

# MAYOR & COUNCIL AGENDA COVER SHEET

**MEETING DATE:**

November 5, 2012

**CALL TO PODIUM:**

**Lauren Pruss**

**RESPONSIBLE STAFF:**

**Lauren Pruss, Planning Director**

**John Schlichting, P&CA Director**

**AGENDA ITEM:**  
(please check one)

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

**PUBLIC HEARING HISTORY:**

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

Introduced	
Advertised	8/22/2012
	8/29/2012
Hearing Date	9/5/2012
Record Held Open	10/10/2012
Policy Discussion	11/5/2012

**TITLE: ASDP-0641-2012 Policy Discussion**

Application **ADSP-0641-2012** has been filed requesting approval of an amendment to schematic development plan SDP-05-002, known as Watkins Mill Town Center, requesting approval to eliminate the commercial component of the twenty approved live/work units and develop the parcels exclusively with residential townhomes. The 10,000 square feet of commercial floor area would be reallocated to a hotel to be built in phase two of development. Watkins Mill Town Center is zoned MXD Mixed Use Development and is located between I-270 and the CSX railroad tracks at Watkins Mill Road. The subject area of amendment is located at 400, 401, 500, 501 Uptown Street.

**SUPPORTING BACKGROUND:**

The applicant, BP Realty Investments, LLC, has submitted the subject Amendment to Schematic Development Plan ASDP-0641-2012. A public hearing regarding this application was held by the Planning Commission on September 5, 2012. A number of residents spoke at the public hearing, speaking both for, and against the proposed change. Additionally, the Planning Commission requested supplementary information in the form of a retail market analysis. Following the public hearing, the Planning Commission voted to hold the record open until 5:00PM on September 26, 2012.

Given the nature of the comments and the information requested, staff recommended, and the applicant requested, that the Planning Commission vote to reopen the record at the October 3, 2012 meeting to allow the applicant to directly address the comments raised at the public hearing. Following the applicant's response the Planning Commission voted to hold the record open until 5:00PM on October 10, 2012 to provide the public the opportunity to comment in writing. A transcript of the September 5, 2012 public hearing, as well as the hearing conducted on October 3, 2012, are provided as Exhibits 55 and 62.

The Planning Commission recommended approval of ASDP-0641-2012 with eight (8) conditions during their October 17, 2012 meeting. The draft resolution is included and is ready for final action should the Council so choose.

*Attachments:*

- Power point presentation
- Draft ASDP-0641-2012 Resolution
- CPC: Planning Commission Recommendation
- Final Staff Analysis
- Index of Memoranda ASDP-0641-2012: Exhibits in **bold**

**DESIRED OUTCOME:**

**Conduct Policy Discussion. Resolution is ready for final action.**

# Watkins Mill Town Center

Mayor and Council Policy Discussion



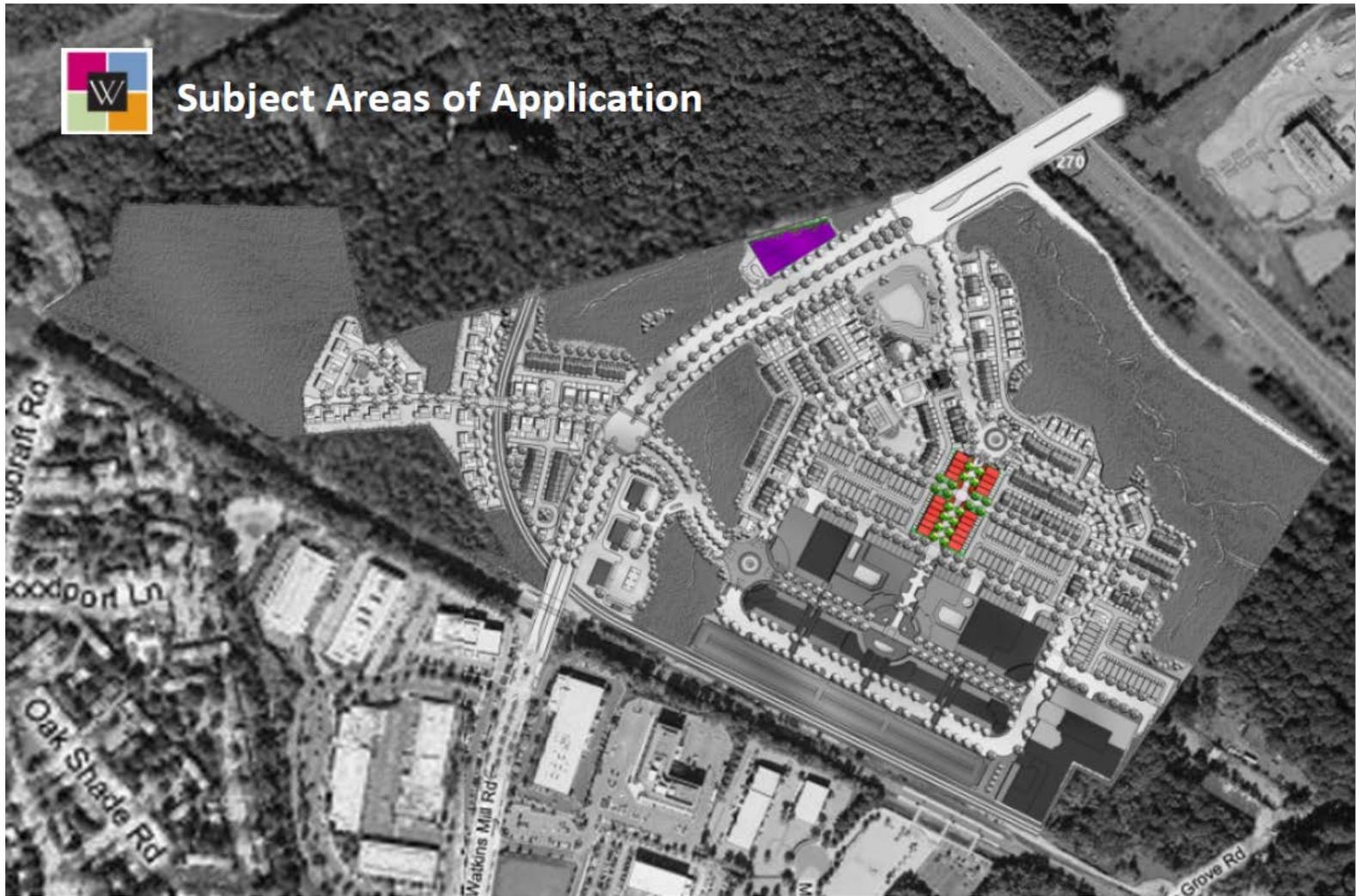
Gaithersburg

Monday, November 5, 2012

# Watkins Mill Town Center

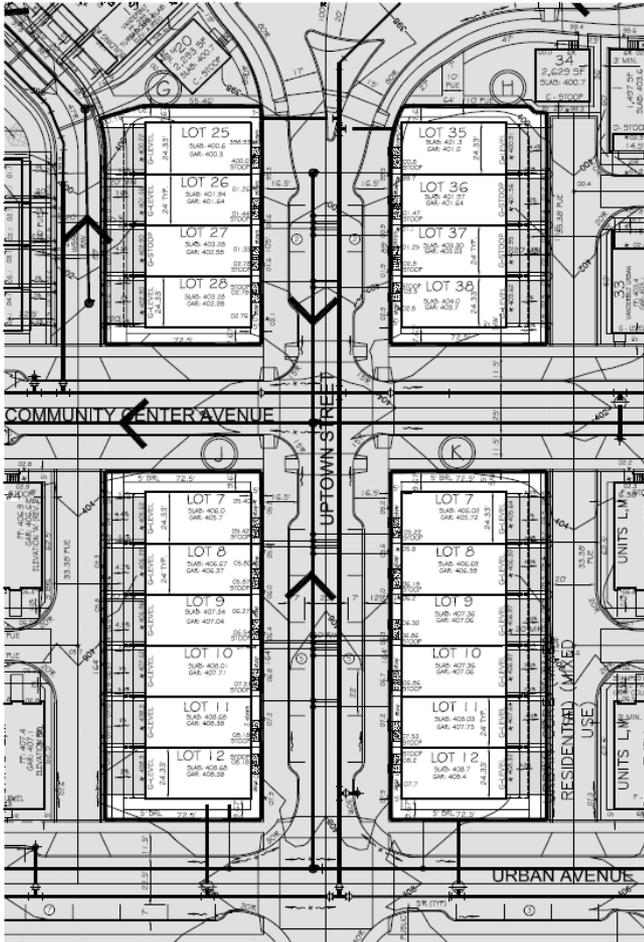


## Subject Areas of Application





# Watkins Mill Town Center



- Approved Site Plan Details
  - 20 townhomes
  - 10,000 sf retail or 750sf per unit (13 of 20 units)
  - Parking:
    - 6.67 spaces/unit req'd
    - 3.7 spaces/unit provided
    - Remainder to be provided within urban core garage
  - No provision for outdoor commercial activities such as trash collection

# Watkins Mill Town Center

- Public Hearing held by the Planning Commission on September 5, 2012
  - ▣ Public hearings regarding an amendment to a schematic development plan may be conducted by the Planning Commission pursuant to § 24-198c.3(a)
  - ▣ Council to take action within 45 days of Planning Commission recommendation
- Record closed September 26, 2012
- Record was reopened on October 3, 2012
- Subsequently closed on October 10, 2012
- Planning Commission recommendation conducted on October 17, 2012
- Currently 73 exhibits in the record

# Watkins Mill Town Center

- Applicant's basis for amendment:
  - From a retail market perspective, there is no demand for this unit type at this location
    - Retail market analysis provided by CBRE and Parkwood Homes, a builder of Live/Work units
    - There is an abundance of retail vacancies within the surrounding area that are currently available for lower rents. These areas enjoy high visibility and significant vehicular traffic, making them more attractive for potential tenants
    - These units are located on a secondary street which will never enjoy significant vehicular traffic volumes
  - There is a lack of available financing and no builder demand for this product type

# Watkins Mill Town Center



- The Kentlands and Villages of Urbana both offer somewhat successful Live/Work units
- The success of both concepts relies upon adjoining grocery anchors and parking fields
- WMTCC will not provide a significant commercial core for some time
- The small footprint of the retail space (750 square feet) limits the desirability of these units for retail users
- Lack of sufficient parking, location on secondary street, and lack of supporting retail contribute to little potential for success

# Watkins Mill Town Center

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*“To be successful, new retail development needs all the basic requirements in place. Our feeling is that Live/Works rely on the traffic generated by a strong, vibrant and substantial retail core, which is not yet in place in the Parklands. Absent that combination, any Live/Work development will very likely be unsuccessful.”*

*Steve Wilcox, President, Parkwood Homes*

# Watkins Mill Town Center

- Public hearing concerns and questions:
  - Commission requested a Market Analysis
  - Public concerns:
    - Parking and other commercial impacts of development on adjoining residential area
    - Erosion of commercial component
  - Members of the public spoke both for and against the amendment

# Watkins Mill Town Center

## □ Staff Analysis

- Staff concurs with the basis provided by the applicant
- Convinced that no builder market exists today at this location
- From a retail market perspective, units provide undesirable location and size with more suitable, and less expensive opportunities nearby
- If request is not approved, we expect these units would remain undeveloped for many years
- Approved site plan was flawed in the provision of sufficient parking and exterior commercial activities

# Watkins Mill Town Center

## □ Staff Recommendation

- The proposed amendment is more compatible and harmonious with the surrounding residential neighborhoods
- Eliminates the potential for the negative impacts of the previously approved commercial use
- The proposed amendment is in the public interest
- Building townhouses now will take advantage of the current positive momentum that the City enjoys in new development
- Construction now will provide additional density to support the urban core and improve the city's tax base
- Construction of these units will help to finish the residential neighborhood providing significant benefit to both the residents and the future urban core

# Watkins Mill Town Center

- Planning Commission recommended approval by a 3-2 vote, subject to eight conditions
- Resolution is ready for final action



RESOLUTION No. R-

RESOLUTION OF THE MAYOR AND CITY COUNCIL  
OF GAITHERSBURG GRANTING APPROVAL OF  
AMENDMENT TO SCHEMATIC DEVELOPMENT PLAN ASDP-0641-2012,  
KNOWN AS KNOWN AS WATKINS MILL TOWN CENTER FOR  
APPROXIMATELY 125 ACRES OF PROPERTY  
ZONED MIXED USE DEVELOPMENT (MXD)

**ASDP-0641-2012**

**OPINION**

Application ADSP-0641-2012 has come before the Mayor and City Council for approval of an amendment to schematic development plan SDP-05-002 for land zoned Mixed Use Development (MXD). The City Council's authority in this matter is pursuant to § 24-198c.3(a) of the City of Gaithersburg Zoning Ordinance (Chapter 24 of the City Code), which authorizes the Planning Commission to conduct public hearings on an amendment to schematic development plan application following appropriate notification procedures, and for the Mayor and City Council to take action on the application within forty-five (45) days of the close of the hearing record, following receipt of a recommendation by the City Planning Commission.

The subject case involves approximately 125 acres of land and concerns the development of the Watkins Mill Town Center encompassing Parcels P33, P211, P888 and P910. Watkins Mill Town Center is located north of the CSX Railroad tracks and Metropolitan Grove Road and south of Interstate 270, and is bounded on the west by the McGown tract (located in Montgomery County) and to the east by City parkland and several privately owned properties zoned MXD. The amendment to schematic development plan application was submitted to the City Planning and Code Administration, on July 19, 2012. This application was designated as ASDP-0641-2012.

**OPERATIVE FACTS**

A. Background

The subject property has been within the boundaries of the City of Gaithersburg for many decades. By the early 1950's, the properties were held by members of the Casey family, who provided land in 1955 for the construction of what is now Interstate 270. The subject property was part of annexation application X-095.

Application Z-297 proposed three (3) development options of differing scenarios that included single-family attached and detached residential units, 3-over-2 residential condominium units, multi-family residential units, office buildings with first floor retail, and a hotel/cinema complex. Following the joint public hearing on the application a fourth option

(with similar uses) was presented at joint work session and subsequently approved by the Mayor and City Council who adopted Ordinance O-1-05 granting approval for the Amendment to Sketch Plan Z-297 (Option 4) on April 18, 2005 with 42 conditions (Exhibit 56).

The schematic development plan SDP-05-002, which was in substantial conformance with Option 4, was approved by the Mayor and City Council on August 1, 2005 via resolution R-75-05 with twenty-three (23) conditions (Exhibit 32). The majority of these conditions for approval have been satisfied. The final site plan for Watkins Mill Town Center, SP-05-0013 was approved by the Planning Commission on May 3, 2006 with thirty-six (36) conditions (Exhibit 31). This approval provided for the full buildout of the residential portion of the development (outside of the "urban core") and also included the roadways for the urban core.

#### B. Current Application:

On July 19, 2012, Mr. Pete Henry of BP Realty Investments, LLC submitted application ASDP-0641-2012 requesting an amendment to schematic development plan SDP-05-002. The application requests approval to eliminate the commercial component of the twenty approved live/work units (also known as the mid-town urban lofts) and develop the parcels exclusively with residential townhomes. The 10,000 square feet of commercial floor area would be reallocated to a hotel to be built in phase two of development, reducing the total phase one mixed commercial floor area to 96,639, and increasing the phase two commercial floor area to a total of 465,000 square feet. The applicant is requesting the amendment for several reasons (Exhibit 3). First, the applicant believes that the location of the live/work units will detract from the viability of the commercial core by diluting and diminishing the concentration of retail within the urban center. Additionally, the applicant has concerns about the impact of live/work units on the surrounding residential properties. Their experience is that over time, there will be demands for expansion of office and service floor area into upper floors, increasing the demand for parking and increasing the impact of the commercial uses on the nearby residential neighborhood.

Application ASDP-0641-2012 was filed on July 19, 2012. A public hearing regarding ADSP-0641-2012 was held on September 5, 2012. A number of residents spoke at the public hearing, speaking both for, and against the proposed change. Additionally, the Planning Commission requested supplementary information in the form of a retail market analysis. Following the public hearing, the Planning Commission voted to hold the record open until 5:00PM on September 26, 2012.

Given the nature of the comments and the information requested, staff recommended, and the applicant requested, that the Planning Commission vote to reopen the record at the October 3, 2012 meeting to allow the applicant to directly address the comments raised at the public hearing. Following the applicant's response the Planning Commission voted to hold the record open until 5:00PM on October 10, 2012 to provide the public the opportunity to comment in writing.

In response to the comments raised at the public hearing, the applicant submitted a

retail market analysis prepared by CB Richard Ellis (Exhibit 58), and a statement from Parkwood Homes regarding the viability of live/work units within Watkins Mill Town Center (Exhibit 57), drawing on their experience developing similar units in the Kentlands and the Villages of Urbana. The applicant supplemented these documents with a power point presentation at the October 3, 2012 meeting (Exhibit 61). Following this meeting, the applicant submitted additional follow up to public comments, as well as additional documentation from Parkwood Homes, a local builder of live/work units, detailing their perspective on the potential for success of these units (Exhibits 66, 67, and 73).

The applicant's response can be summarized as follows:

- The Kentlands and Villages of Urbana both provide live/work units. Although these projects are somewhat successful, they both rely upon grocery-anchored shopping centers with abundant parking and significant vehicular traffic. "To be successful, new retail development needs all the basic requirements in place. Our feeling is that Live/Works rely on the traffic generated by a strong, vibrant and substantial retail core, which is not yet in place in the Parklands. Absent that combination, any Live/Work development will very likely be unsuccessful (Exhibit 57)."
- The approved live/work units are located on a secondary street which will not see large traffic volumes even after the construction of the Watkins Mill Interchange.
- There is a lack of available financing and no builder demand for this product type.
- There is an abundance of retail vacancies within the surrounding area that are currently available for lower rents. These areas enjoy high visibility and significant vehicular traffic, making them more attractive for potential users.
- There is a lack of sufficient nearby parking that will negatively impact the adjacent and nearby residential properties. Additionally, the lack of a managed commercial environment will contribute to problems with trash control and signage.
- The small footprint of the retail space (750 square feet) limits the desirability of these units for retail users.

Planning Staff reviewed the application in its entirety, and provided a formal recommendation to the Planning Commission within the Final Staff Analysis dated September 10, 2012 (Exhibit 68).

The Planning Commission record regarding application ASDP-0641-2012 closed as of five (5) PM, October 10, 2012. The Planning Commission reviewed the application at its regular meeting on October 17, 2012. Based up their review of the evidence, the Planning Commission found application ASDP-0641-2012 to be in conformance with the MXD zone standards. Consequently, the Planning Commission recommended approval of application ASDP-0641-2012 with the following conditions required of the applicant:

1. The project shall be phased as follows:

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

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

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

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

Year Four - 97 Residential Units outside the urban core.

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

Completion of construction in any one year may overlap into a subsequent year 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.

2. Applicant to provide an Art in Public Places (AIPP) plan and commit funding to be approved by City staff and AIPP committee prior to the issuance of building permits for the first building in the commercial core.
3. Applicant to submit a noise study as part of the final site plan application for the commercial core.
4. Prior to approval of the final site plan, work with staff, to develop technically effective, feasible, aesthetic, and reasonable interior and exterior noise abatement measures to prevent unacceptable noise exposures to the future residents of the development. Noise abatement measures should seek to achieve the 65 dBA exterior noise guideline and the 45 dBA interior noise guideline.
5. The applicant shall dedicate the approximately 14 acres of undisturbed parkland depicted on the western portion of the Casey Property West plan to the City of Gaithersburg prior to the issuance of building permits for the first building in the commercial core.
6. The applicant shall dedicate to the appropriate governmental agencies, portions of the property indicated on the schematic development plan required for the construction and completion of: 1) the Watkins Mill Road Interchange with I-270 right-of-way, including associated ramps and 2) Corridor Cities Transitway right-of-way when required for construction by the appropriate local or state agency

including Montgomery County, the Maryland Transit Administration and State Highway Administration.

7. The applicant shall engineer and, upon issuances of the necessary building permits, begin construction of the public portion of Town Center Boulevard between Watkins Mill Boulevard and the commercial core concurrently with, and upon issuance of building permits for either: a) the first building in the commercial core (excluding the live/work units which are the subject of application ASDP-0641-2012), or b) the construction of the Watkins Mill bridge over I-270 or complete interchange; whichever comes first.
8. The applicant shall revise the proposed conceptual architectural elevations to provide pedestrian-level detailing, and the final site plan shall be revised to provide additional pedestrian-level hardscape and street furniture details to enhance the pedestrian environment and provide a better transition from the Urban Core to the residential area.

#### C. Evaluation and Findings

The City Council, upon careful review of the evidence of record, agrees with the findings, conclusions and recommendations of approval of application ASDP-0641-2012 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 one of several steps of the process, that subsequently includes Final Site Plan reviews and approvals.

In reviewing the subject application for the approval of Amendment to Schematic Development Plan ASDP-0641-2012, the City Council finds the application and development proposal meets or accomplishes the purposes, objectives, and minimum standards and requirements of the MXD Zone that are set forth in Chapter 24 (Zoning) Article III, Division 19 of the City Code.

Furthermore, the City Council finds from the evidence of record that the application for schematic development plan approval, ASDP-0641-2012, as currently amended, fulfills the findings required under § 24-160D.10:

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

The approved sketch plan Z-297, Option #4 which provided for the development of the site in three phases as follows:

Phase 1: Watkins Mill Road extended  
482 attached and detached residential units  
252 condominium units  
106,639 s.f. mixed use (retail/restaurant/commercial/cinema)

493,450 s.f. office  
210 room hotel & related 38,000 s.f. meeting room & dining facilities;  
65 penthouse condos

Phase 2: Watkins Mill Interchange  
14,400 s.f. mixed use (bank/service)  
80,600 s.f. mixed use (retail/restaurant)  
360,000 s.f. office  
184 room hotel & associated uses

Phase 3: CCT  
276 condominium units  
20,300 s.f. mixed use (retail/restaurant/service)  
83,200 s.f. office

The applicant proposes to shift 10,000 square feet of commercial floor area that was previously approved for the live work units to phase two of the development. The proposed schematic development plan is substantially in accord with the approved sketch plan Z-297, Option 4, as the number of proposed dwelling units is equal to or less than the approved number of dwelling units, the proposed building footprint for the proposed townhomes is equal to the approved building footprints of the live/work units, the overall commercial square footage for the entire development remains the same, and only the commercial square footage within phase one of the development is reduced by the proposed amendment.

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

- a) Watkins Mill Town Center provides a mixed use environment that will be developed in accordance with Design Guidelines that ensure design flexibility and coordination of architectural style of buildings and signage.
- b) Watkins Mill Town Center will provide a mix of land uses including residential, commercial, recreational, and open space that work to complement one another within a neighborhood framework.
- c) The proposed mix of land uses, single and multiple-family residential and commercial, are compatible with the surrounding existing and future uses.
- d) The Plan, as submitted, encourages the efficient use of land by: locating employment and retail uses convenient to residential areas; reducing reliance upon automobile use with a compact mixed-use pedestrian oriented town center design; and providing useable open space and active recreation areas by way of the various public and natural open spaces, both developed and preserved.
- e) The proposed development meets the minimum standards for development within the MXD zone in that the property contains approximately 125.2 acres of land area, the property is served by sewer and water service, and it is located adjacent to and readily accessible from existing and planned highways that are adequate to service the proposed development.
- f) The proposed amendment to schematic development plan is within the density and height requirements of the MXD zone.

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

The Property is located within the Casey-Metropolitan Grove Road Special Study Area 7 of the 2003 Land Use Element Master Plan. Three development options were approved for the property: Office with a Commercial Component, Private Arts, Entertainment and Education Center, and Mixed Use Office-Residential with a Commercial Component. The Master Plan designated the Site as "mixed use residential-office-commercial" with the zoning classification to remain MXD. The proposed amendment to schematic development plan remains consistent with this designation.

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

The approved live work units are not compatible with the adjoining and nearby residential neighborhood. The applicant has submitted evidence which supports this statement. The units do not provide sufficient on-site parking, which will result in parking conflicts within the nearby residential areas. Additionally, the approved site plan does not provide sufficient room on site to provide for traditional exterior commercial activities such as trash enclosures, which will further impact the adjacent residential properties. Additionally, lack of a managed commercial environment will contribute to the potential negative impact that commercial activities, such as signage, traffic, parking and noise, will have on the adjoining residential neighborhood. Further, the lack of desirability of these units due to their small size and poor location will result in high vacancies if required to be built, and contribute to their negative impact on the surrounding area. Development of the site with strictly residential townhomes will eliminate the potential for the negative impact of the previously approved commercial use, resulting in improved compatibility with adjoining land uses, and therefore is an improvement over the approved plan.

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

- a) Watkins Mill Town Center is located within the Watkins Mill cluster of the Montgomery County Public School (MCPS) system. Within this cluster, the schools that currently serve the proposed development are Quince Orchard High School, Lakelands Park Middle School, and Brown Station Elementary School. None of the schools that serve the proposed development currently exceed 110% of capacity five years in the future. As such, the proposed development complies with the school test of the Adequate Public Facilities Ordinance.
- b) The site is served by water and sewer service.
- c) The site is currently served by five (5) existing fire stations.
- d) The proposed amendment to schematic development plan does not alter the traffic projections of the approved development.

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

The approved schematic development plan for Watkins Mill Town Center provides for phased development contingent upon several large scale traffic improvements. Additionally, the previous approved plan provides for the provision of private and public facilities and amenities to service the proposed development such as a community club house, pool, tennis court, public open spaces, and convenient access to existing and future public transportation.

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

The central location of these units in the development begs for these units to be finished now, rather than after the development of the urban core. Based upon the market analysis provided, it is likely that the live/work units would remain undeveloped for many years. Building these units as townhouses now will provide additional density to support the urban core and improve the city's tax base, while also providing the benefit of a finished residential neighborhood that both the residents and businesses in the urban core will benefit from. The proposed amendment will eliminate the potential negative impacts that the commercial uses will have on the adjacent residential properties including parking conflicts, traffic, signage, and trash, resulting in an improved residential environment for the surrounding area.

In summary, the City Council finds ASDP-0641-2012 to be in accordance with §§ 24-198c.3(a) and 24-160D.10 and, as hereafter conditioned, is in the public interest and should be approved due to the presence of substantial evidence in the record to indicate that the subject Amendment to Schematic Development Plan has accomplished the purposes of the MXD zone, as well as generally accepted City planning and land use policies, subject to the applicant complying with the conditions stated in this Resolution.

## SCHEMATIC DEVELOPMENT PLAN ASDP-0641-2012

### RESOLUTION

NOW, THEREFORE BE IT ORDAINED by the City Council of Gaithersburg, that ASDP-0641-2012, being an application filed by BP Realty Investments, LLC, requesting approval of Amendment to Schematic Development Plan is hereby approved subject to the following conditions required of the applicant:

1. The project shall be phased as follows:

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

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

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

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

Year Four - 97 Residential Units outside the urban core.

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

Completion of construction in any one year may overlap into a subsequent year 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.

2. Applicant to provide an Art in Public Places (AIPP) plan and commit funding to be approved by City staff and AIPP committee prior to the issuance of building permits for the first building in the commercial core.
3. Applicant to submit a noise study as part of the final site plan application for the commercial core.
4. Prior to approval of the final site plan, work with staff, to develop technically effective, feasible, aesthetic, and reasonable interior and exterior noise abatement measures to prevent unacceptable noise exposures to the future residents of the development. Noise abatement measures should seek to achieve the 65 dBA exterior noise guideline and the 45 dBA interior noise guideline.
5. The applicant shall dedicate the approximately 14 acres of undisturbed parkland depicted on the western portion of the Casey Property West plan to the City of Gaithersburg prior to the issuance of building permits for the first building in the commercial core.
6. The applicant shall dedicate to the appropriate governmental agencies, portions of the property indicated on the schematic development plan required for the construction and completion of: 1) the Watkins Mill Road Interchange with I-270 right-of-way, including associated ramps and 2) Corridor Cities Transitway right-of-way when required for construction by the appropriate local or state agency including Montgomery County, the Maryland Transit Administration and State Highway Administration.
7. The applicant shall engineer and, upon issuances of the necessary building permits, begin construction of the public portion of Town Center Boulevard between Watkins

Mill Boulevard and the commercial core concurrently with, and upon issuance of building permits for either: a) the first building in the commercial core (excluding the live/work units which are the subject of application ASDP-0641-2012), or b) the construction of the Watkins Mill bridge over I-270 or complete interchange; whichever comes first.

8. The applicant shall revise the proposed conceptual architectural elevations to provide pedestrian-level detailing, and the final site plan shall be revised to provide additional pedestrian-level hardscape and street furniture details to enhance the pedestrian environment and provide a better transition from the Urban Core to the residential area.

ADOPTED by the City Council this 5<sup>th</sup> day of November, 2012.

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SIDNEY A. KATZ, MAYOR and  
President of the Council

THIS IS TO CERTIFY that the foregoing  
Resolution was adopted by the City Council  
in public meeting assembled on the 5<sup>th</sup> day  
of November, 2012.

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Tony Tomasello, Acting City Manager

COMMUNICATION: PLANNING COMMISSION

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**MEMORANDUM TO:** Mayor and City Council

**FROM:** Planning Commission

**DATE:** October 18, 2012

**SUBJECT:** ASDP-0641-2012 -- Watkins Mill Town Center  
400, 401, 500, 501 Uptown Street  
Removal of Commercial Component from  
Urban Loft Units  
AMENDMENT TO SCHEMATIC  
DEVELOPMENT PLAN

At its regular meeting on October 17, 2012, the Planning Commission made the following motions:

Commissioner Hopkins moved, seconded by Commissioner Winborne, to recommend ASDP-0641-2012 - Watkins Mill Town Center, for DENIAL to the City Council, finding it does not comply with the Transit Oriented Development requirements of the Master Plan pursuant to Zoning Ordinance § 24-160D.10(b).

Vote: 2-3 (Motion failed. Against: Bauer, Kaufman, Lanier)

Vice-Chair Kaufman moved, seconded by Commissioner Lanier, to recommend ASDP-0641-2012 - Watkins Mill Town Center, for AMENDMENT TO SCHEMATIC DEVELOPMENT PLAN APPROVAL to the City Council, based on the evidence of record, the Staff Analysis, and compliance with Zoning Ordinance § 24-160D.10(b), with the following conditions:

1. The project shall be phased as follows:  
Phase 1 commences at approval of SDP and shall permit the following:  
Year One - 97 Residential Units and 10,000 sf of commercial space outside the urban core and one hotel within the urban core.  
Year Two - 97 Residential Units outside the urban core and one condominium building in the urban core.  
Year Three - 97 Residential Units outside the urban core, two office buildings and 50,000 sf of cinema or retail in the urban core.

;

Year Four - 97 Residential Units outside the urban core.

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

Completion of construction in any one year may overlap into a subsequent year 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.

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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.

2. Applicant to provide an Art in Public Places (AIPP) plan and commit funding to be approved by City staff and AIPP committee prior to the issuance of building permits for the first building in the commercial core;
3. Applicant to submit a noise study as part of the final site plan application for the commercial core;
4. Prior to approval of the final site plan, work with staff, to develop technically effective, feasible, aesthetic, and reasonable interior and exterior noise abatement measures to prevent unacceptable noise exposures to the future residents of the development. Noise abatement measures should seek to achieve the 65 dBA exterior noise guideline and the 45 dBA interior noise guideline;
5. The applicant shall dedicate the approximately 14 acres of undisturbed parkland depicted on the western portion of the Casey Property West plan to the City of Gaithersburg prior to the issuance of building permits for the first building in the commercial core;

6. The applicant shall dedicate to the appropriate governmental agencies, portions of the property indicated on the schematic development plan required for the construction and completion of: 1) the Watkins Mill Road Interchange with I-270 right-of-way, including associated ramps and 2) Corridor Cities Transitway right-of-way when required for construction by the appropriate local or state agency including Montgomery County, the Maryland Transit Administration and State Highway Administration;
7. The applicant shall engineer and, upon issuances of the necessary building permits, begin construction of the public portion of Town Center Boulevard between Watkins Mill Boulevard and the commercial core concurrently with, and upon issuance of building permits for either: a) the first building in the commercial core (excluding the live/work units which are the subject of application ASDP-0641-2012), or b) the construction of the Watkins Mill bridge over I-270 or complete interchange; whichever comes first; and
8. The applicant shall revise the proposed conceptual architectural elevations to provide pedestrian-level detailing, and the final site plan shall be revised to provide additional pedestrian-level hardscape and street furniture details to enhance the pedestrian environment and provide a better transition from the Urban Core to the residential area.

Vote: 3-2 (Against: Hopkins and Winborne)