operate as office uses, call centers and services where two, three or all of the floors are occupied as commercial uses. This has a significant impact the parking being utilized and around these “live-work” units, to the detriment of the surrounding residents.

This change will permit the overall Watkins Mill Town Center project to provide a superior quality of development by helping to assure that both the Parklands and Urban Core developments fully integrate, but are also respectful of the separate needs of the residential occupants of each. The plan, as modified, will continue to provide a higher standard of development than that of a conventional zone by using enhanced site design, a mix of uses, diverse and high quality architectural elements, structured parking, and well landscaped amenity spaces that are internally and externally linked by pedestrian and roadway connections.

Finally, the 10,000 square feet of commercial density that is currently at the ground level of the 20 ‘live-work’ units is being shifted to a future hotel building to provide it the additional commercial area needed to make it competitive when it is allowed to proceed with the commencement of the Watkins Mill Interchange.

Pursuant to Sections 24-160D.11 and 24-198(c) of the Zoning Ordinance, the Applicant is submitting this Schematic Development Plan Amendment and requesting approval of it. Section 24-160D.10(a) of the Zoning Ordinance requires the following findings for approval of a Sketch Plan

Amendment:

1. The application meets or accomplishes the purposes, objectives, and minimum standards and requirements of the MXD Zone;
2. The application is in accord with the 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 schematic development plan be internally and externally compatible and harmonious with existing and planned land uses in the MXD zone areas and adjacent areas.

LOCATION:

The subject Property is located west of Interstate 270 and east of CSX rail line, and is actually made up of four discrete parcels of approximately $\frac{1}{4}$ to $\frac{1}{5}^{\text{th}}$ acre each, separate by public streets (see the attached plans). The two eastern parcels are completely surrounded by townhomes, 2-over-2's and single-family dwellings, while the two western parcels area again surrounded by the Parklands development, other than the western edge, which is across Urban Avenue from the future Urban Core. All four of parcels making up the Property are currently bounded by recently constructed roads.

ZONING AND EXISTING APPROVALS

The Subject Property is currently zoned MXD. The Watkins Mill Town Center project was zoned MXD under application Z-297, and received its Schematic Development Plan Approval under SDP-05-002, and received Final Site Plan approval under SP-05-0013 for the entire development (including the 20 'live-work' units) save and except for the Urban Core building area, which are subject to a future Final Site Plan.

PROPOSED SCHEMATIC DEVELOPMENT PLAN AMENDMENT

The Schematic Development Plan Amendment supports and protects the successful integration and operation of the existing Parklands residential community and the future Urban Core portion of the Watkins Mill mixed-use project by assuring the appropriate separation of the impact of "live-work" units in the heart of residential neighborhood. Instead, additional commercial uses will be concentrated to the south of the Urban Core through its extension of Town Center Boulevard in the future. This

Schematic Development Plan Amendment helps to protect the existing Parkland residents from commercial intrusion directly into their neighborhood, while ultimately providing enhanced dining, shopping, and entertainment experiences on the main commercial street, within a short walk. The proposed changes to the approved Sketch Plan, SDP and Final Site Plan are to shift the ground-level retail of 10,000 square feet at the base of these 20 “live–work” units is proposed to be shifted from these residential units to the future hotel to be constructed to the north side of newly constructed Watkins Mill Road extended. This re-configuration allows for the inclusion of better quality residential experience for the existing and future residences of the Parkland’s community, well providing the future hotel with additional commercial space that will need to be competitive in the future.

The Applicant believes that the changes proposed by this Amendment will result in a superior urban experience as well as a much-improved project for the City and those surrounding the Project.

REQUIRED FINDINGS:

1. THE APPLICATION MEETS OR ACCOMPLISHES THE PURPOSES, OBJECTIVES, AND MINIMUM STANDARDS AND REQUIREMENTS OF THE MXD ZONE:

PURPOSES AND OBJECTIVES OF THE MXD ZONE

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

It is the objective of this zone to establish procedures and standards for the implementation of master plan use recommendations for comprehensively planned, multi-use projects. It is also intended that this zone provide a more flexible approach to the comprehensive design and development of multi-use projects than the procedures and regulations applicable under the various conventional zoning categories. In so doing, it is intended that this zoning category be utilized to implement existing public plans and pertinent city policies in a manner and to a degree more closely compatible with said city plans and policies than may be possible under other zoning categories. The specific purposes of this zone are: To establish standards and procedures through which the land use objectives and guidelines of approved and adopted master plans can serve as the basis for evaluating an individual development proposal, as well as ensuring that development proposed will implement the adopted master plan and other relevant planning and development policies and guidelines for the area considered for MXD zoning.

This proposed amendment to the Schematic Development Plan, albeit a very small change, provides a more understandable and cleaner transition between the lower density Parklands residential development and the higher density urban core development. It will permit each segment of this mixed-use project to operate more successfully and harmoniously.

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

The Applicant will continue to proceed with development in an orderly fashion consistent with market demand. The Parklands project continues to be constructed in an orderly fashion, and the Watkins Mill Town Center project will be developed in multiple phases, as set forth under the current approvals.

To encourage design flexibility and coordination of architectural style building and signage.

The existing approval of Watkins Mill Town Center promotes several separate neighborhoods which collectively integrate into a well thought out, integrated mixed-use project. The proposed adjustment to the approved plan provides a clean and understandable transition between the lower density residential and a higher density urban core. The proposed buildings will be compliance with the approved design and finish standards for the Parklands, which has been designed to smoothly integrate into capital Watkins Mill Town Center's urban core.

To ensure the integration and internal and external compatibility of applicable residential and nonresidential uses by providing a suitable residential environment that is enhanced and complemented by uses such as commercial, recreational, open space, employment and institutional uses and amenities within a multi-use development. A multi-use development is defined as a single parcel or a group of contiguous parcels of land zoned MXD, which, among the various parcels comprising that contiguous area, include residential, commercial, recreational, open space, employment and institutional uses and amenities.

The amended Schematic Development Plan for the Property, which is contiguous to MXD property with both the lower-density Parklands development in the higher-density Urban Core, will eliminate the conflict in parking that has arisen in other areas within the city of Gaithersburg and other areas in "live-work" units. This modification will permit the more successful integration of these 20 residential units into both the existing Parklands project and the future Urban Core development.

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

The project continues to improve upon the successful integration of the approved mix of residential and commercial/retail uses that have been approved under the MXD approval for this project. This change will permit the overall Watkins Mill Town Center project to provide a superior quality of development by helping to assure that both the Parklands and Urban Core developments fully integrate, but are also respectful of the separate needs of the residential occupants of each. The plan, as modified, will continue to provide a higher standard of

development than that of a conventional zone by using enhanced site design, a mix of uses, diverse and high quality architectural elements, structured parking, and well landscaped amenity spaces that are internally and externally linked by pedestrian and roadway connections.

To encourage the efficient use of land by: locating employment retail uses convenient to residential areas; reducing reliance upon automobile use and encourage pedestrian and other non-vehicular circulation systems; retaining and providing useable open space and active recreation areas close to employment and residential populations; and providing for the development of comprehensive non-vehicular circulation networks, separated from vehicular roadways, which constitute a system of linkages among residential areas, open spaces, recreational areas, commercial and employment areas, and public facilities.

The Watkins Mill Town Center project as approved has been designed to efficiently integrate residential, retail, restaurant and employment. This amendment will further enhance the efficient use of the land by continuing the integration between separate uses, while protecting and enhancing parking experience for all. The extensive pedestrian linkages under the current approval are retained, while improving the overall urban experience for the resident and visitor to the Parklands and Watkins Mill Town Center projects.

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

The existing Watkins Mill Town Center approval is at the forefront of preserving and enhancing superior natural environment surrounding the development, both in the form of set asides a large forest conservation area and extensive landscaping, as well as extensive water quality controls and features, including infiltration devices at the headwaters of the stream valley buffers.

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

The Watkins Mill Town Center project, including the Parklands residential community, are currently subject to phased development, which this application does not seek to disturb. As demonstrated with prior submissions concerning the overall development, and this Amendment specifically, electric, gas, phone lines, public water and sewer remain continue to be available at the site. Fire and Police protection are adequate. Both the number of school children and traffic generated under this proposed amendment are the same as those generated under the currently approved plan.

MINIMUM LOCATION AND DEVELOPMENT REQUIREMENTS
(Section 24-160D.2 of the Zoning Ordinance)

- a. Section 24-160D.2(a) provides that a requirement of the MXD zone shall be:

Zoning: No land shall be classified in the Mixed Use Development Zone unless the land is within an area for which there is an approved and adopted master plan which recommends mixed use development for the land which is the subject of the application, or unless the proposed development otherwise satisfies

the purposes and objectives of the MXD Zone. Approval of the MXD Zone for land which is not recommended for this zone in an approved master plan shall require the affirmative vote of four (4) members of the city council.

The current City of Gaithersburg Master Plan (the “Master Plan”) for the property continues to call for a mixed-use development as currently is proposed.

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

The Mayor and Council found this requirement satisfied when they approved rezoning of the Property to the MXD Zone under zoning Z-279. The Property is contiguous to the existing MXD zoned area (Watkins Mill Town Center) and will be integrated into that development by vehicular and pedestrian connections.

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

The property currently adjoins and is served by an existing road. The sidewalks fronting the street will be constructed as part of the development of these proposed 20 units..

Public water and sewer. No development shall be permitted unless served by public water and sewer.

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

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

No signage is proposed for these 20 units, other than the typical unit address and street address signage.

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

The Property will continue to have frontage on public streets, as provided under the existing Watkins Mill Town Center approved plan.

MIXED-USE REQUIREMENTS

(Section 24-160D.3 of the Zoning Ordinance)

- a. Section 24-160D.3(a)(4) provides the following within the MXD zone:

Residential uses may be mixed with proposed commercial/industrial/employment uses, rather than located in a separate residential area on the site, upon a finding by the city council that combining residential and nonresidential uses at one location, within a site, will not adversely affect the overall development proposed.

The applicant believes that the application provides for such mixing of uses without a deleterious impact to the parking of the residences of the Parklands project, resulting in a superior environment and planned project.

- b. Section 24-160D.3(a)(4) provides the following within the MXD zone:

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

Retail commercial 60%

Employment/office 65%

Other commercial/institutional . . . 15%

Individual percentages may be exceeded by approval of the city council upon application by an applicant and for good cause shown; provided, however, the cumulative total of all categories shall not exceed one hundred (100) percent.

The floor areas for: Retail Commercial is less than 60% of the total Floor Area proposed; Office constitutes less than 65% of the total Floor Area proposed, and Other Commercial/Institutional constitutes less than 65% of the total Floor Area proposed.

DENSITY IN CONFORMANCE WITH THE MASTER PLAN

(Section 24-160D.4 of the Zoning Ordinance)

(a) Residential: The residential density in the MXD Zone shall not exceed the residential density or total number of dwelling units stated in the applicable master plan, if any. The total number of dwelling units and the corresponding overall density, as well as the approximate location of such units, shall be established at the time of sketch plan approval pursuant to section 24-160D.9(a).

(b) Commercial/employment/industrial. The commercial/employment/industrial density in the Mixed Use Development Zone shall be compatible with any gross floor area or floor area ratio recommended in the applicable area master plan or special conditions or requirements, if any are stated therein. The maximum density of commercial/employment/industrial development shall be based on the area shown for commercial/employment/industrial uses on the sketch plan or schematic development plan, and shall not exceed a floor area ratio of 0.75.

The Application meets the requirements of these sections.

COMPATIBILITY STANDARDS

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

All uses shall conform to the purposes of the Mixed Use Development Zone and shall be compatible with all uses, existing or proposed, in the vicinity of the area covered by the proposed planned development. In order to assist in accomplishing such compatibility, the following requirements shall apply:

All right-of-way requirements, setbacks, height limits, open space or buffer areas recommended in an area master plan or special conditions or requirements stated therein to protect properties adjacent to the MXD zoned areas shall be incorporated into all plans subject to approval under the zone.

The above requirements have been met under the existing Watkins Mill Town Center approved plans, and the proposed Amendment only serves to enhance the compatibility objectives set forth in the Master Plan. Buildings proposed are within the height limits of the zone, and the proposed building finishes are consistent with the key lot plan as approved under the existing SDP and Final Site Plan approval.

Where setback, height limits, open space or buffer areas are not recommended in an area master plan or special conditions or requirements stated therein to protect properties adjacent to the MXD zoned areas, the following requirements shall be incorporated into all plans subject to approval under this zone.

No buildings other than single-family detached dwellings shall be constructed within one hundred (100) feet of adjoining property not zoned MXD or in a residential category that is developed with one-family detached homes unless the city planning commission finds that topographical features permit a lesser setback. In all other situations, setbacks from adjoining properties may be less than 100 feet, with the setback approved by the city planning commission.

No building proposed for commercial/employment/industrial use shall be constructed less than one hundred (100) feet from any adjoining property not zoned MXD recommended for residential zoning and land use on the applicable master plan. The setbacks shall be determined as part of the final site plan approval.

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

The application meets or exceeds these requirements for processing and approval under the MXD zone.

MINIMUM GREEN AREA

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

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

The approved Watkins Mill Town Center development fully meet the requirements of this provision.

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

All current recreation areas, facilities and amenities, and all open space and landscaped areas are reflected on the existing Parklands approvals, SP-05-0013.

PROVISION FOR PUBLIC FACILITIES

(Section 24-160D.7(a) of the Zoning Ordinance)

A mixed use development should conform to the facilities recommended for the site by the approved and adopted master plan, including granting such easements or making such dedications to the public as may be shown thereon or as shall be deemed necessary by the city to ensure the compatibility of the development with the surrounding area and to assure the ability of the area to accommodate the uses proposed by the application.

The approved application for the Watkins Mill Town Center project has provided for such easements and dedications, which shall be unaffected by the Amendment.

UNDERGROUND UTILITIES

(Section 24-160D.7(b) of the Zoning Ordinance)

All utility lines in the Mixed Use Development Zone shall be placed underground. The developer or subdivider shall ensure final and proper completion and installation of utility lines. Poles and lamps for street lighting shall be provided by the developer in accordance with the approved site plan.

The approved application for the Watkins Mill Town Center project provides for all such on site utilities to be placed underground, which shall be unaffected by this Amendment.

DEDICATION OF PUBLIC STREETS

(Section 24-160D.7(c) of the Zoning Ordinance):

All streets to be dedicated to public use shall be shown on the schematic development plan and the final site plan, respectively. All private streets and alleyways shall also be shown on the schematic development plan and the final site plan, but they will only be allowed where they are found to be more appropriate due to the type and density of development or other applicable factors. All private streets and alleyways are to be constructed to the same width and road code standards as are applicable to public streets unless waivers of any street standard or road code requirement are granted by the council as part of the schematic development plan review or by separate public hearing.

The dedication of public streets under the current Watkins Mill Town Center approvals be unaffected by this Amendment. The Applicant will continue to utilize the same street locations and configuration as are shown on the approved Final Site Plan for the Watkins Mill Town Center (SP-05-0013).

PUBLIC FACILITIES

(Section 24-160D.7(d) of the Zoning Ordinance):

An applicant for approval under the MXD Zone shall demonstrate at the time of filing a schematic development plan, and at time of site plan approval that all public facilities are either presently adequate to service the development requested for approval or will be provided or in place by the completion of construction of the development reflected in the schematic development plan. It is the intent of this provision that development shall be staged in such a manner as to coordinate development with the provision of public facilities, and that such facilities shall be operational at acceptable service levels and capacities.

Utilities are adequate for the development proposed by the amendment. The number of students to be generated under this proposed amendment does not exceed 110% of school capacity five years in the future, which complies with the school test of the Adequate Public Facilities Ordinance. The traffic to be generated under this proposed amendment is the same as that being generated under the current approved plan. No additional retail space or new residential units are proposed by the amendment.

2. THE APPLICATION IS IN ACCORD WITH THE RECOMMENDATIONS IN THE APPLICABLE MASTER PLAN FOR THE AREA AND IS CONSISTENT WITH ANY SPECIAL CONDITIONS OR REQUIREMENTS CONTAINED IN SAID MASTER PLAN:

As discussed above, the amended Schematic Development Plan is in accord with the Master Plan recommendations. As previously noted, there were no special conditions or requirements in the Master Plan.

3. **THE APPLICATION AND SKETCH PLAN BE INTERNALLY AND EXTERNALLY COMPATIBLE AND HARMONIOUS WITH EXISTING AND PLANNED LAND USES IN THE MXD ZONE AREAS AND**

As mentioned above, this amendment to the Schematic Development Plan will continue to enhance and complement the neighborhood with a multi-use development, including multiple-family residential units, commercial-office-retail uses, open space, and amenities. The amended Schematic Development Plan continues to create a development that is internally and externally compatible and harmonious with the surrounding MXD zoned neighborhood by creating vehicular and pedestrian connections. The proposed architectural design will be complementary in character of the adjoining Watkins Mill Town Center community and be a complementary neighbor to the other buildings in the surrounding area.

For the reasons stated above, the Applicant believes the Schematic Development Plan Amendment continues:

1. to meet or accomplish the purposes, objectives, and minimum standards and requirements;
2. to be in accord with the Master Plan recommendations for the Property; and
3. to be internally and externally compatible and harmonious with existing and planned land uses in the MXD zone areas and adjacent areas.

Accordingly, the Applicant requests approval of this Schematic Development Plan Amendment.

LEGEND

- EXISTING TOPOGRAPHY
- WETLANDS
- WETLANDS BUFFER
- 100 YEAR FLOODPLAIN
- FLOODPLAIN RESERVATION
- STREAM VALLEY BUFFER
- PROPOSED PAVEMENT BY OWNER
- PROPOSED PAVEMENT BY OTHERS
- PROPOSED SIDEWALK
- RETAINING WALL
- LIMITS OF DISTURBANCE
- EXISTING TREE LINE
- PROPOSED TREE LINE
- PROPOSED WATER
- PROPOSED SEWER
- PROPOSED STORM DRAIN
- URBAN CORE LIMITS
- MATCH LINE
- # OF PARKING SPACES
- BLOCK LABEL
- ENTRANCE SIGN
- ENTRANCE MONUMENT/SIGN
- ART IN PUBLIC PLACES

CITY OF GAITHERSBURG MAYOR & COUNCIL
 31 SOUTH SUMMIT AVENUE, GAITHERSBURG, MARYLAND 20877

AMENDMENT TO SCHEMATIC DEVELOPMENT PLAN APPROVAL

AT THE REGULARLY SCHEDULED MEETING OF THE MAYOR AND CITY COUNCIL HELD ON

APPLICATION NO. ASDP-0641-2012 WAS GRANTED

AMENDED SCHEMATIC DEVELOPMENT PLAN

BY RESOLUTION WITH J CONDITIONS.

DATE BY

NOTE: ANY REVISIONS TO SIGNED PLANS MUST BE REAPPROVED BY THE MAYOR & CITY COUNCIL.

LEGEND

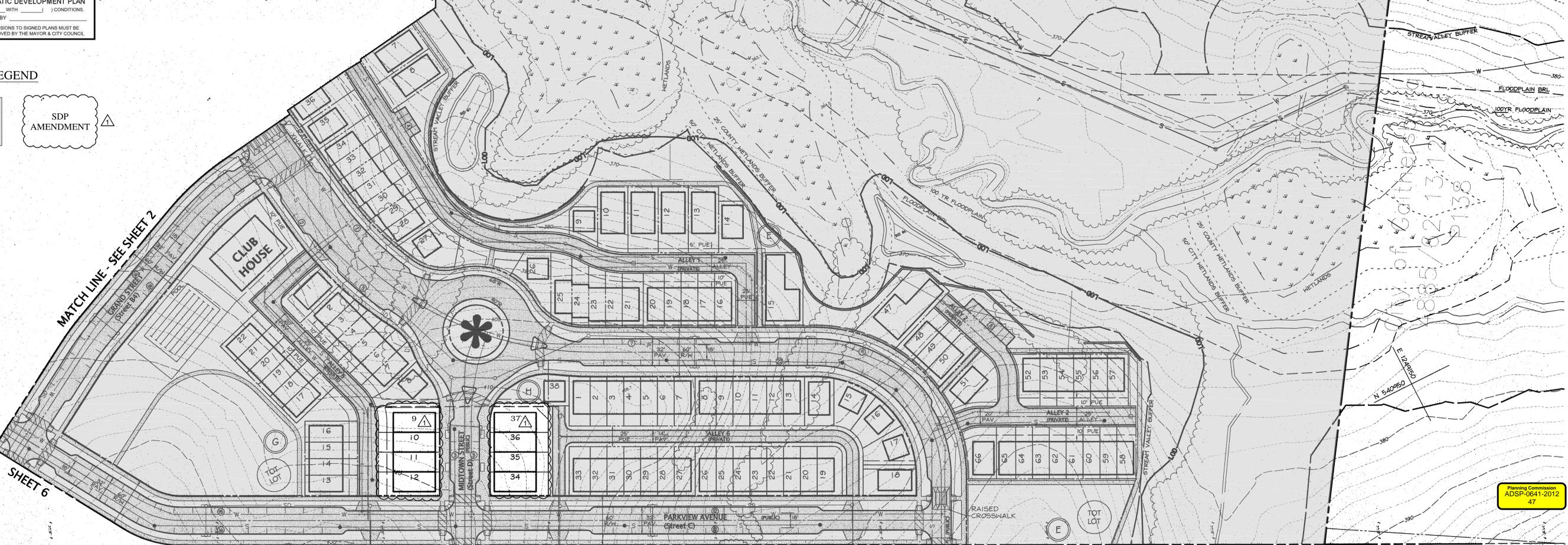
- PREVIOUSLY APPROVED SDP-05-002
- SDP AMENDMENT

MATCH LINE - SEE SHEET 2

MATCH LINE - SEE SHEET 2

MATCH LINE - SEE SHEET 6

SHEET 2
SHEET 5



Planning Commission
 ADSP-0641-2012
 47

ASDP-0641-2012

REVISION	DATE	REVISION	DATE	REVISION	DATE

Owner/Developer:
BP Realty Investments, LLC

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 Ph: (301) 299-2099
 Fax: (301) 299-2033
 Contact: Mr. Peter J. Henry

**AMENDED
 SCHEMATIC DEVELOPMENT PLAN**

RODGERS CONSULTING
 Enhancing the value of land assets

Rodgers Consulting, Inc.
 19847 Century Blvd., Suite 200
 Germantown, MD 20874
 301.948.4700
 301.948.6256 (fax)
 301.253.6659
 www.rodgers.com

BY	DATE

RELEASE FOR

**CASEY PROPERTY WEST
 METROPOLITAN GROVE**

City of Gaithersburg
 9th election district
 Montgomery County, Maryland

SCALE: 1" = 50'
 JOB No. 776A
 DATE: APR., 2005
 SHEET No. 3 of 36

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PRELIMINARY NOT FOR CONSTRUCTION

CASEY PROPERTY WEST SDP

SHEET 2
SHEET 5

LEGEND

PREVIOUSLY APPROVED SDP-05-002

SDP AMENDMENT

CITY OF GAITHERSBURG MAYOR & COUNCIL
31 SOUTH SUMMIT AVENUE, GAITHERSBURG, MARYLAND 20877

AMENDMENT TO SCHEMATIC DEVELOPMENT PLAN APPROVAL

AT THE REGULARLY SCHEDULED MEETING OF THE MAYOR AND CITY COUNCIL HELD ON

APPLICATION NO. **ASDP-0641-2012** WAS GRANTED

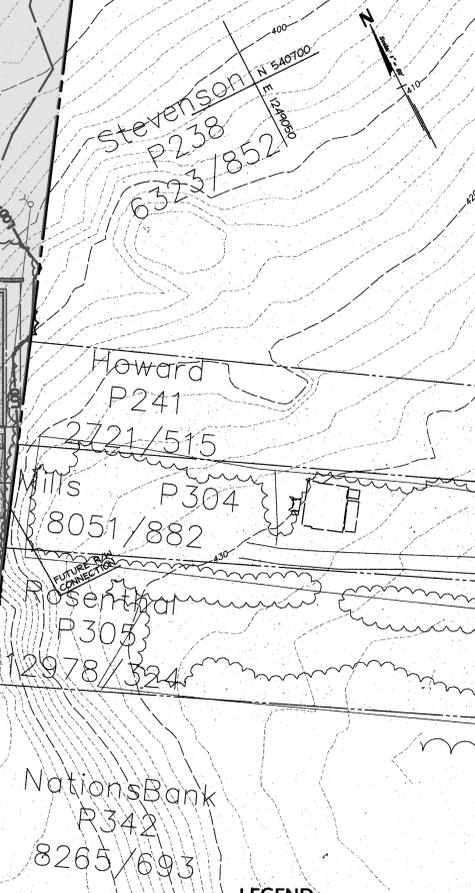
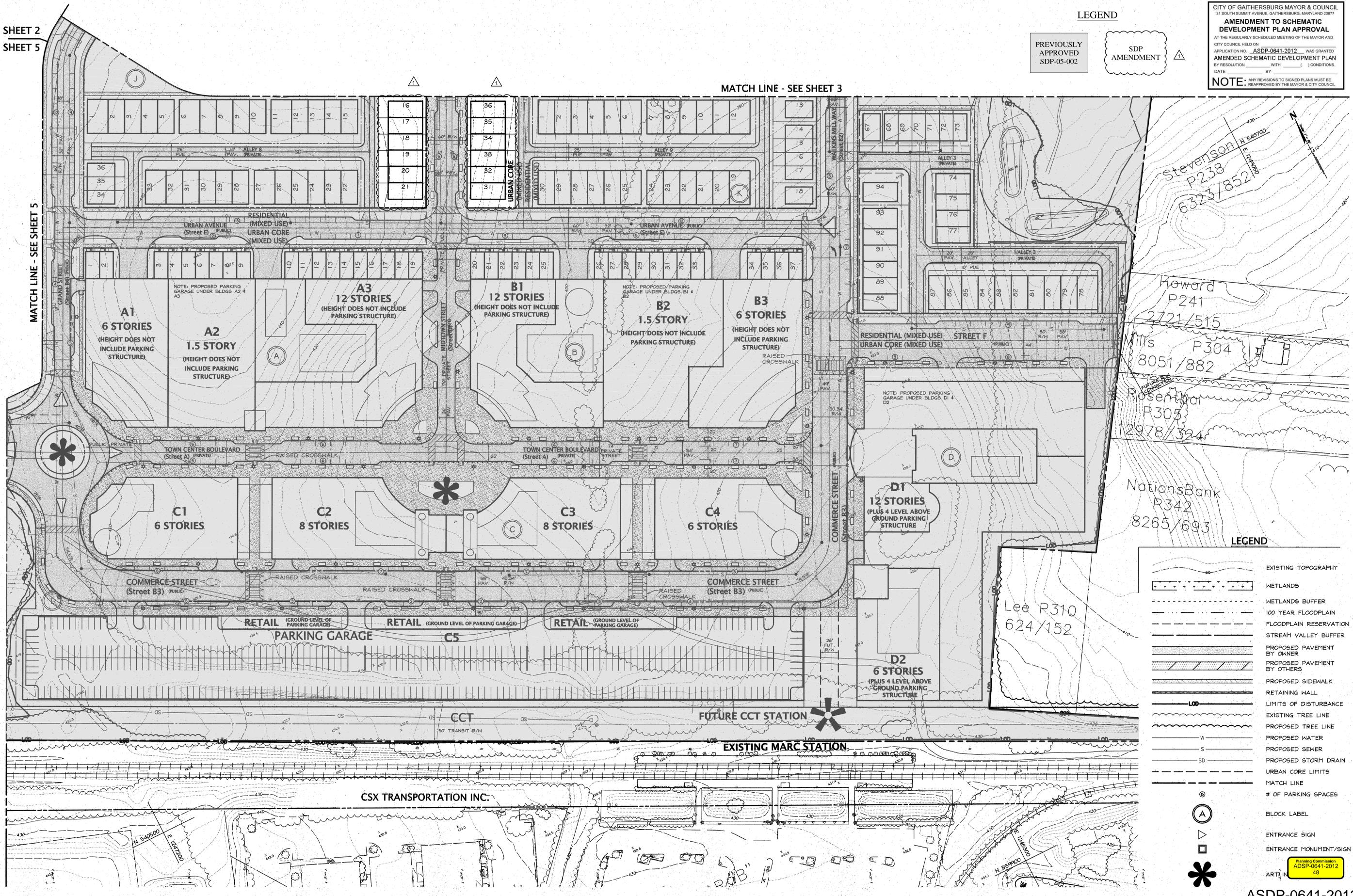
AMENDED SCHEMATIC DEVELOPMENT PLAN BY RESOLUTION WITH _____) CONDITIONS.

DATE _____ BY _____

NOTE - ANY REVISIONS TO SIGNED PLANS MUST BE REAPPROVED BY THE MAYOR & CITY COUNCIL.

MATCH LINE - SEE SHEET 3

MATCH LINE - SEE SHEET 5



LEGEND

EXISTING TOPOGRAPHY

WETLANDS

WETLANDS BUFFER

100 YEAR FLOODPLAIN

FLOODPLAIN RESERVATION

STREAM VALLEY BUFFER

PROPOSED PAVEMENT BY OWNER

PROPOSED PAVEMENT BY OTHERS

PROPOSED SIDEWALK

RETAINING WALL

LIMITS OF DISTURBANCE

EXISTING TREE LINE

PROPOSED TREE LINE

PROPOSED WATER

PROPOSED SEWER

PROPOSED STORM DRAIN

URBAN CORE LIMITS

MATCH LINE

OF PARKING SPACES

BLOCK LABEL

ENTRANCE SIGN

ENTRANCE MONUMENT/SIGN

ARTIST

Planning Commission ASDP-0641-2012 48

REVISION	DATE	REVISION	DATE	REVISION	DATE
ADDED FUTURE B/W CONNECTION NOTE PER CITY'S REQUEST	8/25/05				

Owner/Developer:
BP Realty Investments, LLC

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Ph: (301) 299-2099
Fax: (301) 299-2033
Contact: Mr. Peter J. Henry

AMENDED SCHEMATIC DEVELOPMENT PLAN

RODGERS CONSULTING

Rodgers Consulting, Inc.
1987 Century Blvd., Suite 200
Germantown, MD 20874
301.948.4700
301.948.6256 (fax)
301.253.6609
www.rogers.com

Enhancing the value of land assets

BASE DATA	BY	DATE
DESIGNED		
DRAWN		
REVIEWED		

RODGERS CONTACT:

RELEASE FOR _____

BY _____ DATE _____

CASEY PROPERTY WEST METROPOLITAN GROVE

City of Gaithersburg
9th election district
Montgomery County, Maryland

SCALE: 1" = 50'

JOB No. 776A

DATE: APR., 2005

SHEET No. 6 of 38

N:\MD-Montgomery City of Gaithersburg\Parklands\DWG\WestSDP\Revisions\2012-04-01-SDP.dwg Layout3 Jun 05, 2012, 12:43pm

PRELIMINARY NOT FOR CONSTRUCTION

LEGEND

-  PROPOSED TREE
-  PROPOSED STREET LIGHT
-  PROPOSED STREET LIGHT
-  EXISTING TREE LINE
-  PROPOSED TREE LINE
-  ENTRANCE SIGN
-  ENTRANCE MONUMENT/SIGN
-  ART IN PUBLIC PLACES

CITY OF GAITHERSBURG MAYOR & COUNCIL
 31 SOUTH SUMMIT AVENUE, GAITHERSBURG, MARYLAND 20877

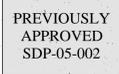
AMENDMENT TO SCHEMATIC DEVELOPMENT PLAN APPROVAL

AT THE REGULARLY SCHEDULED MEETING OF THE MAYOR AND CITY COUNCIL HELD ON:

APPLICATION NO. ASDP-0641-2012 WAS GRANTED AMENDED SCHEMATIC DEVELOPMENT PLAN BY RESOLUTION _____ WITH _____ CONDITIONS. DATE _____ BY _____

NOTE: ANY REVISIONS TO SIGNED PLANS MUST BE REAPPROVED BY THE MAYOR & CITY COUNCIL.

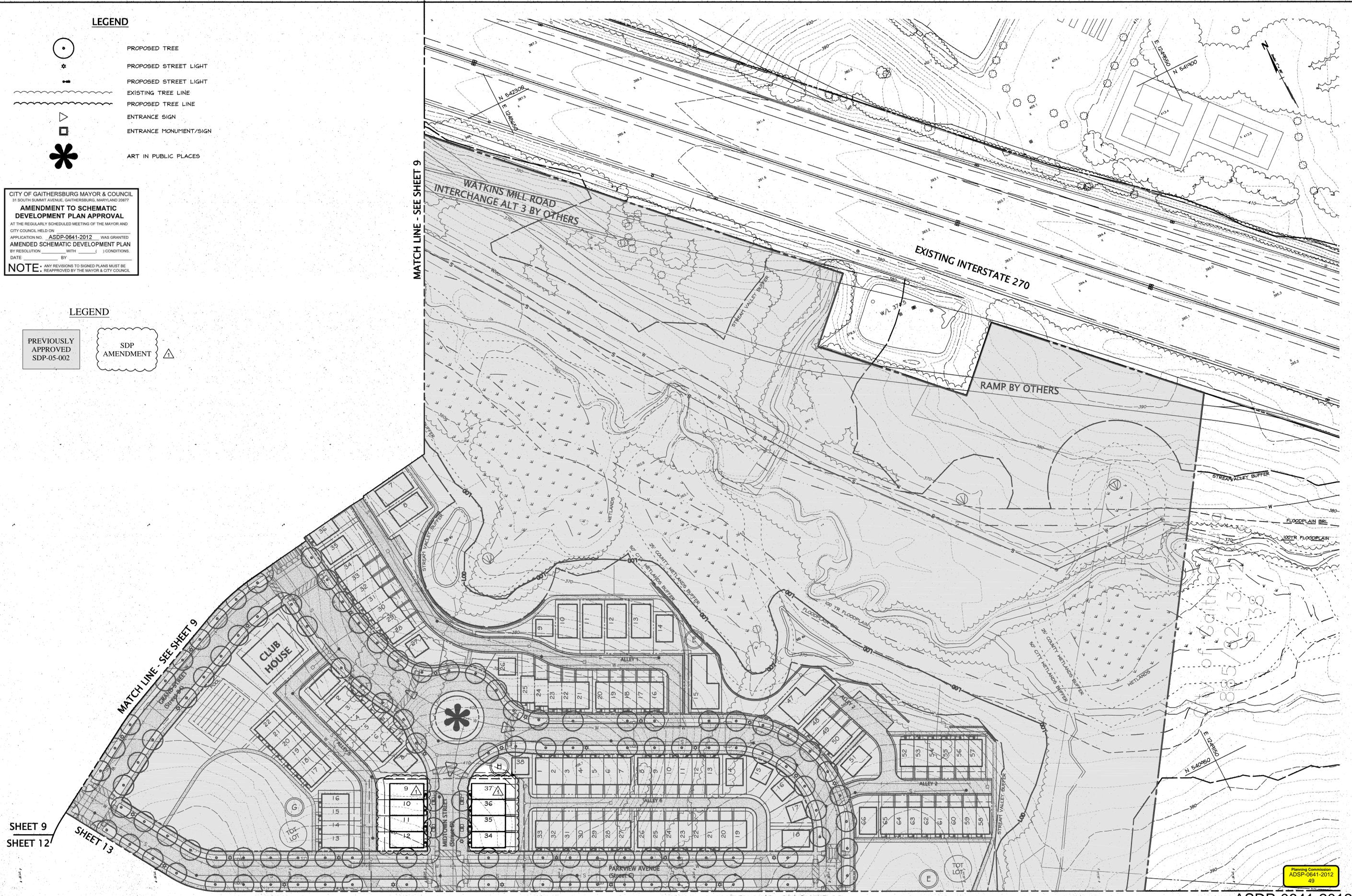
LEGEND

-  PREVIOUSLY APPROVED SDP-05-002
-  SDP AMENDMENT

SHEET 9
 SHEET 12
 SHEET 13

MATCH LINE - SEE SHEET 9

MATCH LINE - SEE SHEET 13



Planning Commission
 ASDP-0641-2012
 49

REVISION	DATE	REVISION	DATE	REVISION	DATE

Owner/Developer:
BP Realty Investments, LLC

10000 Falls Road, Suite 100
 Potomac, Maryland 20854
 Ph.: (301) 299-2099
 Fax: (301) 299-2033
 Contact: Mr. Peter J. Henry

**AMENDED
 LANDSCAPE AND LIGHTING PLAN**

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 Enhancing the value of land assets

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BASE DATA	BY	DATE
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DRAWN		
REVIEWED		
RODGERS CONTACT:		
RELEASE FOR		
BY		DATE

**CASEY PROPERTY WEST
 METROPOLITAN GROVE**

City of Gaithersburg
 9th election district
 Montgomery County, Maryland

SCALE: 1" = 50'
 JOB No. 77GA
 DATE: APR., 2005
 SHEET No. 10 of 36

N:\MD-Montgomery City of Gaithersburg\Parklands\DWG\WestSDP\Revisions\2012-04\01-SDP.dwg Layout4 Jun 05, 2012, 12:43pm

PRELIMINARY NOT FOR CONSTRUCTION
 CASEY PROPERTY WEST LANDSCAPE AND LIGHTING PLAN

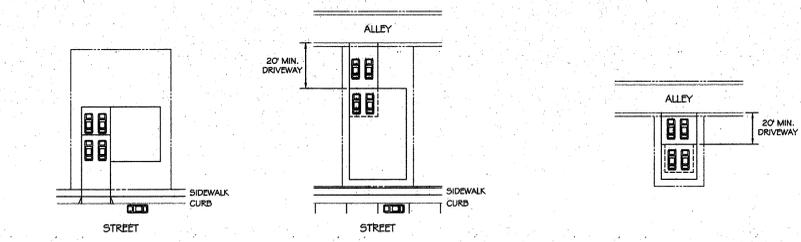


Table for SINGLE FAMILY, FRONT LOADED GARAGE: 22 UNITS, PARKING REQUIRED: 2/UNIT = 46 REQ., PARKING PROVIDED: 2 GARAGE PER UNIT: 46, 2 DRIVEWAY PER UNIT: 46, TOTAL PROVIDED: 92

Table for SINGLE FAMILY, REAR LOADED GARAGE: 60 UNITS, PARKING REQUIRED: 2/UNIT = 120 REQ., PARKING PROVIDED: 2 GARAGE PER UNIT: 120, 2 DRIVEWAY (52 UNITS): 104, 1 DRIVEWAY (1 UNITS): 1, 0 DRIVEWAY (7 UNITS): 0, TOTAL PROVIDED: 225 PROV.

Table for COTTAGES: 11 UNITS, PARKING REQUIRED: 2/UNIT = 22 REQ., PARKING PROVIDED: 3.2/UNIT: 22, 2 GARAGE PER UNIT: 22, 2 DRIVEWAY (3 UNITS): 6, 1 DRIVEWAY (4 UNITS): 4, 0 DRIVEWAY (4 UNITS): 0, TOTAL PROVIDED: 32 PROV.

Table for STACKED TOWNHOUSES (2/2): 142 UNITS, PARKING REQUIRED: 2/UNIT = 284 REQ., PARKING PROVIDED: 2/UNIT: 1/2 GARAGE PER UNIT: 71, 1 DRIVEWAY PER UNIT: 142, 1/2 ON STREET PER UNIT: 71, TOTAL PROVIDED: 284

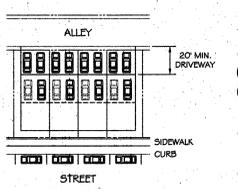


Table for TOWNHOUSE W/INTEGRAL REAR LOADED GARAGE: 180 UNITS, PARKING REQUIRED: 2.5/UNIT = 450 REQ., PARKING PROVIDED: 3/UNIT: 1 GARAGE PER UNIT: 180, 2 DRIVEWAY PER UNIT: 360, TOTAL PROVIDED: 540

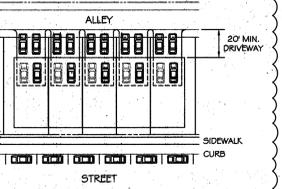


Table for 24 TOWNHOUSES: 20 UNITS, PARKING REQUIRED: 2.5/UNIT = 50 REQ., PARKING PROVIDED: 3 SPACES PER UNIT: 1 GARAGE PER UNIT: 20, 2 DRIVEWAY PER UNIT: 40, ON STREET: 16, TOTAL PROVIDED: 76

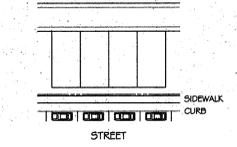


Table for URBAN CORE TOWNHOUSES: 37 UNITS, PARKING REQUIRED: 2.5/UNIT = 93 REQ., PARKING PROVIDED: 2.5/UNIT: ON STREET: 20, TOTAL PROVIDED: 94

NOT PART OF THIS PLAN - SEE NEXT SHEET

Parking table for a residential area: 13 SF, 5 TH, CLUB HOUSE, PARKING REQUIRED: 22, 10, 11, TOTAL PROVIDED: 48, 13, 74, SURPLUS: 22, 2, 24, ON STREET: 1, 11, 11, TOTAL SURPLUS: 22, 2, 33

Parking table for a residential area: 2 SF, 16 TH, CLUB HOUSE, PARKING REQUIRED: 4, 18, 20, TOTAL PROVIDED: 3, 32, 35, SURPLUS: 3, 8, 11, DEFICIT (CLUB HOUSE) 71(-)*

Parking table for a residential area: 13 SF, 15 TH, CLUB HOUSE, PARKING REQUIRED: 26, 15, 41, TOTAL PROVIDED: 23, 30, 55, SURPLUS: 25, 7, 32, ON STREET: 4, 4, 4, TOTAL SURPLUS: 25, 7, 34

Parking table for a residential area: 20 TH, PARKING REQUIRED: 20, 20, 40, TOTAL PROVIDED: 16, 16, 32, SURPLUS: 10, 10, 20, ON STREET: 9, 9, 18, TOTAL SURPLUS: 26, 26

Parking table for a residential area: 8 SF, 10 TH, PARKING REQUIRED: 16, 10, 26, TOTAL PROVIDED: 11, 20, 31, SURPLUS: 11, 5, 16, ON STREET: 9, 9, 18, TOTAL SURPLUS: 11, 5, 25

Summary parking table: Total required: 1,099, Total provided: 1,501, Surplus: 402 (151 north of Watkins Mill Rd. & 251 south of Watkins Mill Rd.)

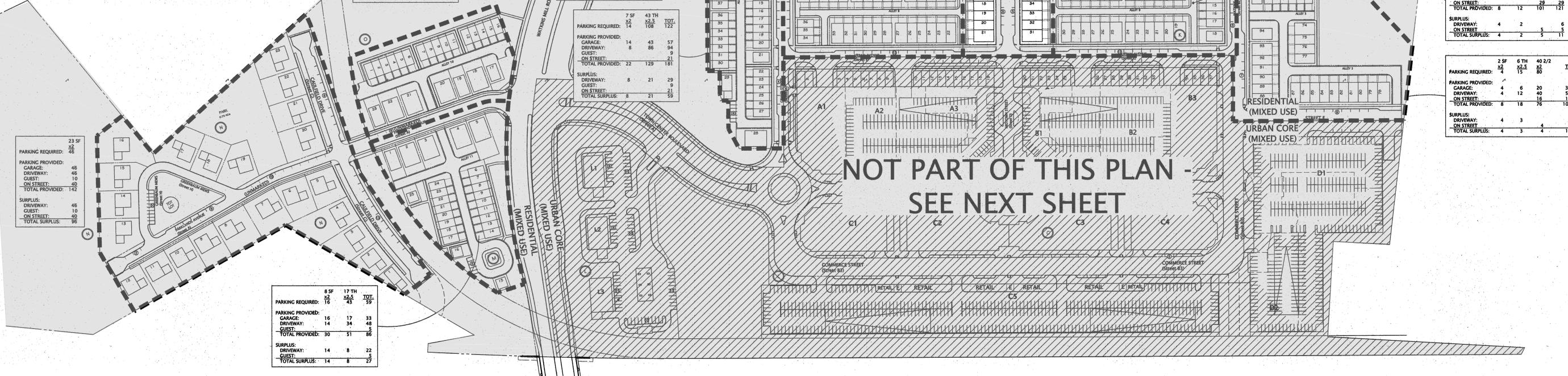
CITY OF GAITHERSBURG MAYOR & COUNCIL AMENDMENT TO SCHEMATIC DEVELOPMENT PLAN APPROVAL

Parking table for a residential area: 6 SF, 28 TH, PARKING REQUIRED: 12, 28, 40, TOTAL PROVIDED: 20, 84, 104, SURPLUS: 8, 14, 22, ON STREET: 8, 14, 22, TOTAL SURPLUS: 8, 14, 26

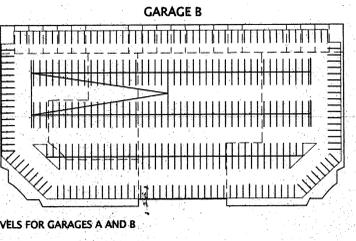
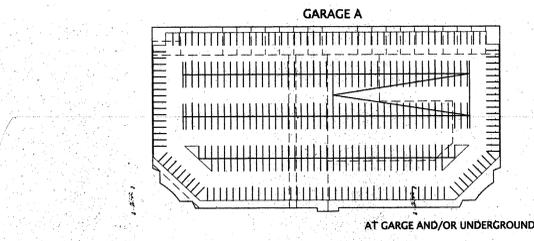
Parking table for a residential area: 3 SF, 17 TH, PARKING REQUIRED: 6, 17, 23, TOTAL PROVIDED: 4, 34, 38, SURPLUS: 4, 8, 12, ON STREET: 4, 8, 12, TOTAL SURPLUS: 4, 8, 27

Parking table for a residential area: 2 SF, 4 TH, 48 2/2, PARKING REQUIRED: 4, 10, 96, TOTAL PROVIDED: 4, 4, 24, SURPLUS: 4, 8, 48, ON STREET: 6, 12, 101, TOTAL SURPLUS: 4, 2, 5, 6

Parking table for a residential area: 2 SF, 6 TH, 40 2/2, PARKING REQUIRED: 4, 15, 80, TOTAL PROVIDED: 4, 6, 30, SURPLUS: 4, 12, 40, ON STREET: 6, 16, 16, TOTAL SURPLUS: 4, 3, 4, 7



NOT PART OF THIS PLAN - SEE NEXT SHEET



LEGEND: PREVIOUSLY APPROVED SDP-05-002, SDP AMENDMENT

REVISION table with columns for REVISION, DATE, and REVISION.

Owner/Developer: BP Realty Investments, LLC, 10000 Falls Road, Suite 100, Potomac, Maryland 20854

AMENDED PARKING DISTRIBUTION EXHIBIT

RODGERS CONSULTING, Rodgers Consulting, Inc., 19847 Century Blvd., Suite 200, Germantown, MD 20874

Table with columns for BASE DATA, DESIGNED, DRAWN, REVIEWED, RODGERS CONTACT, RELEASE FOR, BY, DATE.

CASEY PROPERTY WEST METROPOLITAN GROVE, City of Gaithersburg, 9th election district, Montgomery County, Maryland

1) URBAN CORE: USES AND PARKING REQUIREMENTS (NOT SHARED)

Block/Lot	Use	Drawn Area (sf)	Area (sf) or Units	Story ***	Office SF	Retail/Restaurant SF	Parking Ratio	Parking Required
A1	Mixed Use	24,800	24,000	6				
	Office		24,000	2-6	(5)	120,000	1/300 sf	400
	Retail		4,800	1	(1)	4,800	4.5/1,000	22
	Restaurants		10,800	1	(1)	10,800	13/1,000	140
A2	Retail	27,700	25,000	1				
	Retail		25,000	1-1/2	(1)	25,000	4.5/1,000	113
A3	Mixed Use	51,900	34,813	12				
	Condo (252 units)		252	2-12	(11)		2/unit	504
	Retail		3,481	1	(1)	3,481	4.5/1,000	16
	Restaurants		10,444	1	(1)	10,444	13/1,000	136
B1	Mixed Use	40,900	0	12				
	Hotel (210 rooms)		210	2-10	(9)		1/room	210
	Hotel Penthouses (65 units)		65	11-12	(2)		2/unit	130
	Hotel meeting space		30,000	1	(1)	30,000	1/400sf	75
B2	Restaurants		8,000	1	(1)	8,000	13/1,000	104
	Groundfloor		12,000	1				
	Cinema (1,500 seats)	32,400	35,820	1				
	Cinema (1,500 seats + 15 employees)		35,820	1-1/2	(1)	35,820	1/4 seats	390
B3	Mixed Use	28,500	24,000	6				
	Office		24,000	2-6	(5)	120,000	1/300 sf	400
	Retail		4,800	1	(1)	4,800	4.5/1,000	22
	Restaurants		9,600	1	(1)	9,600	13/1,000	125
C1	Mixed Use	24,200	24,000	6				
	Office		24,000	2-6	(5)	120,000	1/300 sf	400
	Retail		4,800	1	(1)	4,800	4.5/1,000	22
	Restaurants		10,800	1	(1)	10,800	13/1,000	140
C2	Mixed Use	26,200	25,675	8				
	Office		25,675	2-8	(7)	179,725	1/300 sf	599
	Retail		6,419	1	(1)	6,419	4.5/1,000	29
	Restaurants		10,270	1	(1)	10,270	13/1,000	134
C3	Mixed Use	26,200	27,675	8				
	Office		27,675	2-8	(7)	193,725	1/300 sf	646
	Retail		5,535	1	(1)	5,535	4.5/1,000	25
	Restaurants		10,270	1	(1)	10,270	13/1,000	134
C4	Mixed Use	24,200	24,000	6				
	Office		24,000	2-6	(5)	120,000	1/300 sf	400
	Retail		4,800	1	(1)	4,800	4.5/1,000	22
	Restaurants		9,600	1	(1)	9,600	13/1,000	125
C5	Parking Garage Retail		6					
	Retail		10,000	1	(1)	10,000	4.5/1,000	45
D1	Mixed Use	78,100	30,000 sf, 276 units	12				
	Condo (276 units)		276	12	(10)		2/unit	552
	Retail		4,400	1	(1)	4,400	4.5/1,000	20
	Restaurants		5,500	1	(1)	5,500	13/1,000	72
D2	Mixed Use	45,600	20,800	6				
	Office		20,800	2-5	(4)	83,200	1/300 sf	277
	Retail		6,240	1	(1)	6,240	4.5/1,000	28
	Restaurants		4,160	1	(1)	4,160	13/1,000	54
L1, L2, L3	Retail Pad Sites		sf	Levels				
	L1 (Bank)	4,600	4,600	2		4,600	1/300 sf	15
	L2 (Bank)	4,600	4,600	2		4,600	1/300 sf	15
L3 (Service Station)		5,000	5,200	2		5,200	4.5/1000+2/Bay	31
						1/employee		
Hotel	Hotel (184 rooms) - Block O		184	11	(0)		1/room	184
	Retail		10,000			10,000	4.5/1,000	45
Urban Core TH			37	4			2/unit	93
Total Commercial Area	Office		936,650					
	Retail/Restaurant		258,939				4.5/1,000	**
Total			936,650					**

2) PARKING REQUIREMENTS PER PHASE (NOT SHARED)

Phase	Use	SF/DU/Emp	Pkg Ratio	Pkg Req'd
Phase 1	Restaurants (Class A)	49,784	13 sp/1000 sf	647
	Office	493,450	1 sp/300 sf	1,645
	Retail (Including Core Lot Retail)	20,235	4.5 sp/1000 sf	91
	Cinema (1,500 seats + 15 Employees)	35,820	1800/74 + 13*	390
	Hotel (210 Room) + Meeting + Lobby	33	1 sp/Room + 1 sp/400+4.5sp/1000	330
	Urban Core Townhouse	37	2 sp/Unit	74
	Condo (Includes 65 Hotel Penthouse)	317	2 sp/Unit	634
Total Parking			3781	
*** It includes Hotel (210 Room) + 30,000 SF Hotel Meeting Space + 10,000 SF Hotel Lobby				
Phase 2	Restaurants (Class A)	30,000	13 sp/1000 sf	390
	Office	380,000	1 sp/300 sf	1,260
	Retail	49,000	4.5 sp/1000 sf	221
	Hotel (184 Rooms) & Retail (10,000 sf)	184	1 sp/Room + 4.5sp/1000	229
	Total Parking			2040
Phase 3	Restaurants (Class A)	9,660	13 sp/1000 sf	126
	Office	83,200	1 sp/300 sf	277
	Retail	10,640	4.5 sp/1000 sf	48
	Condo	276	2 sp/Unit	552
	Total Parking			1003

CITY OF GAITHERSBURG MAYOR & COUNCIL
 31 SOUTH SUMMIT AVENUE, GAITHERSBURG, MARYLAND 20877
AMENDMENT TO SCHEMATIC DEVELOPMENT PLAN APPROVAL
 AT THE REGULARLY SCHEDULED MEETING OF THE MAYOR AND CITY COUNCIL HELD ON
 APPLICATION NO. ASDP-0641-2012 WAS GRANTED
 AMENDED SCHEMATIC DEVELOPMENT PLAN
 BY RESOLUTION WITH CONDITIONS.
 DATE BY
NOTE: ANY REVISIONS TO SIGNED PLANS MUST BE REAPPROVED BY THE MAYOR & CITY COUNCIL

3) SHARED PARKING REQUIREMENTS

Phase	Use	Area	Pkg. Req'd Weekday	Evening 6 p.m. - Midnight	Pkg. Req'd Weekend	Evening 6 p.m. - Midnight	Pkg. Req'd Night Time
Phase 1:	Office (1sp/300sf)	493,450	100%	1,645	100%	164	5%
	Retail (4.5sp/1000sf)	20,235	60%	55	90%	82	5%
	Cinema	35,820	60%	234	90%	351	5%
	Restaurant (13sp/1000sf)	49,784	50%	324	100%	647	10%
	Hotel (210 Room) + Meeting + Lobby	33	75%	248	100%	330	5%
	Total Parking Required	609,289		2506	1574	1325	1078
	Total Parking Provided						
Phase 1 & 2:	Office (1sp/300sf)	853,450	100%	2,845	100%	284	5%
	Retail (4.5sp/1000sf)	69,235	60%	187	90%	281	5%
	Cinema	35,820	60%	234	90%	380	5%
	Restaurant (13sp/1000sf)	79,784	50%	519	100%	1,037	10%
	Hotel (210 Room) + Meeting + Lobby	1,048,289	75%	248	100%	1,995	5%
	Total Parking Required	1,048,289		4033	3948	2222	1770
	Total Parking Provided						
Phase 1, 2, and 3:	Office (1sp/300sf)	936,650	100%	3,122	100%	312	5%
	Retail (4.5sp/1000sf)	79,875	60%	215	90%	323	5%
	Cinema	35,820	60%	234	90%	391	5%
	Restaurant (13sp/1000sf)	89,444	50%	581	100%	1,163	10%
	Hotel (210 Room) + Meeting + Lobby	1,151,789	75%	248	100%	330	5%
	Total Parking Required	1,151,789		4400	2497	2257	1860
	Total Parking Provided						

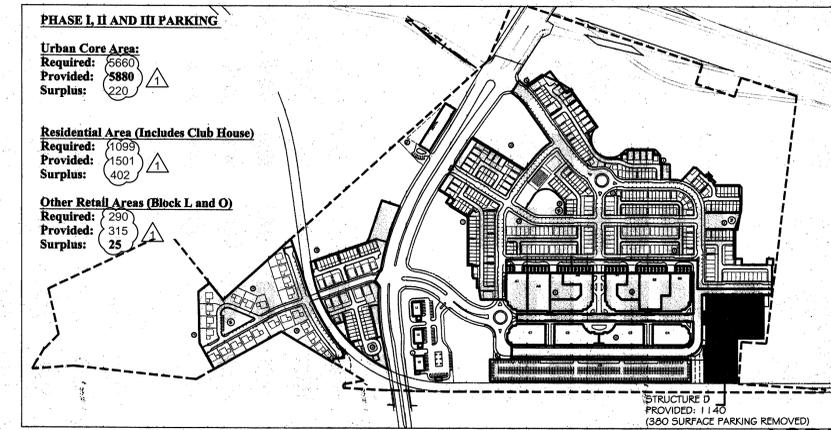
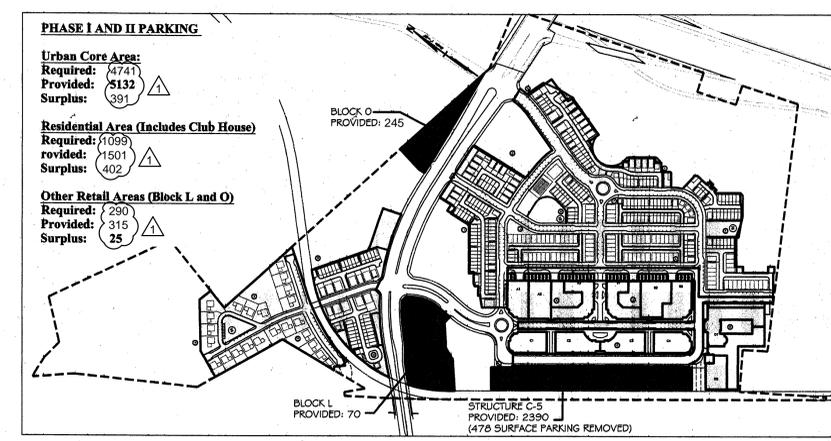
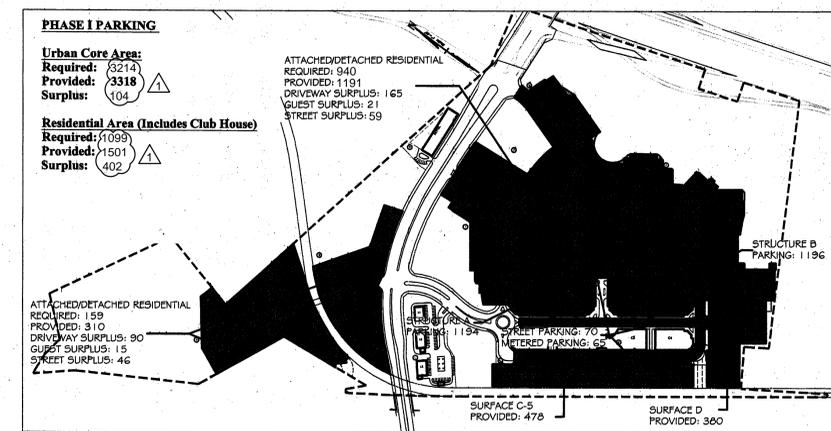
4) PARKING SUMMARY

Urban Core Area:	Parking Required	Parking Provided/Location	Surplus
Residential Units: (252+65+37) x 2	708	928	Surface C-5(478) + Surface D(380) + Street(70)
Shared Parking (Block A, B, C & D)	2506	2390	Structure A(1194)+Structure B(1196)
Total Urban Core Area	3214	3318	104
Residential Area:			
Attached/Detached Residential Units	922	1298	Driveway/Garage/On Street
Club House	127	127	On Street
20'24" TH	50	76	Driveway/Garage/On Street
Total Residential Area (Includes Club House)	1099	1501	402
Total Phase 1 Parking	4313	4819	506
Phase 1 & 2			
Urban Core Area:			
Residential Units: (252+65+37) x 2	708	2742	Structure C-5 (2306)+St.(70)+Surface D(380)
Shared Parking (Block A, B, C & D)	4033	2390	Structure A (1194) + Structure B (1196)
Total Urban Core Area	4741	5132	391
Attached/Detached Residential Unit			
Residential Unit	922	1298	On Street
Club House	127	127	On Street
20'24" TH	50	76	Driveway/Garage/On Street
Total Residential Area (Includes Club House)	1099	1501	402
Other Retail Area:			
Hotel 184 Rooms & Retail (10,000 sf)	229	245	
L1 (Bank), L2 (Bank), L3 (Service Station)	61	70	
Total Phase II Retail Area	290	315	25
Total Phase 1 and 2 Parking	5130	6948	818
Phase 1, 2 & 3			
Urban Core Area:			
Residential Units: (252+65+37+276) x 2	1260	2382	Structure D (1140)
Shared Parking (Block A, B, C & D)	4400	1140	Structure C (2306) + Street (70)
Total Urban Core Area	5660	5880	220
Attached/Detached Residential Unit			
Residential Units	922	1298	On Street
Club House	127	127	On Street
20'24" TH	50	76	Driveway/Garage/On Street
Total Residential Area (Includes Club House)	1099	1501	402
Other Retail Area:			
Hotel 184 Rooms & Retail (10,000 sf)	229	245	
L1 (Bank), L2 (Bank), L3 (Service Station)	61	70	
Total Other Retail Area	290	315	25
Total Phase 1, 2 & 3	7049	7696	647

- Note:
- 1) Urban Core Residential Unit Includes Urban Core Townhouse and Condo.
 - 2) There Are Total 118 On Street Parking Spaces In Urban Core Area. Out of Those Parking Spaces, 70 Spaces Are Counted Urban Core Area Use. Remaining 48 Spaces Are Allocated For Temporary Parking (Metered Parking). These 48 Spaces Are Not Included In Parking Summary.
 - 3) Recreation Center parking spaces are available on street within 1000' of the property.
 - 4) Handicap parking requirement: For over 1000 total parking spaces, 20 plus 1 for each 100 spaces required. Location to be determined at Final Site Plan.
 - 5) Restaurant use can be up to 15% of Gross Square Footage of building consistent with standards applied to other properties & MXD zoning. Restaurant use above 15% is subject to parking requirements of the City Zoning Ordinance.
 - 6) Parking Details & Distribution for the Core Townhouse Units to reviewed at Site Plan.
 - 7) Final Parking Count & Parking Phasing to be Determined at Site Plan.

NOTE

- 1) APPLICANT MUST PERMIT THE MARYLAND TRANSIT AUTHORITY TO ADD UP TO 800 PARKING SPACES TO THE PARKING GARAGE ADJOINING THE CORRIDOR CITIES TRANSITWAY ALIGNMENT; HOWEVER, THE APPLICANT WILL NOT BE RESPONSIBLE FOR THE COST OF THESE ADDITIONAL COST.
- 2) USE LOCATION, BUILDING HEIGHT, AND PARKING ALLOCATION SUBJECT TO REFINEMENT AT FINAL SITE PLAN. ALLOCATION SUBJECT TO REFINEMENT AT FINAL SITE PLAN.
- 3) APPLICANT TO DEVELOP AN EMPLOYEE PARKING PROGRAM WHICH SHALL INCLUDE AREAS TO BE DESIGNATED FOR EMPLOYEE PARKING, SIGNAGE, THEREOF, AND LEASE REQUIREMENTS THEREFORE AND ENFORCEMENT MECHANISM.
- 4) APPLICANT TO PROVIDE A SHARED PARKING AGREEMENT THAT MEETS THE REQUIREMENT OF THE ZONING ORDINANCE.



Planning Commission ASDP-0641-2012 52

ASDP-0641-2012

REVISION	DATE	REVISION	DATE	REVISION	DATE

Owner/Developer:
 BP Realty Investments, LLC
 10000 Falls Road, Suite 100
 Potomac, Maryland 20854
 Ph.: (301) 299-2099
 Fax: (301) 299-2033
 Contact: Mr. Peter J. Henry

AMENDED URBAN CORE PARKING DISTRIBUTION PLAN

RODGERS CONSULTING
 Enhancing the value of land assets

BY	DATE

CASEY PROPERTY WEST METROPOLITAN GROVE

City of Gaithersburg
 9th election district
 Montgomery County, Maryland

PRELIMINARY NOT FOR CONSTRUCTION



6 UNIT BUILDING
FRONT ELEVATIONS - BASE



4 UNIT BUILDING
FRONT ELEVATIONS - BASE



6 UNIT BUILDING
REAR ELEV. BRICK/SIDING



4 UNIT BUILDING
REAR ELEV. BRICK/SIDING



SIDE ELEVATIONS

CITY OF GAITHERSBURG MAYOR & COUNCIL
31 SOUTH SUMMIT AVENUE, GAITHERSBURG, MARYLAND 20877
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Planning Commission
ADSP-0641-2012
54

ASDP-0641-2012

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Owner/Developer:
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10000 Falls Road, Suite 100
Potomac, Maryland 20854
Ph.: (301) 299-2099
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AMENDED CONCEPTUAL 24' TOWNHOUSE ELEVATION

RODGERS CONSULTING
Enhancing the value of land assets
Rodgers Consulting, Inc.
19847 Century Blvd., Suite 200
Germantown, MD 20874
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33 of 36

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CITY OF GAITHERSBURG PLANNING COMMISSION

MEETING HELD ON SEPTEMBER 5, 2012

7:30 p.m.

PUBLIC HEARING FOR

ASDP-0641-2012 - WATKINS MILL TOWN CENTER

400, 401, 500, 501 UPTOWN STREET, GAITHERSBURG, MD

TRANSCRIBED BY: MYRIAM GONZALEZ, RECORDING SECRETARY



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COMMISSIONERS PRESENT:

- JOHN BAUER, Chairman
- LLOYD KAUFMAN, Vice Chair
- MATTHEW HOPKINS, Commissioner
- DANNY WINBORNE, Commissioner

STAFF PRESENT:

- JOHN SCHLICHTING, Planning and Code Administration Director
- LAUREN PRUSS, Planning Director
- TRUDY SCHWARZ, Community Planning Director
- MYRIAM GONZALEZ, Recording Secretary

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SPEAKERS ON BEHALF OF APPLICANT:

Luis Gonzalez, landscape architect, BP Realty

Brad Kline, BP Realty

SPEAKERS FROM THE PUBLIC:

Brenda Greenberg, 233 Community Center Avenue

Mary Anne Clark, 1324 Travis View Court

Aleksey Kahn, 351 Community Center Avenue

Beth Walton, 342 White Ash Place

Kenneth Richter, 241 Parkview Avenue

Gene Ammons, 200 Parkview Avenue

Joseph Halton, 238 White Ash Place

Kashif Malik, 229 Parkview Avenue

P R O C E E D I N G S

(7:52 P.M.)

CHAIR BAUER: That takes us to the continuation of public hearing agenda and that is for ASDP-0641-2012, Watkins Mill Town Center at 400, 401, 500, 501 Uptown Street in the MXD Zone. This is a proposal for the removal of commercial component from the Urban Loft Units, and this is an amendment to schematic development plan, and presenting from staff is Lauren Pruss, good evening.

PLANNING DIRECTOR PRUSS: Good evening. Thank you. The Watkins Mill Town Center is kind of sandwiched between the CSX Railroad Tracks and I-270. Just to quickly orient everyone (pointing to an aerial photograph), and of course this is Watkins Mill Road, extended, and the future Interchange of Watkins Mill Road and I-270. And BP Realty has filed an application requesting approval to eliminate the commercial component of the 20 live-work townhome units that are located in the central portion of the development on Uptown Street. There's 10,000 SF of retail space that is planned for those units and the applicant is requesting approval to develop those units with strictly townhomes, and relocate the 10,000 SF of approved retail use to a hotel that's to be built in the future Phase 2 along Watkins Mill Road... and now I'm going to turn the presentation over to Luis Gonzalez, who will present the application, for BP Realty.

LUIS GONZALEZ: Good evening. Luis Gonzalez with PB

1 Realty, I'm the planner and landscape architect. I'm happy to be in
2 front of you today. We all worked very hard a couple of years ago
3 about this great plan and I think we're all proud of it; Staff, the
4 Commissioners and the residents that are here in the audience today.
5 What we wanted to talk about today is, specifically, the live-work
6 units in the Urban Core and the hotel piece that's by the Interchange.
7 The previous approval had 20 live-work units, they were part of the
8 Urban Core and the units had commercial retail space on the bottom
9 floor and residential on top. There's also flat roofs, since it was
10 part of the Urban Core. Since the approval, there are two significant
11 changes: one, we were able to acquire the property south of the Urban
12 Core, and two, there's a significant market change. That market
13 change resulted in retail demand decreasing and retail becoming more
14 cautious about the location of where they actually put the retail.
15 There's a paradigm shift in the live-work units where there's more
16 commercial space being used instead of retail space. That resulted in
17 parking conflicts for... you can see it in the Kentlands and also
18 resulted in the lack of vibrant streets, which you can see in the
19 Carlyle development in Alexandria, Virginia. Taking into account this
20 paradigm shift its growth market shift, we were concerned with how the
21 live-work units would work with Watkins Mill Town Center. We didn't
22 want to have any of the parking conflicts that we saw in the
23 Kentlands. You can't hear? (to the audience) [Pause] Looking at the

1 paradigm shift and the market change with live-work units, we were
2 concerned with how they would react with Watkins Mill Town Center. We
3 were concerned that there would be too much traffic conflict and
4 parking conflict within the development. They would break up the
5 residential portion. We were also concerned with dead streets vs
6 vibrant streets. So our proposed change is... are to take the 10,000 SF
7 of commercial space on the bottom of the live-work units, putting over
8 to the hotel portion and convert the live-work units to solely
9 residential units. The approved architecture of the SDP prior to this
10 amendment was flat roofs, four-story architecture. The proposed
11 architecture would still be in the same locale with flat roofs and an
12 option of a loft unit on top. That improved outcome would result with
13 one residential neighborhood and all the retail commercial space
14 occurring down at the bottom. This newly acquired property would now
15 have to anchor or now would become an even longer Main Street. Thank
16 you.

17 CHAIR BAUER: In your proposal for the 10,000 SF to be
18 shifted, are you proposing that the 10,000 SF is a credit to the hotel
19 space? Or is it, in fact, retail space on the ground floor, say with
20 hotel on top?

21 LUIS GONZALEZ: It would be retail on the ground floor.

22 CHAIR BAUER: not part of the hotel operation, but
23 discreet retail space in the same building. Is that what you're

1 proposing?

2 BRAD KLINE: That's correct.

3 LUIS GONZALEZ: Correct.

4 CHAIR BAUER: actually, let me catch up. Do you have
5 more to present or is that...?

6 LUIS GONZALEZ: No, that's it.

7 CHAIR BAUER: You brought up a retail demand and a market
8 shift, and a paradigm shift about live-works... um... are you citing some
9 specific studies or are you just... because I know, you sort of real
10 quickly mentioned Main Street, but I'm not sure everything you say
11 it's directly reflecting May Street so... just...

12 LUIS GONZALEZ: Actually, just from what I've observed,
13 just seeing some of the past hearings that we've had or that happened
14 about the Kentlands as far as parking demand, when the commercial
15 spaces becoming more of a cost centers have to do and residents
16 complaining that more parking was occurring on their streets than they
17 had anticipated.

18 CHAIR BAUER: I'm actually asking you're addressing the
19 market shift or the paradigm shift about live-works. The market shift
20 of the retail and the paradigm shift about live-works. I just want to
21 get a sense of what you're really trying to describe there.

22 LUIS GONZALEZ: Okay, there's two different things. The
23 market shift, really being the recession. After the recession, there

1 was less of a demand for retail, which created a lot of dark retail
2 and forced retail to be more discreet or, I guess, more selective on
3 where they chose a location. So we wanted to have more of a visible
4 place...

5 CHAIR BAUER: No, I understand the trend... but is that a
6 study that's reflected on this project?

7 LUIS GONZALEZ: Oh, here, you see that we're trying to
8 concentrate the retail down on the Urban Core?

9 CHAIR BAUER: Right.

10 LUIS GONZALEZ: ... and along this Main Street.

11 CHAIR BAUER: No, I understand that, but you were... I'm
12 just getting into the... background here. Why the shift or why did
13 it change? The proposed change... and it seems there's been a
14 change in what assumptions you can make about market viability or
15 retail viability on this site. I'm just asking if you have a
16 study on this site or on this particular location or market to
17 show that trend. That's all that I'm asking.

18 BRAD KLINE: Excuse me. I'm Brad Kline, BP Realty.

19 CHAIR BAUER: Sure.

20 BRAD KLINE: This, in fact, has happened here, Urbana,
21 and in Frederick in another project where the live-work units,
22 through a couple of reasons; one is, financing for commercial
23 were reduced for this type or product is all but gone and the

1 viability of the retail below what we were anticipating.
2 Hopefully, we'll have restaurants, things of that nature. They
3 don't work in the bottom of a townhouse unit. So we decided with
4 the retail our interest has been has been in the main corridor
5 just like we've had over on the east a lot of demand, if it's
6 done properly. For as in the bottom of a townhouse, you can't
7 attract the restaurants and it's not viable for the retail and in
8 Urbana, they're going to basic commercial-office townhouse and in
9 Frederick, we're doing the same thing. It's just part of a trend
10 in both financing and in market. It's a great concept but if you
11 have that smaller retail space underneath, live-work just hasn't
12 been successful.

13 CHAIR BAUER: So is the problem the retail or the size of
14 it? The size of the releasable space.

15 BRAD KLINE: Well I think in that core, the better is to
16 have the retail on your main corridor, the main retail corridor
17 underneath the office or underneath the apartments where you have
18 your main street, as opposed to a side street that's residential...
19 right there.

20 CHAIR BAUER: Okay, but it seems like you were describing
21 a problem that really had more to do with the size of the space
22 than it did with the location.

23 BRAD KLINE: I think the size of the retail in the

1 townhouses initially though.

2 CHAIR BAUER: Right. So you can fix that by making them
3 bigger.

4 BRAD KLINE: You can redesign the property, but it's not
5 as approved, yes.

6 CHAIR BAUER: Correct. But that would be another, I
7 guess, solution or another...

8 LUIS GONZALEZ: That would be another solution, but I think
9 the overall conflict of what the parking demand would cause would
10 create another type of problem.

11 CHAIR BAUER: Well, we'll get to that in the discussion,
12 but I think the premise for a lot of these is in a "walkable"
13 community you provide a scaled level of commercial amenities to
14 help encourage walking and the use by the local... by the residents
15 of the community, as opposed to driving a lot of outside traffic.
16 I know that's not always the case, there's a need for driving and
17 presumably in the original site plan, or the original SDP, there
18 was a fair amount of analysis about parking distribution and
19 about parking so...

20 BRAD KLINE: It could've been a schedule by neighborhood
21 so it's... (inaudible) but neighborhood services.

22 CHAIR BAUER: Right, and we'll get into more discussion...
23 I'm just making sure that we have all the information that you're

1 talking...

2 COMMISSIONER WINBORNE: Can I ask a question? I just
3 want... as you went through this exercise to figure out what would
4 work, did you consider, I mean, it seems that you just took it
5 all, did you consider leaving any? I mean, when you thought about
6 this whole process, did you consider leaving any of the retail
7 space or did you just decided to take it all out?

8 LUIS GONZALEZ: Well, we didn't want to have fragmented
9 type of retail.

10 COMMISSIONER WINBORNE: I'm not sure if it was
11 fragmented, but I'm just saying, we looked at... I mean... because
12 I'm just... I want to understand the thought process of taking it
13 all out, because one of the things that we were looking at is, is
14 looking at services for neighborhoods, what integrates with
15 neighborhoods and the "walkability" of neighborhoods, so could
16 you... when you consider that what... what was your thought process
17 of taking it all out and moving it over to the hotel space.

18 LUIS GONZALEZ: Well, the concern is that... if you just take
19 a piece of it and that you can always take the retail and then
20 try to come back to a retail and say, we're going to sprinkle
21 some of this here... it starts becoming real difficult to try to
22 get a retail that'll lease that space. It's the whole market
23 issue that we have with it. So in theory, it's a sound theory,

1 it's great, we'll sprinkle over some retail and we'll hope people
2 will come to it. But if we can lease it, then, or if it becomes
3 more of a commercial type of space, then it becomes more of a
4 dead street instead of a vibrant street, or it becomes dark
5 retail and...

6 COMMISSIONER WINBORNE: I guess my ultimate question is
7 like in some of the... in some of the examples that you've noted
8 was it that you had too much? I'm just trying to understand the
9 thought process, I mean, it's like an all or nothing thing, I'm
10 just wandering how did you get to all or nothing by yanking it
11 all out? I mean, we looked at... you said you talked about Urbana,
12 did you have too much?

13 BRAD KELLY: In context, these are 20 units and the
14 walking distance for many of these units in the neighborhood to
15 the Urban Core is... very short, if you walk the property. So
16 saving one block for retail that we don't think will be
17 successful, we thought it was a mistake. The Urban Core, much
18 like the rest of them, we think will be very successful; we've
19 had a lot of interest. And so I think having your vibrant
20 corridor down there is where the retail belongs, as oppose to
21 retail that if it's not as successful, it doesn't help us or the
22 residents.

23 CHAIR BAUER: One of the... the two that you mentioned is

1 this: one of them's phasing, we talked a while about that, and
2 that's being generated on the idea of pulling some this into um...
3 to the earlier experiences in the neighborhood and there as a
4 service (inaudible) earlier on in the neighborhood because the
5 core won't come along for a while for some other conditions
6 attached to it; and I think the other is sort of a transition
7 zone, so you do have that... um... smaller scale neighborhood service
8 type of services, type of the... um... function, or... or... amenity that
9 there's a little difference on the buffer from the full blown
10 commercial area and there's a logic in that whether it's a live-
11 work or some other type of unit and that was the planning
12 strategy and it was also part of the discussion that we're on.
13 So, you know, you kind of keep in mind as we're talking through
14 this. I didn't want to move too quickly into the discussion so
15 we can get to the hearing.

16 DIRECTOR SCHLICHTING: Mr. Chairman, I think one thing that
17 hasn't really been explained is the parking situation because the
18 commercial parking was all intended to be located in the deck,
19 which, obviously, is a future phase of the Urban Core and um... I
20 think there's a concern on the impact of the neighborhood of this
21 commercial use prior to the construction of the deck.

22 COMMISSIONER HOPKINS: and I think we actually discussed
23 that initially too, you said, we pulled those first two blocks, I

1 mean, this side of the surface lot until this future phase is
2 built out and, obviously, you know, from the practicality
3 standpoint, garages are typically built first anyway, but, you
4 know, maybe from practicality we couldn't have people parking
5 there while construction is going on around it, but we think that
6 problem may be solvable, particularly, by the small scale of
7 these neighborhood services. So I think we discussed that in the
8 earlier meetings.

9 DIRECTOR PRUSS: and there was always a note on the plans
10 that the parking would be evaluated at final site plan for these
11 units... um... I think that one of the other things we talked about
12 is the proximity of parking for the kinds of uses that might... at
13 least more recently, maybe not in the past, but the kind of uses
14 that would locate in this type of live-work unit and, often
15 times, they're very convenience-type oriented uses and got to be
16 real careful about how far the parking is actually located with
17 those kinds of uses to ensure the viability of that..

18 COMMISSIONER HOPKINS: it's self regulating, it's
19 definitely, and I don't mean to begin the discussion, but, you
20 know, it's self regulating by design. So we design something
21 that's really targeted to a very small sliver of the retail-
22 commercial really office neighborhood services group and if
23 they're showing market study in this submission that we can get

1 our teeth in and say, look, we've looked at the... you know,
2 surrounding community; we've done our quarter mile, not bubble,
3 but something a little smarter, you know, based on transportation
4 access, where the pedestrians are coming from, what our future
5 phasing is, and we could identify only, you know, whatever... and
6 therefore, our answer is... whatever. Sure, we're asking for is
7 some facts.

8 DIRECTOR PRUSS: One of the things I did want to mention is
9 some of the things that we've experienced as the Kentlands has
10 built out in terms of the question about why is it an all or
11 nothing proposal and one of the things that we talked about is if
12 you build it as residential, they'll have to converted at some
13 point in time to commercial and the building codes are quite
14 different from a residential... for residential building and
15 commercial building and so they would have to make an upfront
16 decision to build it one way or the other now, not necessarily,
17 but it would be preferable to do it that way.

18 CHAIR BAUER: Surely, more cost effective.

19 DIRECTOR PRUSS: Exactly... and some of the problems we're
20 having in the Kentlands, is that while the first floor and the
21 second floor of the units were intended to be commercial, they
22 werent'... um... sometimes the second floor and above weren't always
23 built that way and unknowingly people have occupied the upper

1 floors of those units with commercial uses when the buildings
2 were never intended for that kind of use and it's become an
3 ongoing enforcement issue for staff. And then, in addition to
4 that, these units were part, very similarly, to how we parked the
5 live-works in Kentlands and, depending on the economic cycle at
6 the time, either we had an abundance of parking or parking has
7 been really tight and they've had to rely on parking and verbal
8 agreements with property owners in nearby areas where they don't
9 really actually have rights to park. So... all of these things are
10 things that we took into consideration when the applicant filed
11 this application.

12 CHAIR BAUER: Okay. Any other questions at this point?
13 Is there anyone in the audience that would like to comment?
14 Sure. Step up to the podium and state your name and address.

15 BRENDA GREENBERG: Good evening, my name is Brenda
16 Greenber. I'm here on behalf of the residents of Condo Board I
17 who are concerned about the future of Parklands. When we signed
18 our contracts with Ryan (Homes), we were told that to believe in
19 their dream. We are asking Ryan not to give up on that dream
20 that they sold us. We were looking forward to the amenities
21 associated with the live-work units and are opposed to having
22 them turn into yet another row of townhomes. The promise to
23 preserve the historic tree was broken because we didn't

1 understand that that's what the first hearing was about. But
2 we're here today because we know what this hearing is about and
3 because we want to be counted on your decision. Thank you.

4 CHAIR BAUER: Thank you. Yes, ma'am.

5 MARY ANNE CLARK: Mary Anne Clark. I live in Lakeforest Glen
6 on Travis View Court, and I'm here tonight because um... when this
7 development was initially proposed two years ago, I think um... I
8 was very sad to lose the greenspace that was there, but I was
9 really excited that my neighborhood would have a town center
10 similar to Kentlands or to King Farm. And I see these changes as
11 potentially impacting the character of the neighborhood. I think
12 that the live-work units in Kentlands and King Farm really add to
13 the character of the neighborhood and, as the lady ahead of me
14 said, I think it just is going to look more like a kind of row
15 after row of townhomes and um... also I understood that this area
16 was not going to be developed any time soon and that it was going
17 to be another couple years before they actually get to building
18 this part, so I'm sort of wandering why the push to change the
19 zoning tonight and not see where we are in the next couple of
20 years, whether these units are viable or not at the time that
21 they intend to build. Thank you.

22 CHAIR BAUER: Thank you. I'll interject. I know that some
23 questions will come up during the hearing and we'll talk with

1 staff about addressing them all toward the end of the hearing.

2 Yes, sir.

3 ALEKSEY KAHN: My name is Aleksey Kahn. I also live on
4 Community Center Avenue, just one house away from where the
5 intended live-work units are planned to be built and this was a
6 major decision, like the previous speaker, a decision point for
7 me when buying our house. The promise of these live-work units.
8 I go to Kentlands very often. It's great what they have there.
9 I think as far as the retail phase, you make a good point, that
10 if it's too small maybe it's a better idea to expand the amount
11 of space that's available for each individual shop or restaurant
12 that's there. And as far as parking goes, again, I have never
13 had a problem parking in the Kentlands when walking the streets,
14 and it's a good thing to exercise. So I'm very much opposed to
15 this, and, again, the timing from what I understand the main... the
16 Core has to be built first before these units would really get
17 interest from leasers, so I think it's a better idea to build the
18 Core and then see whether it really doesn't make sense to build
19 these units. So I hope you take this under consideration. Thank
20 you.

21 CHAIR BAUER: Thank you. Anybody else?

22 BETH WALTON: Yes. Beth Walton, 342 White Ash Place.

23 Just like the first few speakers, I do feel that these proposed

1 change represents a take away to the community. I think that the
2 change can threaten or eliminate potential meeting spaces,
3 elimination of small businesses, and also the lack of amenities
4 and we're concerned about that. So um... we're asking the Planning
5 Commission to actually... to just consider the social and economic
6 impacts to these changes, because I really think it would be a
7 big one.

8 CHAIR BAUER: Thank you.

9 KENNETH RICHTER: Hi, I'm Ken (inaudible), I live at 241
10 Parkview Avenue. I live right next door to the proposed building
11 location. First, I want to thank the City Council for listening
12 to our concerns at the last meeting, hearing, and also I want to
13 reach out to Lauren Pruss, who also addressed many of our
14 concerns in regards to communications. We've had a good
15 communication exchange within the community and had an
16 opportunity to see what was going on. A couple of things we're
17 concerned... we are divided in regards to um... our thoughts as
18 whether or not we should give up the retail space or not. I
19 personally support the idea of converting it to residential.
20 However, I think as a community we're all deeply concerned that
21 we're going to lose... that this is one step in a direction where
22 retail will not come to this community. I think we're all in
23 agreement that we bought into this thinking that there would be

1 retail available to us. If this retail location goes, we don't
2 know what the future will hold for the Town Center. I think that
3 the paradigm shift is probably something that's happening now,
4 but I don't think we need to make a decision on this location
5 now. I thought when I bought in just in May, I was told that
6 this decision on this adjoining property when I asked what was
7 going to go here, it was said, that's going to be retail work-
8 live space and that decision was three-to-five years out. Here
9 we're making the decision not more than 90 days from the time
10 that I closed. Why wasn't presented a copy of this floor plan
11 when I closed? I don't know. However, retail is a big concern
12 for the community. I'd like to ask that if possible, this
13 decision can be postponed till a time when maybe the community is
14 further built out and, if the Board or the Council decides to
15 move forward with it, I think that the design shape of the
16 proposed façade going from four stories with a flat or irregular
17 roof is not in keeping with the design flow of Park Avenue. If I
18 had a map, I could show you, when you come down our street, it's
19 all pitched roof housing. It's hard to tell a single-family from
20 a town house. Then when we go around the circle, we just met a
21 month ago when we approved the cottage homes, which are also a
22 pitch roof, and although it was new to us in design, we accepted
23 it as a change, and it was stated that that would be one of four

1 knuckle or key properties that would give a break to the
2 structure of the all-brick community. Now we're introducing a
3 third dimension, which is the Urban style. Urban style should
4 fall from the road that is on Community... one street over, instead
5 of extending this retail space into the residential area. I wish
6 I had a map to show you.

7 CHAIR BAUER: I think we know what you're talking about.

8 KENNETH RICHTER: So if anything, we'd like to see the
9 continuation of the pitch roofs around the corner and then pick
10 up the urban further back.

11 CHAIR BAUER: Thank you. Anybody else? Yeah

12 DIRECTOR PRUSS: Chairman, I'd like to make a brief
13 statement about the process because it's a little bit different
14 than I think the folks are used to. All the other plans that
15 we've seen recently have been final site plans or amendments to
16 final plans, and this is actually the first step in a three-step
17 process that the Mayor and Council make the ultimate decision and
18 then that's just at the Schematic Development Plan level. So in
19 this case, we have the public hearing and then the Planning
20 Commission will be making a recommendation to the Mayor and City
21 Council at their October 3rd meeting. The record will remain
22 open until Wednesday, September 26th, and then we can continue to
23 receive additional information from the applicant as well as the

1 general public about the application and then at that point, once
2 the record is closed, all the materials in response to the public
3 hearing will be compiled and provided for the Planning Commission
4 to make their recommendation from, and then the Planning
5 Commission's recommendation is then forwarded to the Mayor and
6 City Council and they will potential make their final decision at
7 their first meeting in November. And then there's an additional
8 step...

9 CHAIR BAUER: but, wait, there's more (laughing)

10 DIRECTOR PRUSS: ... and there's more! So all of the
11 elevations that are at this point and time are more conceptual in
12 nature than final in nature. The next step, where we get to
13 final site plan for these buildings would be where we finalize
14 the details on the architecture.

15 CHAIR BAUER: I appreciate you jumping in with that.
16 And, actually, while you're clarifying some of that um... the issue
17 of timing and phasing has come up a couple of times, do you want
18 to clarify that?

19 DIRECTOR PRUSS: In terms of these buildings?

20 CHAIR BAUER: what's currently approved for phasing.

21 DIRECTOR PRUSS: Phasing is a pretty complicated document,
22 but all of the... um... excuse me, all of the residential... um in this
23 area (pointing to the plan) with the exception of these buildings

1 have approval. These buildings have final site plan approval,
2 with the exception of the architecture, so the applicant could
3 proceed with the live-work unit. They're some other caviats that
4 relate some legal agreements that the applicant has with the City
5 that are specifically related to the Sketch Plan and the SDP.

6 CHAIR BAUER: But, you know, market demand aside,
7 technically, these could start construction any time and we could
8 be moving forward, or they could be moving forward with building
9 permits on these units.

10 DIRECTOR PRUSS: That's true. And then there's also a
11 number of the buildings in the commercial core [that] also have
12 the ability to move forward at this point in time, based upon
13 market demand.

14 CHAIR BAUER: Okay, that's a big clarification. Thanks.
15 Is there anyone else that would like to come up, please?

16 GENE AMNOS: Good evening, my name is Gene Amnos, I live
17 on Parkview. This diagram is actually a perfect diagram to
18 basically show what my concern is. When I moved in, I think
19 there's been a miscommunication between what NV homeowners have
20 been told and Ryan homeowners have been told. I've always seen
21 these as future home sites. This is the first time I've ever
22 heard that there'll be mixed use and so forth, so that was part
23 of the reason why I bought where I did because this line, as you

1 can see, the color of the retail vs the black and white of the
2 private neighborhood, residential, it shows a perfect separation.
3 Everybody knows where the commercial is, everybody knows where
4 the private residences are, so there's no mixing. You know,
5 somebody comes in and they want to go to the retail, they know
6 where to go. I don't want somebody going back and forth trying
7 to find the... you know, the cleaners or whatever it is, parking
8 down the street and things like that. I saw this in Kentlands.
9 I know a lot of people say that Kentlands was fine, but I lived
10 there for nine years and I saw it as dark retail, shops would
11 change over and over and over... they got to the point where you
12 couldn't tell where the commercial was and the residential was.
13 People parking in front of peoples' houses, going to shops,
14 coming back, people were coming home and they couldn't park in
15 front of their own home because it was being taken by the
16 commercial customers. So I, obviously, definitely disapprove or
17 hope that it's built as regular townhomes because, like I said,
18 that was part of the reason why we moved into this neighborhood
19 at least because we were under the impression that the commercial
20 and residential, even though it's going to be the same
21 development, it's going to be totally separate. So if I want to
22 go the commercial, I can, but I don't have to worry the
23 commercial being right on top of all this. Anything else? I

1 can't think of it right because I'm really nervous.

2 CHAIR BAUER: Well, if you think of something, put it in
3 an email... thank you. Please [to another speaker].

4 JOSEPH HALTON: Joseph Halton, 338 White Ash Place. First,
5 thanks for the advertising, it worked a lot better this time
6 around, and um... than last time, and sorry for my wife wise cracks
7 going out the door, last time as well. So, communication
8 obviously, is a problem here with what the different residents
9 are being told and we've all invested at least a half a million
10 dollars of our money. So that's a lot of money going to the
11 community, a lot of money going to the retailers and that... we
12 need to get something fixed. Just um... as you read this, I'm a
13 layman, so I didn't know who the staff was, I thought it was just
14 some, you know, street people or something like that, and it's
15 not until you get to Page 8 that you figure out, o staff is
16 actually somebody official. So I just ask that you have
17 consideration on these documents for the lay reader. Um... the
18 whole phase plan thing, you've got Phase One, I guess were on
19 Phase One now, and then my concern is the timeline. There's no
20 timeline or anything. You know it's like in two years Phase Two
21 starts. Phase Two is this big funk in the atmosphere right now,
22 it's not solid, it's not concrete, we have no idea where it is.
23 So if you're a homeowner, no matter what side or position you're

1 on of um... "hey, we like the live-work, we don't like the live-
2 work," you don't know when it's going to happen because this
3 whole phased planning thing is contingent upon on the
4 Interchange. So when is the Interchange going to happen? We,
5 probably, between the 15 of us have heard 30-100 different
6 versions on that, the ICC and everything else. It would be nice
7 to get something a little solid as we move along. You know, and
8 advertised. A lot of (inaudible) information, no offense, coming
9 from the folks over here in their presentation, at least it
10 seemed to me that it was, as well as some of the stuff in the
11 staffing memo, so um... one of the gentlemen here talked about are
12 there any studies to base the market comments on, please don't
13 give up on that, please continue to peck at that. We heard that
14 it doesn't work in Urbana, well, where's Urbana? It's like, far
15 away, right? I live in King Farm and it looked pretty good there.
16 So, you know, we've heard about places where it doesn't work, but
17 what about places where it works? So, maybe we could do a little
18 bit better homework. That goes back to the anecdotal thing.
19 What do I have 5 seconds?

20 CHAIR BAUER: 30 seconds.

21 JOSEPH HALTON: Thanks for your time.

22 CHAIR BAUER: Thank you, and Urbana is not that far away.

23 Okay, is there anyone else, please?

1 KASHIF MALIK: Hi, my name is Kashif, 229 Parkview Avenue.
2 Just like to add a couple of more things like um... I agree with
3 the last gentleman about the timeline; me and my wife, we came
4 with the hope that when we moved in the junction, Interchange,
5 would come sooner than later, and every time we ask somebody,
6 they have different answers, sometimes [they] say a couple of
7 years, sometimes they say a few years down the road. Same thing
8 with the Town Center, so we're really... we were looking forward to
9 joining them, we know it wouldn't be right away, but we'd like a
10 timeline. So at least we know when to get it, when to look
11 forward to it, you know. Secondly, also I'd... I realize this is
12 not kind of tied together, but the MARC Train Station, the path
13 from the residential area, when will that be built? Because right
14 now it's all muddy area when it's raining when you go there, your
15 clothes get all muddy and your shoes and we would like to have a
16 path there as soon as possible and the timeline again.... And as
17 far as the live-work residential units, I definitely, since I'm
18 on Parkview Avenue right next to... can... we've... we'll certainly be
19 affected directly by these live-work units. I'm against it
20 because of number one: parking, we don't want um... we want the
21 townhouse knowing that... away from the... how do you say, the Town
22 Center to have that space in between and now it's all new... news
23 to us that these are not residential next door to us and instead

1 it's supposed to be for mixed... and we weren't told that like, I
2 think James said, NV Homes didn't tell us that these would be
3 right next door to us and so we're worried about our privacy, we
4 don't want, you know, a lot of people driving toward our smaller
5 kind of an interior artery road, which is, Rebecca, and also the
6 parking situation directly affects us. So those are my concerns
7 and, you know, we can... we're trying to propose against that. I
8 hope you guys understand.

9 CHAIR BAUER: Thank you. Anybody else? Okay. So let me
10 look here, we had um... I guess we addressed the phasing questions.
11 Maybe Lauren you can address the idea of timing. A lot of this
12 is driven by, obviously, market demand and the ability to sell
13 some of them.

14 COMMISSIONER HOPKINS: or the Interchange, how about some of
15 you want to tackle that one? [laughter]

16 DIRECTOR PRUSS: The Interchange is the City's number one
17 transportation project and is also a top transportation project
18 for the County, and the City is currently working... it's a very
19 expensive project...

20 COMMISSIONER HOPKINS: it's not the top priority of the
21 State.

22 DIRECTOR PRUSS: You know, we need to obtain funding for the
23 Interchange, being a very expensive project, we're hoping that

1 some legislative priorities come through that would provide some
2 funding as well as maybe some local alternative financing that we
3 might be able to put together. It's a complex combination of
4 factors that need to come together and make the Interchange
5 happen sooner rather than later. If we allow the State to take
6 its time to fund it, it could be 20 or 30 years or maybe never
7 before the Interchange really comes together. So that's why the
8 responses to people...

9 COMMISSIONER WINBORNE: that was a curb ball you just...

10 DIRECTOR PRUSS: I mean, if we live it up to the State to
11 fund the Interchange on its own, we don't know when it would get
12 built.

13 COMMISSIONER HOPKINS: and at the same as the CCT...

14 DIRECTOR PRUSS: Given all of those factors, it is our
15 number one priority, but we have a number of moving factors that
16 are in place and that's why probably people are getting... every
17 time they call it's a different situation based on the... the State
18 funding um... mechanisms that are in place. Right now we're hoping
19 to put some things together um... that may move that up to maybe a
20 five or ten-year time frame.

21 DIRECTOR SCHLICHTING: Perhaps I should just add that maybe
22 as Lauren stated, it is the City's number transportation priority
23 and, you know, most of us here at City Hall believe that the

1 future of Gaithersburg is dependent on the Interchange, so we're
2 doing everything in our power and the Mayor and Council are doing
3 everything in their power to support that Interchange. So... the
4 twenty-thirty years, we'll put that aside [laughter].

5 CHAIR BAUER: and I wonder just as a general idea that of
6 all the neighborhoods in the City that are most impacted and most
7 benefit from progress on both that and the CCT, this is probably
8 one of the top too, not the one... you know, it might warrant some
9 consideration that there be... um... I know we post a lot of stuff in
10 the website about pending plans and pending activity, but maybe
11 there's a need to develop a focus communication about this stuff
12 specifically, and maybe the complexities of it where the... how
13 this is knitted together with the State...

14 BRAD KLINE: I totally agree and as we're the developers
15 of the Urban Core and not the residential, this has been actually
16 a good opportunity, we met last week with these citizens for the
17 first time and several I've just seen for the first time now and
18 we take your comments very seriously. I think we need to provide
19 more information on our planning, our design work and what we
20 intend to do. We were more optimistic that Lauren on the
21 Interchange and think the County is very much behind the
22 Interchange as well, but I think we owe to this people and it's
23 been a pleasure hearing the comments, we'll address them, we owe

1 you a study, hopefully for the retail. This is... we're going to
2 be with these neighbors for a long time, so we'll definitely...

3 CHAIR BAUER: Have you launched a website yet?

4 BRAD KLINE: We've actually... our website was put up...
5 it's been launched, it's www.watkinsmilltc.com and any folks can
6 see it. I think... we actually put your article that
7 Gaithersburg's on the top 15 cities in the country and keep
8 updating it. So we will address these concerns and we've met
9 with these people the first time and we'll get back and talk
10 about it.

11 DIRECTOR SCHLICHTING: I could add that the Mayor and
12 Council work session of the last Monday, August 27, with State
13 Highway Administration, came in and gave a presentation on the
14 Watkins Mill Interchange and it is on our website that
15 presentation. I encourage all the residents to go to our website
16 and look at that presentation because it does give you an update
17 of where funding is today and where the planning is today and how
18 far we've gotten in terms of engineering and so forth, so...

19 DIRECTOR SCHWARZ: That was on August 27 and you can
20 watch that video.

21 DIRECTOR SCHLICHTING: Right.

22 COMMISSIONER HOPKINS: You can also [inaudible] the
23 political engine on that, or whatever lobbying or advocacy you

1 want to do at the State level...

2 VICE-CHAIR KAUFMAN: Right, I would encourage everybody to
3 get out and if this is a priority as it is for the City and for
4 the individual property owners, it would behoove you to form
5 whatever blogs you may and to get out there, and go to Annapolis,
6 if need be, or go... contact State local officials as often as
7 possible and let them know that this is a major concern.

8 COMMISSIONER HOPKINS: A big pile of money and it's not
9 going to move easily.

10 CHAIR BAUER: Alright... and in the smaller scale maybe
11 start talking more about... and if you use the website, or it's a
12 newsletter format, whatever... whatever you all think it's
13 comfortable and I know there's probably an HOA emerging in there
14 now that might have a communication device. What the
15 anticipation is for pacing in a lot of the build out, residential
16 site too, and, you guys don't have direct control over that, but
17 I think as a general...

18 BRAD KLINE: No, but we do control residential over
19 retail, which we do some of the service retail that everyone is
20 talking about and we need to share that information with them.
21 And we also have a Facebook and Twitter that's on our websites so
22 we can communicate directly back and forth with the citizens.

23 LUIS GONZALEZ: The HOA actually helped us when we did the

1 community outreach for... last week. They actually sent out all
2 the notices, so we do have a contact the HOA and we can continue
3 to work with them.

4 CHAIR BAUER: There was another question or concern about
5 um... half way to the MARC Station, can anybody comment on what
6 exists, or what's planned or what the...

7 LUIS GONZALEZ: the property that we acquired adjacent to
8 this property... we are actually...

9 CHAIR BAUER: Just pull up a plan...

10 LUIS GONZALEZ: It's this one here, this is the path I
11 believe that... it's being passed about...

12 CHAIR BAUER: So what exists now for that access? Is it
13 informal... is it an improved path or is it just sort of a...

14 BRAD KELLY: No, it dirt...

15 CHAIR BAUER: So is there plans to move that up or
16 create...

17 VICE-CHAIR KAUFMAN: stabilize that at least?

18 BRAD KELLEY: Yeah, I'm not sure... correct me if I'm
19 wrong, where's the access to the MARC Station? Is it on the other
20 side?

21 LUIS GONZALEZ: The MARC rail station is right here and the
22 access is off this parking lot.

23 BRAD KELLEY: Right, and I don't think it's being

1 contemplated to cross the tracks there, at least at this time, we
2 are doing further design of the Core, which will improve all that
3 and add the proper access. I don't know if that's a safety issue
4 or not. That's a construction... right now there's a stack pile
5 being removed and there's a lot of construction debris there.

6 CHAIR BAUER: Well, obviously, you wouldn't have any
7 control over the train, the track right away, or the actual... CSX
8 right away, but it sounds like getting to it is at least a
9 concern with the site itself.

10 JOSEPH HALTON: Halton, 233 White Ash Place. What the
11 gentleman there was talking about is to MARC, you've got the
12 tracks, you've got the MARC side, you've the Parkland side and
13 you board the train on both sides. So you cross the tracks all
14 the time, accessing from either side should be no problem. So
15 just a path to keep this out of the Appalachian Trail would be
16 nice.

17 CHAIR BAUER: Okay, you can work with staff to... whatever
18 is on the plan...

19 [inaudible]

20 CHAIR BAUER: We can't hear you, we can't pick up...

21 DIRECTOR PRUSS: Well, this is a public hearing and we'll
22 all be transcribed for the Mayor and Council, so I need all
23 comments to be on the record at the microphone, please.

1 KENNETH RICHTER: Ken Richter, 241 Parkview Avenue.
2 I'd talked to several residents too, using that train to go to
3 Union Station and they're concerned about at night, it's not well
4 lit, it's a muddy path and there's a safety issue where they
5 can't their way at night. So if we had a nice trail that was
6 well lit, they could get off there. We're concerned that
7 somebody might get hit... they can't be seen at night.

8 CHAIR BAUER: I think all that I'm suggesting is... in the
9 final build out, in the final plan, there is an access to the
10 MARC Station and it's probably not done yet, I'm guessing, at
11 this point. My only point was to talk with staff about what...
12 what opportunities are there going to be that ahead of some other
13 things, as we have people using it to make sure there's a safe
14 trail.

15 LUIS GONZALES: There's current construction going on
16 around here...

17 CHAIR BAUER: That's fair, and you don't need to solve
18 tonight. It's just something that's worth discussing with staff
19 to see if there's an opportunity to hurry that up, since people
20 are using it and we want to encourage the use of the MARC Train.
21 Okay, so we're moving towards the recommendation. I think we've
22 got either questions for the...

23 VICE-CHAIR KAUFMAN: there was a discussion about

1 amenities, there was concern about amenities that maybe...
2 depriving the neighborhood, if we go ahead with the conversion of
3 the live-work units to townhouses. Could you explain what they
4 meant by amenities, are there any amenities involved here, other
5 than greenspace that may have been proposed?

6 LUIS GONZALEZ: There aren't any amenities with these...

7 BRAD KLINE: Well, I'll... I'll speak for her, I'm sure
8 she meant that retail and neighborhood services as amenities.

9 VICE-CHAIR KAUFMAN: I heard there would be greenspace...

10 ALEKSEY KAHN: Aleksey Han, 351 Community Center Avenue.
11 The other thing is not just the shops but also the sidewalk,
12 right now as we walk... when walk along Community Center Avenue,
13 when we reach that street, it stops, so we have to walk on the
14 road where cars go, so, you know, when we go to the pool, to the
15 Community Center, we're walking with kids, there are no
16 sidewalks, so that's the other thing.

17 CHAIR BAUER: Thank you. Alright, any other questions?
18 Okay. We are supposed to discuss this... what was the date again?

19 DIRECTOR PRUSS: October 3rd. Although the record closes on
20 September 26, but the recommendation is scheduled for October
21 3rd.

22 CHAIR BAUER: Okay. So that's when we will discuss it.
23 October 3rd. Okay. If there's a motion...

1 COMMISSIONER HOPKINS: I'll make a statement by making a
2 question. Did you guys looked into some other alternatives, you
3 know, with the... there were two alternatives presented to us
4 tonight, the site plan as it is designed, as it was proposed, you
5 know, worked over for several years, you know, and approved yet,
6 or an alternate solution, which is straight residential
7 townhouses. There seems to be... to me a myriad of options there,
8 if we have some actual practical concerns about how to enforce
9 commercial entry vs residential entry, there's two ends of the
10 building, if there's a number of very practical understandable
11 concerns um... that, I would think, there's a number of building
12 typologies that we could look at to solve some of that. Maybe
13 it's a two-over-two, with an entry in the rear; maybe it's, you
14 know, more urban alley-context residential piece; maybe it's a
15 multifamily; maybe I should put one bar or maybe um... a double-bar
16 of, you know, one does as studios above it.

17 COMMISSIONER WINBORNE: That was kind of what I was
18 getting at...

19 COMMISSIONER HOPKINS: You know, I'm not advocating any of
20 these, but I'd love to know, was the thought, you know, I don't
21 anecdotally see a retail need for this, therefore, we are going
22 to abandon it and go to a townhouse, which, we know, there's a
23 good market demand for or... you know, was there really a list of

1 concerns and practical needs and then the building typology built
2 around it. That doesn't seem to be what the application before
3 me is, so if there's more information that's not present it here,
4 you know, before us, you know...

5 BRAD KLINE: We did look at two-over-twos so we had them
6 file...

7 DIRECTOR SCHLICHTING: One thing that occurred to me is
8 that, I believe, that the argument on the lack of market demand
9 for this retail was bit thin, so I think I would encourage the
10 applicant to be fed up, if it's possible to be fed up.

11 COMMISSIONER HOPKINS: You know, I feel like, you know I do
12 it kind of for a living and I'm constantly surprised about what I
13 found in the market... a real good reputable well done market
14 demand study. I'm constantly surprised and... about what the
15 market, the intuitive market forgets about and then you've got
16 um... you've got something you can actually go out and grab because
17 there aren't as many... products out there that are absorbing that
18 need, so I'd be careful and thorough if you do do a study, not
19 just a couple of bubbles with a very small number of typologies...
20 (inaudible)

21 CHAIR BAUER: I think the carry up... to follow up on one
22 of your points about building typologies, just from a planning
23 diagram. If these go away, they represent a very central

1 component to the neighborhoods, so, if you imagine, and this is
2 going to be very cliché, but if you imagine the cleaners and the
3 corner store, and, you know, the local restaurant, being kind of
4 a core piece what this might look like, I'm just picking
5 what...(inaudible)

6 COMMISSIONER HOPKINS: So you're turning the CPA and
7 somebody else...

8 CHAIR BAUER: if that were going to take root here and be
9 viable because it was central to the neighborhood, I think, there
10 has to be further discussion or explanation of why that would
11 still be viable way off at the edge of the site where the hotel
12 is being proposed. I mean as a hotel site, it seems to make no
13 sense because you're not driving a lot of that um... highway
14 traffic into the neighborhood, if that makes some sense, but as a
15 neighborhood retail, (inaudible) I'm not sure there is a good
16 argument for that. On the other hand, if you're telling us, and
17 I'm not, maybe if you can put the plan up real quick... and just
18 zoom in that area...

19 DIRECTOR PRUSS: Now what portion of the plan are you
20 talking about?

21 CHAIR BAUER: Just a little closer to the center of that
22 plan... there you go... that's fine. So, you know, the commercial
23 core has that focus on the circle in the middle, but maybe what

1 needs to be considered and deserves a little more conversation if
2 there's a sort of neighborhood business component that's still
3 viable and still necessary, maybe that does need to move down
4 into that commercial core, but still on the edge that's just
5 really addressing the neighborhood or ease to walk to them and
6 scaled in such a way that makes sense for the neighborhood, as an
7 appropriate way to relocate this, not just eliminate it
8 completely. We haven't actually seen anything specific about how
9 the retail core or the commercial core is going to work, but I'm
10 getting if there's anything after these things at all, that
11 becomes the logical place for it and that could be part of the
12 discussion, kind of a follow up, I think.

13 BRAD KLINE: I agree, that's a great point, yeah.

14 CHAIR BAUER: it seems arbitrary over on the other side,
15 but you really haven't shown us either way, so that's one way to
16 think about it.

17 COMMISSIONER HOPKINS: and I would (inaudible) the Council
18 that suburban arguments in this particular case are not going to
19 fly with me. We already sort of made the intellectual motion
20 leap to say this is an urban context and we're accepting the
21 compromise as we go along with that, and there are some parking
22 being (inaudible)... and you know that a sort of the predication of
23 the, you know, entire design, this is almost right off... you know,

1 100 TOD (Transit Oriented Development) example project where I
2 can really pile on very successful TOD pieces where the diagram
3 is this, you know, and there's certainly a lot in the market
4 where it didn't work, and there a whole lot where it did. So
5 we've made that urban compromise so don't come back with a
6 suburban argument as to why it's not going to work. That's all.

7 CHAIR BAUER: So if we move to discussion, first part of
8 October, the record is open until, as you recommend, the 26th,
9 some of this can be followed up um... documentation, I think, to
10 staff, right?

11 DIRECTOR Pruss: Yes, I think the question is, does the
12 applicant believe they can find the information that's being
13 requested by September 26.

14 BRAD KLINE: I believe so. I think we've already done
15 the market study, and my apologies for not submitting it to you.

16 CHAIR BAUER: And, again, maybe a response to some of the
17 issues we brought up tonight about...

18 BRAD KLINE: Right, and some more communication with the
19 homeowners as well.

20 CHAIR BAUER: okay, we're still open and then we've got
21 to, I've got close up this conversation.

22 KASHIF MALIK: Sorry. Just one more thing um... so if
23 proposed to... mixed...

1 VICE-CHAIR KAUFMAN: Identify yourself again, please.

2 KASHIF MALIK: Kashif, I'm at 229 Parkview Avenue, we're
3 right next to the mixed residential units. So if it's supposed
4 to be mixed residential units, I'm just wanting to also um... have
5 a study done on where the parking would be because it directly
6 affects the residents in the townhouses and I think one of the
7 main thing that all the people, I mean, that I've talked to, and,
8 including us, we bought the townhouse to be away from the town
9 center and if you wanted to be close to it, we'd have an urban
10 kind of a... um... you know, life then you opt for the condominium,
11 that's kind of where I was. But if it's supposed to be there,
12 where would the parking be? And the parking and privacy be
13 affected on the residents of the townhouses.

14 CHAIR BAUER: Great. I think we've noted that. Thank
15 you.

16 COMMISSIONER HOPKINS: Lauren, the full package is still on
17 the website, right?

18 DIRECTOR PRUSS: Absolutely. It's a lot of work and it's
19 not fun for somebody that doesn't do this for a living, it's not
20 all that much fun for those of us who do this for a living, but
21 there's a big package of information on the website, it goes
22 through how the parking is put together and it alludes to a lot
23 to how it functions on a phasing basis, why we did certain

1 decisions we did..

2 CHAIR BAUER: but I think in a diagrammatic... it's sort
3 of a worthwhile question and I think during our decision at the
4 next... at the meeting we'll discuss it, maybe, Lauren, you'll just
5 give us that recap on phasing and include that in the discussion.
6 I'm going to have to wrap it up..

7 KASHIF MALIK: Just a question, you said that further
8 feedback could be submitted until the 26th and I'm just wondering
9 how it's done like..

10 DIRECTOR PRUSS: Preferably, since the public hearing will
11 be closed this evening, preferably, the comments will be on
12 writing.. um.. you can send them either by mail or via email.
13 Email is very easy for me and I just automatically put it in the
14 record and my email address is: my first initial L, my last name,
15 P as Paul, RUSS @ gaithersburgmd.gov LPruss@gaitthersburgmd.gov
16 and you're not limited to three minutes. [laughter]

17 COMMISSIONER HOPKINS: and they do get read.

18 CHAIR BAUER: Okay, if there isn't any further questions
19 or a need for additional information before our discussion,
20 staff's recommended that um... we make a motion to close the public
21 hearing and hold the record open until 5 PM on Wednesday,
22 September 26, anticipating a discussion and recommendation to the
23 Council at our meeting on October 3rd.

1 VICE-CHAIR KAUFMAN: So moved.

2 COMMISSIONER WINBORNE: Second.

3 CHAIR BAUER: It's been moved and seconded. All in
4 favor, please say eye.

5 CHORUS: eye.

6 CHAIR BAUER: That passes unanimously. So that will take
7 care of um... the final item on the Site Plan Public Hearing Agenda
8 tonight.

ORDINANCE NO. 0-1-05

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE
CITY OF GAITHERSBURG GRANTING APPROVAL FOR
AMENDMENT TO SKETCH PLAN Z-297, KNOWN AS CASEY
WEST, FOR APPROXIMATELY 125.5 ACRES OF PROPERTY
ZONED MIXED USE DEVELOPMENT (MXD)

Z-297

OPINION

Application Z-297 has come before the Mayor and City Council for approval of an amendment to the previously approved Application Z-278 sketch plan for land zoned Mixed Use Development (MXD). The City Council's authority in this matter is pursuant to Section 24-160D.11 of the City of Gaithersburg Zoning Ordinance (Chapter 24 of the City Code).

The subject case involves approximately 125 acres of land and concerns the development of the Betty B. Casey property known as Parcels P33, P211, P888 and P910. The subject property borders existing City owned parkland and a County owned abandoned vehicle impoundment lot. Directly across from the CSX Railroad tracks is the Bennington residential community consisting of 295 Townhouses on RPT Zoned land, a number of commercial, research and development facilities on land Zoned I-3 and the State Motor Vehicle Administration facility. The amendment to sketch plan application was submitted to the City Planning and Code Administration, on August 4, 2004. This application was designated as Z-297.

OPERATIVE FACTS

A. Background

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

On April 1, 1996, the Site was rezoned with the owner's consent to the Mixed Use Development (MXD) zone as part of the Comprehensive Zoning Map Amendment application Z-278 approved by the Mayor and Council by Ordinance O-5-96. The Site is located north of the CSX Railroad tracks and Metropolitan Grove Road and south of Interstate 270, and is bounded on the west by County land (known as the McGown tract) and to the east by City parkland and several privately owned properties zoned MXD.

The Site is located within the Casey-Metropolitan Grove Road Special Study Area 7 of the 2003 Land Use Element of the City of Gaithersburg Master Plan. Three alternative development scenarios were recommended for development for the Site: Office with a Commercial Component; Private Arts, Entertainment and Education Center, Mixed Use Office-Residential with a Commercial Component. The adopted Master Plan designated the Site as "mixed use residential-office-commercial" with the zoning classification to remain MXD.

The current use of the Site is forest and active agriculture. The Site is surrounded by a number of different land uses that include: office, research and development, multi-family units, single-family attached units, and industrial (vehicle storage) uses. Many of the surrounding properties are publicly owned by: the City of Gaithersburg, Maryland State Highway Administration, and Montgomery County.

B. Current Application:

On August 4, 2004, the applicant, Peter Henry, on behalf of B. P. Realty Investments, submitted an Amendment to Sketch Plan Application, for approximately 125 acres of property known as the Betty B. Casey property. This Site is located between the CSX Railroad tracks and I-270, north of Metropolitan Grove Road. The file number and name for the amendment to sketch plan application are Z-297 and Casey Metropolitan West, respectively.

Of the three development alternatives allowed for the Site per the Casey-Metropolitan Grove Road Special Study Area 7 of the 2003 Land Use Element to the Master Plan, the applicant has chosen the "Mixed Use Office-Residential with a Commercial Component" alternative. The Master Plan designates as one of the land use recommendations for the Site "mixed use residential-office-commercial" with the zoning classification to remain MXD.

The originally submitted Z-297 application proposed three (3) mixed-use development options, referred to as Option 1, Option 2, and Option 3, of differing scenarios that include single-family attached and detached residential units, 3-over-2 residential condominium units, multi-family residential units, high rise residential condominium units with first floor mixed commercial/retail, office buildings with first floor mixed commercial/retail, and a hotel/cinema complex. The Mayor and City Council and Planning Commission held a joint public hearing on the Z-297 application on October 18, 2004 at which time evidence was received on the subject application.

During the public hearing, the applicant and applicant's representatives presented and discussed the Casey Metropolitan Grove Special Study Area 7, the location of the Site within the Study Area 7, the Study Area 7 development scenarios, the applicant held charrette, and the applicant's desire and reasons to develop the Site following the Mixed Use Office-Residential with a Commercial Component alternative of the Master Plan. Furthermore, the applicant's representatives presented and described the three proposed mixed-use development options of the sketch plan application, including environmentally sensitive areas, open/green space, Watkins Mill Road extended and interchange,

development densities, the existing MARC and proposed Corridor Cities Transitway (CCT) stations, proposed land uses, Metropolitan Grove Road crossing of the CSX tracks, and consistency with the Master Plan. There were several speakers from the public that shared their concerns and issues with the applicant's charrette process, impact on schools, impact of development on other commercial/retail centers within the City, design of the plan, proposed densities, and traffic impacts. At the conclusion of the joint public hearing, the Planning Commission agreed to hold their record open indefinitely and the Mayor and City Council also agreed to hold their record open indefinitely.

Following the public hearing, the applicant proceeded to address many of the City and community concerns. As a result, the proposed sketch plan was revised, per Section 24-198(c)(1), and a new option, referred to as Option 4, was presented at the Mayor and City Council and Planning Commission joint work session held on March 14, 2005. The Option 4 mixed-use development plan includes single-family attached and detached residential units, 2-over-2 residential condominium units, high rise residential condominium units, commercial office and hotel use, each with mixed commercial/retail use on the first floor and a cinema.

The main issues addressed by the Mayor and City Council and Planning Commission were school and traffic impacts. The Mayor and City Council and Planning Commission further expressed interest in the plan addressing open space, environmental impacts, phasing and staging of the plan, Watkins Mill Road extended and the Watkins Mill/I-270 Interchange.

The Planning Commission closed their record on the Amendment to Sketch Plan Z-297 as of March 31, 2005 and reviewed the four proposed mixed use development options at their April 6, 2005 meeting. Based on their review of the evidence, the Planning Commission found that the Z-297 application reflecting Option Four is in conformance with the MXD, Mixed Use Development of the City's zoning regulations. The Planning Commission further recommended the Option Four development proposal for the Amendment to Sketch Plan Z-297. This Option is more in keeping with the concept of a transit oriented development and meets the general intent of the 2003 Land Use Element of the Master Plan and Housing Policy. Consequently, the Planning Commission recommended approval of Option Four with the following conditions required of the applicant:

1. Applicant is to provide sketch plan notes on the plan including, but not limited to, zoning, intended uses, housing types and number of units, area of site, area of green space, area of open space, area of dedication, public water and sewer requirements, floodplain/wetland/natural features, and amenities, prior to submission of Schematic Development Plan (SDP);
2. Applicant is to depict and denote the area, boundaries, and floor area ratio (FAR) intended for commercial/ employment/industrial development on the sketch plan. The FAR is not to exceed 0.75, per §24-160D.4;

3. Applicant is to provide and depict the necessary connections and easements to the McGown tract (to the west), to the Devlin tract (to the south) and to Metropolitan Grove Road on the sketch plan and SDP.
4. The Development Staging and Phasing, Transportation Improvements, Staging Objectives and Project Goals, and Development Assumptions sections as stipulated above on pages 122-126 of the Casey-Metropolitan Grove Road Special Study Area shall be part of the staging and phasing of any development proposed for this sketch plan (Z-297), regardless of the land use option chosen. The staging, phasing and density of development are to be determined by the Mayor and City Council during the Schematic Development Plan process in accordance with the nine adopted Master Plan Themes. The implementation of staging elements for this study area will be controlled by the approval process for the Mixed Use Development (MXD) Zone through the schematic development plan (SDP) approval process;
5. Phasing of development and the total square footage and number of housing units for each phase will be determined in accordance with the adopted Master Plan Themes during the SDP process and will not be approved until a traffic impact study is submitted and its conclusions acceptable to the City and it's traffic engineer;
6. An appropriate range of potential housing units is to be provided at this time is 465-485 single-family detached, single family attached, and two-over-two dwelling units and 550-590 high-rise condominium units. The final unit count and density will be determined during the SDP approval process;
7. Applicant is to submit a concept stormwater management plan to the DPWPM&E with the submission of an SDP. Staff strongly recommends the use of a wet pond for this development; and
8. Applicant is to depict and denote all landscaped areas, proposed conceptual screen planting, open space plazas, malls, courts, recreation and amenity areas.

C. Evaluation and Findings

The City Council agrees with the findings, conclusions and recommendations of approval of Option Four by the City Planning Commission and City staff. The City Council finds those recommendations to be well reasoned and adopts and incorporates their findings as part of this action. The City Council further agrees with the Planning Commission in that the procedures governing the application for the MXD Zone and approvals necessary to seek building permits are subject to a multi-step process and that this is only the first step of the process, that subsequently includes Schematic Development Plan and Final Site Plan reviews and approvals.

In reviewing the subject application for the approval of Amendment to Sketch Plan Z-297 Option Four, the City Council finds the application and development proposal meets or accomplishes the purposes, objectives, and minimum standards and requirements of the zone of the MXD Zone that are set forth in Chapter 24 Article III Division 19 of the City Zoning Ordinance.

The City Council finds that the application meets the submission requirements for a sketch plan in that: 1) the applicant filed, together with the prescribed application fee, an application for approval of a Sketch Plan pursuant to the provisions of section 24-196 of this Code; 2) the sketch plan depicts the boundaries of the entire tract or parcel; 3) the sketch plan provides generalized location of existing and proposed external roads and adjacent land use and development; 4) the sketch plan provides generalized location and description of various internal proposed land use components, including general information as to proposed densities and intensities, proposed size and heights of development; 5) the sketch plan provides generalized location, description and timing of proposed roads, proposed dedicated public lands and perimeter setback or buffer areas; 6) the sketch plan provides proposed phasing or staging plan of development, public facilities and information regarding such plan's consistency with provision of master planned and other necessary public facilities; 7) the sketch plan describes generalized area of woodlands, streams and watercourses and other areas intended for natural preservation, as well as an approved natural resource inventory/forest stand delineation, as defined in Chapter 22 of this Code, and required by section 22-7 thereof; and 8) the sketch plan demonstrates general compliance with master plan recommendations for the property, including any special conditions or requirements related to the property set forth in the master plan.

The City Council finds that the application for sketch plan approval as currently amended fulfills the purposes and objectives of the MXD Zoning of this property and will in this regard implement the City Master Plan recommendations for a multi-use development on this site, properly staged to mitigate impacts on public facilities in an orderly fashion. The variety of housing types and uses proposed encourage the opportunity for flexibility and coordination of architectural style. Commercial retail components are integrated into both high density residential and office components, in close proximity to lower density residential areas demonstrating an internal compatibility. The density of the project is consistent with density envisioned in close proximity to the Corridor Cities Transitway (CCT) to more effectively support the planned future use of mass transit. Opportunities are present in the sketch plan to provide recreational amenities such as a cinema and other recreational areas including open space and park areas. The sketch plan will provide a superior natural environment by the preservation of substantial treed areas and other natural features. Compatibility of proposed land uses and such features as signage internal to the site will be ensured through subsequent schematic development plan and site plan approvals which must conform to the subject sketch plan. External compatibility is presented in terms of nature and intensity of use consistent with the adjacent publicly owned land and office, research and development and residential uses and transportation facilities. The ability of the City Council to approve a plan for a large area such as the subject property provides greater control over site planning and site design and control of

public facilities impacts than if the property were separated into numerous smaller sites and subject to development approvals under conventional zoning categories without the opportunity to coordinate access or integrate various uses. The subject plan encourages the efficient use of land by integrating various types of land use in close proximity to one another with opportunity for improved pedestrian circulation near a proposed transit stop to reduce reliance on the automobile. Also the plan reflects convenient pedestrian access will preserve forested areas, open space and provide recreation facilities. Finally the development will be phased to allow for a more gradual impact on public facilities and the ability to bring on-line added road and school facilities during the life span of this plan.

The City Council finds the subject application and the Option Four development proposal to be in accordance with one of the alternative land use recommendations of the 2003 Master Plan Land Use Element. Further, the sketch plan is consistent with relevant special conditions and requirements contained in said master plan, and is consistent with the principles established for development in the City's Smart Growth Policy. The mix of residential uses will provide a range of housing types and designs along with employment, retail and recreational opportunities integrated into the project, all in close proximity to each land use and in direct proximity to an extensive road network and planned transit facilities which epitomizes the master plans vision of the MXD Zoning development of the property.

The Sketch Plan meets the ten (10) acre minimum area requirement of the MXD Zone by containing 125 acres and the zoning ordinance locational requirements being adjacent to Metropolitan Grove Road, I-270 and the future extension of Watkins Mill Road. The access is adequate based upon recent traffic studies more fully explained below. Traffic circulation will be adequately accommodated without directing traffic through any established residential communities to cause any adverse impact on surrounding areas. Interior site traffic circulation will provide adequate vehicular access to all parts of the proposed development without creating points of congestion. Public water and sewer service presently serves adjacent development and is available to this site. No inadequacy or other concerns with respect to the provision of these facilities has been identified in the record.

The City Council finds that the Option Four sketch plan will be internally and externally compatible and harmonious with these existing land uses and planned land uses in the MXD zoned areas and adjacent areas. The Site is surrounded by a number of different land uses that include: office, research and development, multi-family units, single-family attached units, and industrial (vehicle storage) uses all of which are permissible use in the MXD zone. There are also many surrounding properties that are publicly owned by the City of Gaithersburg, Maryland State Highway Administration, and Montgomery County.

The City Council further finds that the level of development reflected by the Option Four development proposal for Z-297 can be accommodated adequately by existing and planned public facilities with the proper phasing and staging of the development. There is no evidence to indicate that public water, sewer, and transportation facilities could not adequately handle the needs of this development. To the contrary, it appears that the capacities of the public facilities are adequate to handle the impact of this development in a safe and efficient manner.

The City Council concurs with the summary of findings and recommendations of the applicant's submitted traffic study prepared by The Traffic Group, Inc. in that the proposed development of the Casey West project Option Four would not have an adverse effect on the nearby road system with the implementation of the improvements outlined in the report. The traffic study analyzed two phases, the initial phase (year 2010, before the Watkins Mill Road Interchange) and the final phase (year 2011, after the Watkins Mill Road Interchange). SHA currently has a MD 117 Corridor Congestion Relief Study which has scheduled road improvements in three phases along MD 117 in the study area. The analyses in the traffic study takes into consideration the road improvements by SHA; however, the study appropriately does not include any traffic relief that would be associated with the existing MARC station and the proposed Corridor Cities Transitway station. To consider such improvements at this stage would not provide a realistic analysis of present and near term traffic conditions.

Intersection Capacity Analyses were conducted to determine the existing and projected Levels of Service (LOS) for each of the following study area intersections: MD 117 and Longdraft Road, MD 117 and Watkins Mill Road/Pheasant Run Drive, MD 117 and Tech Park/Bowl America, MD 117 and Metropolitan Grove Road/Twelve Oaks Drive, MD 117 and Firstfield Road, and MD 117 and MD 124. In addition, capacity analyses were also conducted for the Watkins Mill Road and the two access points into the site. Capacity analysis was also conducted for the three major intersections internal to the site.

The results, recommendations and conclusions of the traffic study analysis indicate, that both phases of this development are projected to operate at satisfactory Levels of Service during the peaks periods - with one exception. The exception is the intersection of MD 117 and Watkins Mill Road/Pheasant Run Drive during the evening peak period. At this location the developer will be required to construct a second southbound Watkins Mill Road left turn lane. With this improvement the intersection of MD 117 and Watkins Mill Road/Pheasant Run Drive is projected to operate at a satisfactory level of service.

The City Council concurs with the finding of Montgomery County Public Schools (MCPS) staff that the current Montgomery County Annual Growth Policy schools test finds capacity adequate in the Quince Orchard cluster (where Casey West is located). This means that subdivision approvals in the county portion of this cluster area may go forward for the current fiscal year. While the Mayor and City Council does not believe the current Montgomery County Annual Growth Policy is as restrictive on school capacity as it should be, they recognize that Montgomery County is the level of government responsible for providing schools for our citizens. The schools that currently serve the proposed development are Brown Station Elementary School, Kingsview Middle School and Quince Orchard High School. Beginning in August 2005, the middle school assignment for the proposed development will change to Quince Orchard Middle School #2 providing relief at the middle school level.

Information obtained from Montgomery County Public Schools (MCPS) indicates that enrollment projections show that upon build out of Phase 1, the development will generate 67 to 140 elementary school students, 19 to 57 middle school students, and 29 to 72 high school students. Student generation from the Phase 3 condominiums were not

analyzed given that these units will not be developed until the Corridor Cities Transitway is under construction. Actual space will be available at Brown Station Elementary School and Quince Orchard Middle School #2 throughout the six-year forecast period. At the high school level, enrollment projections show Quince Orchard High School over capacity throughout the forecast period. A new high school is needed and planned in the central portion of the County. MCPS is currently working with the Maryland-National Capital Park and Planning Commission on possible locations for an additional high school site as part of their work on the Shady Grove Sector Plan and the Gaithersburg Vicinity Master Plan. The Mayor and City Council will continue working with the Board of Education and Montgomery County to identify a suitable site for this high school. With the phased build out of the project which will be refined during the Schematic Development Plan process, this issue will be addressed in greater detail. It is envisioned that this issue will necessitate a cooperative effort between the City, County, MCPS and the applicant.

In conclusion, the City Council finds Z-297, as submitted in accordance with Section 24-160D.11 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 Amendment to Sketch Plan has accomplished the purposes of the MXD Zone, reflects an internally and externally compatible form of development, and is consistent with the purpose of the 2003 Master Plan Land Use Element and the Smart Growth Policy, as well as generally accepted city planning and land use policies, subject to the applicant complying with the conditions stated in this Ordinance.

AMENDMENT TO SKETCH PLAN Z-297

ORDINANCE

NOW, THEREFORE BE IT ORDAINED by the City Council of Gaithersburg, that Z-297, being an application filed by BP Realty Investment, Inc., requesting approval of Amendment to Sketch Plan Option Four is hereby approved with the following conditions required of the applicant:

1. The approved residential unit count for this sketch plan is 435 to 445 dwelling units outside the urban core, and 37 units abutting the urban core. An additional 252 condominium units in a residential tower will be permitted in the urban core, and a 272 unit residential condominium shall be permitted to the east of the urban core upon construction of the Corridor Cities Transitway adjacent to the site. The locations of dwelling units located outside of the urban core may be adjusted during SDP and site plan review due to planning and engineering issues such as grading problems and to minimize the need for retaining walls.
2. Major community amenities including club house, swimming pool, tennis court, and basketball court must be completed prior to the issuance of the building permit for the 150th unit. Additional parks, tot lots, and paths shown on the plan must be completed as the nearby housing units are completed.

3. The approximately 14 acres of parkland indicated on the western portion of the plan must be dedicated to the City of Gaithersburg on or before the issuance of the first building permit.
4. Applicant to place sketch plan notes on the plan for zoning, intended uses (commercial, residential, etc.), housing types and number of units, area of site, area of green space, area of open space, area of dedication, public water and sewer requirements, floodplain/wetland/natural features, amenities, etc. prior to submission of Schematic Development Plan (SDP).
5. Applicant to depict and denote the area, boundaries, and floor area ratio (FAR) intended for commercial/ employment/industrial development on the sketch plan. The FAR is not to exceed 0.75, per Section 24-160D.4.
6. Applicant to provide a conceptual utility plan with submission of SDP. Utility locations shall be located to the rear of all lots. Visible front hook ups shall not be allowed.
7. Applicant to provide an Art in Public Places (AIPP) plan to be approved by City staff and AIPP committee with submission of SDP.
8. Applicant to minimize the use of the several retaining walls proposed throughout the site during the SDP process.

Transportation

9. Phasing schedule for internal road construction and off-site traffic improvements to be determined at SDP.
10. Emergency egress road providing linkage from development to the existing Metropolitan Grove road to be delineated at SDP, and constructed prior to the issuance of the building permit for the 150th dwelling unit. (Emergency egress road will be blocked by bollards once completed and only removed at the direction of the City Manager or Public Safety officers.)
11. Applicant to submit a conceptual bus route plan with submission of SDP. Bus stop shelter locations must be identified during the SDP process and shall be standard City shelters. The applicant shall undertake a study of the possibility of providing a "central" regional bus terminal within the development. All bus shelter locations and routes must be reviewed and approved by Montgomery County Ride-On. The applicant should begin working with Montgomery County on these locations during the SDP process.
12. Applicant to provide road code applications and fees with a detailed report and plan regarding any necessary road code waivers request throughout the development with submission of SDP. Applicant shall continue to work with staff to refine the roadway and alleyway designs.
13. Applicant to provide a conceptual plan for the CCT parking and station to be reviewed by MTA and City staff with submission of SDP. Obtain comments from MTA regarding the design of the development adjacent to the CCT right-of-way.
14. Developer shall be required to participate to up to 50 percent of the cost of (1) upgrading the existing at grade crossing at Metropolitan Grove Road and the CSX tracks, or (2) relocating the crossing as shown south of the parking deck that parallels the CSX tracks if the City determines such relocation is desirable and CSX approves relocation. Developer participation in either scenario would be capped at \$250,000.

Vehicular/Pedestrian Circulation

15. Applicant to denote and depict which streets will be private or public with submission of SDP.
16. Applicant to provide and depict on the SDP the necessary connections and easements to the McGown tract (to the west), to the Devlin tract (to the south) and to Metropolitan Grove Road on the sketch plan and SDP plan.
17. Applicant to work with staff on location of paths, sidewalks, nature trails, and other such recreational or pedestrian paths extending to and from the site and through the site during the SDP process. Depict and denote all pedestrian/recreational paths. Proposed internal connection trails should provide multi-use paths. The pathway should allow for access to connect McGown Tract (westside of site) to Metropolitan Grove Road (eastside of site).
18. Applicant to depict on the SDP and provide signs for path system similar to those approved for the Lakelands.
19. Applicant to continue to refine the roadway and alleyway designs to include and highlight on the SDP appropriate traffic calming measures and pedestrian crosswalks throughout the development. Special features and road surface materials should be provided for pedestrian crosswalks to be reviewed and approved by staff at SDP stage.
20. Applicant to demonstrate as part of the SDP how garbage and recycling pick-up and emergency vehicle access is to occur for all residential and commercial lots. As part of this requirement, demonstrate how vehicles servicing residential lots with access only to an alley can adequately access, turn-around, and exit the alleys in a forward motion.
21. Applicant to submit to the City for review and approval an on-site directional/regulatory signage and lane striping plan including a truck circulation plan, proposed truck routing and truck signage prior to SDP approval. Emphasis shall be placed on minimizing truck impact on residential uses.
22. Applicant to demonstrate that the plan complies with all American with Disabilities Act (ADA) requirements.
23. Applicant to provide for all residential housing to front on a minimum 5' sidewalk. Sidewalks must have access to a public street and pedestrian/recreational path system.
24. Applicant to provide specific types and details of safe pedestrian crossings to/from parking structure and CCT station during the SDP process.
25. Applicant to reflect in the SDP ample bike facilities (such as, but not limited to, racks, and rest areas) and their locations throughout the development during the SDP process.

Parking

26. Applicant to provide parking calculations and a parking distribution plan during the SDP process. The project must meet the standard off-street parking requirements as stipulated in the Zoning Ordinance.
27. Applicant to develop an employee parking program which shall include areas to be designated for employee parking, signage thereof, and lease requirements therefore and enforcement mechanisms to be approved during the SDP process.
28. Applicant to provide a shared parking agreement that meets the requirements of the Zoning Ordinance to be reviewed and approved during the SDP process.

29. Applicant must permit the Maryland Transit Administration to add up to 800 parking spaces to the parking garage adjoining the Corridor Cities Transitway Alignment; however, the applicant will not be responsible for the costs of these additional spaces.

Phasing

30. The project shall be phased as follows:

Phase 1 commences at approval of SDP and shall permit the following:

Year One - 97 Residential Units and 10,000 sf of commercial space outside the urban core and one hotel within the urban core.

Year Two - 97 Residential Units outside the urban core and one condominium building in the urban core.

Year Three - 97 Residential Units outside the urban core, two office buildings and 50,000 sf of cinema or retail in the urban core.

Year Four - 97 Residential Units outside the urban core.

Year Five - Balance of approved residential units (except for Phase 3 condominium tower) and one office building within the urban core.

Completion of construction in any one year may overlap into a subsequent year as long as permits have been issued for all construction in the prior year.

Phase 2 commences at beginning of construction of the Watkins Mill Road Interchange and shall permit the following:

Hotel located along Watkins Mill Road.

Three commercial pad sites between Watkins Mill Road and the urban core.

Three office buildings within the urban core.

One retail anchor within the urban core.

Phase 3 commences upon the beginning of construction of the Corridor Cities Transitway and shall permit the following:

The remaining office building.

The second condominium building.

Stormwater Management

31. Applicant is to submit a concept stormwater management plan to the DPWPM&E with the submission of an SDP. The stormwater management plan shall, where feasible, incorporate the use of a wet pond for this development.

Environmental

32. Developer, working with the City, the town architect, and a developer retained LEED certified professional shall incorporate architecturally acceptable and commercially reasonable LEED elements into the core systems of the office and condominium towers within the urban core.

33. Applicant to obtain approval of the preliminary Forest Conservation Plan (FCP) during the SDP process.
34. Applicant to address all outstanding NRI/FSD conditions of approval during the SDP process. The natural resources/wildlife management plan shall be implemented prior to grading or clearing of site. The applicant, where feasible, shall use landscape berms as opposed to structures as part of its noise abatement plan.
35. Applicant to provide stream stabilization plan to be reviewed and approved by staff during the SDP process.

Architectural Design

36. Applicant to provide written design guidelines similar in scope and detail to that of Kentlands and Lakelands Design Codes during the SDP process, per Sections 24-160D.12 and 24-160D.13, of the Zoning Ordinance. These design guidelines shall include, but not limited to, the appearance of buildings and structures, configuration of building elements and type of building materials, lot layout, building/structure setbacks and lot coverage, location and type of accessory buildings/structures, and type and nature of accessory uses. The design guidelines should provide a unique style for this development. Architectural materials and features should be of higher standard than conventional subdivision development and provided on all sides of structures due to the urban setting of the plan. The sides and rear of buildings must also meet a higher architectural standard and must be reviewed and approved by the Planning Commission. The Commission staff may require corner lots to provide enhanced architectural conditions.
37. Applicant to demonstrate that roadway views terminate at a structure and/or public amenity at the time of SDP.

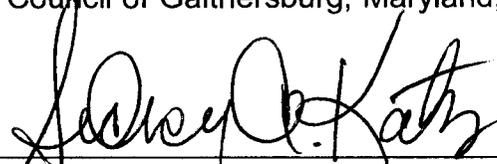
Signage

38. Applicant to provide a signage package, per Section 24-160.D.2.(e) of the Zoning Ordinance, that follows a thematic approach during the SDP process. Staff shall review and approve all signage, in accordance with approved sign package, contemplated for the development. Community or development signage must be approved at SDP stage. All building signage must be approved at final site plan stage.

Amenities/Landscaping

39. Applicant to provide a proposed covenant, per Section 24-160.9(c)(5) of the Zoning Ordinance, subject to review by the City Attorney and City staff, indicating how the development area will be included in any homeowner's association or other organization, and how any open space, community space or amenities located within the area, will be perpetually maintained during the SDP process.
40. Applicant to depict and denote on the SDP all landscaped areas, proposed conceptual screen planting, open space plazas, malls, courts, recreation and amenity areas.
41. Applicant to provide as part of its SDP, provision for a landscaped berm, where possible, along Watkins Mill extended to buffer and screen all residential uses from Watkins Mill Road extended.
42. Applicant to provide a swimming pool that is sized in accordance to Montgomery County Health Department, IBC and BOCA standards at SDP stage.

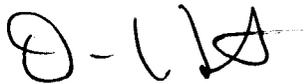
ADOPTED by the Mayor and City Council of Gaithersburg, Maryland, on the 18th day of April, 2005.



SIDNEY A. KATZ, MAYOR
and President of the Council

DELIVERED to the Mayor of the City of Gaithersburg on the 18th day of April, 2005.
APPROVED by the Mayor of the City of Gaithersburg this 18th day of April, 2005.

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the City Council in public meeting assembled on the 18th day of April, 2005. This Ordinance will become effective on the 9th day of May, 2005.



David B. Humpton, City Manager