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## STAFF COMMENTS FOR PLANNING COMMISSION

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**Meeting Date:** October 17, 2012

**Application:** ASDP-0641-2012  
**Amend Schematic Development Plan**  
Eliminate Commercial Component of  
Live/Work Units

**Title:** Watkins Mill Town Center

**Request:** Recommendation

**Address:** 400, 401, 500, 501 Uptown Street

**Zone:** MXD Mixed Use Development

**Applicant/Owner:** Pete Henry, BP Realty Investments, LLC

**Project Manager:** Luis Gonzalez

**Staff Liaison:** Lauren Pruss, Planning Director

**Enclosures:**

Final Staff Analysis (Exhibit 68)  
Index of Memoranda  
Exhibits, in **bold**

Complete record available at:

[http://www.gaithersburgmd.gov/poi/default.asp?POI\\_ID=1278&TOC=311;1260;1278;](http://www.gaithersburgmd.gov/poi/default.asp?POI_ID=1278&TOC=311;1260;1278;)

View September 5, 2012 Public Hearing (Beginning at 22:46):

[http://www.gaithersburgmd.gov/poi/default.asp?POI\\_ID=995&TOC=311;995;](http://www.gaithersburgmd.gov/poi/default.asp?POI_ID=995&TOC=311;995;)

View October 3, 2012 Hearing (Beginning at 2:44):

[http://www.gaithersburgmd.gov/poi/default.asp?POI\\_ID=995&TOC=311;995;](http://www.gaithersburgmd.gov/poi/default.asp?POI_ID=995&TOC=311;995;)

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**MEMORANDUM TO:** Planning Commission

**FROM:** Lauren Pruss, Planning Director

**DATE:** September 10, 2012

**SUBJECT:** Final Staff Analysis and Recommendation  
ASDP-0641-2012: Watkins Mill Town Center

**APPLICANT/OWNER:**

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

**TAX MAP REFERENCE:**

Tax Sheet FT 13 and FT 22

**REQUEST:**

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 in Gaithersburg, Maryland. 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. 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.

**LOCATION:**

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.

Planning Commission  
ADSP-0641-2012  
68



**PROJECT BACKGROUND:**

Application ADSP-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, and a statement from Parkwood Homes regarding the viability of live/work units within Watkins Mill Town Center, 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. 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. The applicant's response is discussed in detail in the next section, Amendment to Schematic Development Plan.

### **AMENDMENT TO SCHEMATIC DEVELOPMENT PLAN:**

The proposed amendment requests approval to eliminate the commercial component of the twenty approved live/work units and develop the parcels exclusively with fee simple residential townhomes. The 10,000 square feet of previously approved commercial floor area would be reallocated to the Watkins Mill Road 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.

A number of residents expressed concern about the proposal at the public hearing. Additionally, the Planning Commission requested supplementary information in the form of a retail market analysis. 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 two statements from Parkwood Homes regarding the viability of live/work units within Watkins Mill Town Center, drawing upon their experience developing similar units in the Kentlands and the Villages of Urbana (Exhibits 57 and 73). The applicant supplemented these documents with a power point presentation at the October 3, 2012 meeting (Exhibit 61). 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.

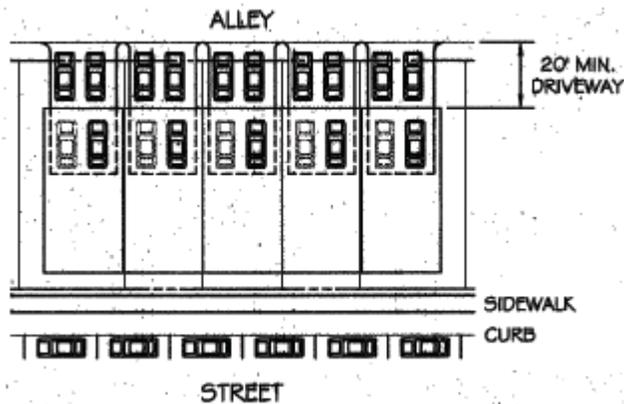
- The small footprint of the retail space (750 square feet) limits the desirability of these units for retail users.

Staff concurs with the response provided by the applicant, and we are convinced that no builder market exists today at this location. Our position is based in insufficient commercial parking allocation, market demand, site design, lack of a managed commercial environment, and issues experienced with the live/work units at the Kentlands. In addition to the reasons provided by the applicant, staff believes that the proposed plan is an improvement over the existing plan for the following reasons:

- 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 and our experience, staff does not believe that live/work units would build out in the near future, and 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 Kentlands live/work units are larger (80 foot depth) than the approved live/work units at the Parklands. Even with this advantage, and improved location and parking, the Kentlands community has continually expressed frustration with the tenant mix and sufficient parking has been an ongoing issue for the tenants.
- In many of the Kentlands live/work units, staff has found that first floor commercial uses have expanded into upper floors, and even have experienced illegal conversions of residential units to commercial space in units not designed or built to code for commercial uses. This has resulted in ongoing code enforcement cases.
- Review of the parking allocation for the live/work units in Watkins Mill Town Center finds that the proximity and timing of garage parking for these units will present a challenge, with any shortages resulting in potential negative consequences for the surrounding residential area. This issue was identified at schematic development plan approval, and was subject to a final site plan condition that stated "Final architecture and parking calculations for the mid-town urban lofts shall be approved as a future Amendment to Final Plan (Exhibit 32)."
- Staff believes that there is a fundamental flaw in the site design of the units, which does not provide any area for traditional exterior commercial activities such as trash enclosures. These units also back directly to an exclusively residential area, increasing any potential detrimental impact on the surrounding area.

### ***Parking Analysis (Proposed Plan)***

The live/work units are considered part of the mixed use urban core and were originally parked with a combination of on-site residential parking (two spaces per unit), on street parking, and garage parking in the commercial core with a total parking allocation of 85 spaces (4.25 per unit). The proposed amendment provides two garage parking spaces (counting as one parking space) and two driveway parking spaces, for a total of three on-site parking spaces. Additionally, sixteen on-street parking spaces are provided, bringing the total parking allocated for these units to seventy-six (76), or a total of 3.8 parking spaces per unit, well above the 2.5 parking spaces required for townhouses (Exhibit 9 and 10).



### 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

### Phasing

Watkins Mill Town Center is approved to be built in three general phases that are each contingent upon specific large scale traffic improvements as noted below:

Phase 1: Watkins Mill Road extended

473 attached and detached residential units

252 condominium units

96,639 s.f. mixed use *proposed* (retail/restaurant/cinema) (106,639 approved)

493,459 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 & 10,000 s.f. retail *proposed*

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. Phase two is initiated by the commencement of construction of the Watkins Mill Interchange. Although the phasing plan does go back to the approved sketch plan, staff has determined that 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 the approved number of dwelling units, the proposed building footprint is equal to the approved building footprint, 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.

Although the phasing plan is specific about what level of development can occur based upon large scale traffic improvements, there is no phasing for internal road improvements. The final site plan granted approval for construction of all of the internal roads including the urban core, but the developer plans to build these roads as the urban core builds out. The residential portion of the development located east of Watkins Mill Road is currently served by two access points, one of which is restricted to a right-in/right-out which then forces drivers to perform a u-turn to exit the development.



This traffic pattern will continue to occur until one of two things occur, either the construction of Town Center Boulevard (the main entrance for the commercial core), or until the construction of the Watkins Mill Interchange. Staff believes that it is necessary to relieve this condition as quickly as possible, and will recommend a condition for approval providing for the expedited construction of Town Center Boulevard (image below).

### ***Architecture***

The architecture of the proposed townhomes will be substantially similar to that of the approved elevations for the “Vanderbilt” urban townhouse units. These units feature a roof top deck option providing a flat roof and more urban design than that of traditional townhomes. The applicant has agreed to commit to build a minimum of fifty (50) percent of the units with the roof top deck to ensure that this feature is constructed. These units are identified as Key Lots on the Key Lot Plan, and are required to have full four-sided masonry exteriors (Exhibit 33).



6 UNIT BUILDING  
FRONT ELEVATIONS - BASE



6 UNIT BUILDING  
REAR ELEV. BRICK/SIDING

Exhibit 12

At the public hearing, a number of residents expressed concern regarding the proposed flat roof product, expressing a preference for a pitched-roof design. The applicant has agreed to provide a pitched roof product for the two building sticks located closest to the traffic circle on Parkview Avenue, while relegating the flat roof architecture for the two buildings closest to the urban core.

***Stormwater Management***

The development has received final stormwater management approval for the full build out of the site. The applicant has submitted a statement indicating that the proposed amendment will not increase the approved building footprints. As such, the Department of Public Works has determined that the applicant does not need to revise the sediment control plan or stormwater management plan (Exhibit 14).

**ZONING HISTORY:**

The subject property contains approximately 198 acres of land and 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).

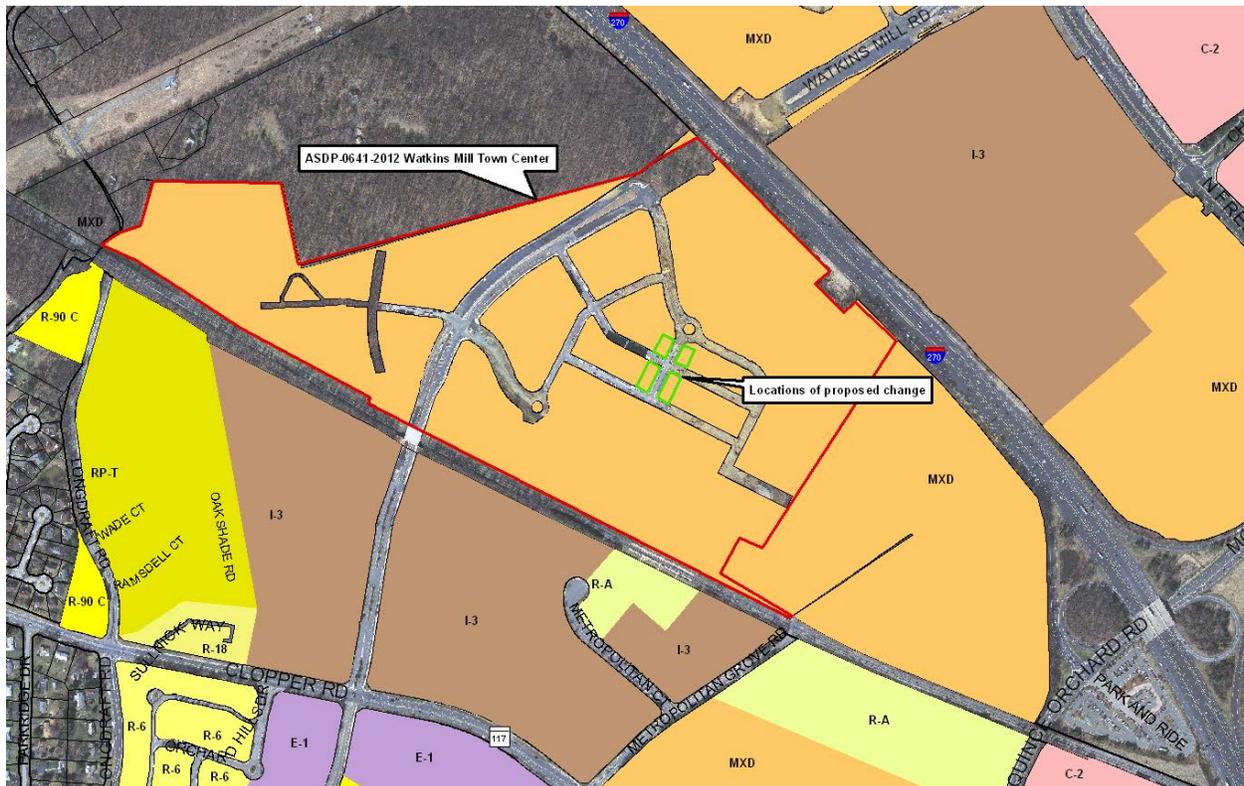
The schematic development plan SDP-05-002, which was in substantial conformance with Option 4, was approved by the Mayor and City Council on August 1, 2005 via resolution R-75-05 with twenty-three (23) conditions (Exhibit 32). The majority of these conditions for approval

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.

**SURROUNDING LAND USE AND ZONING:**

The Property is irregular in shape and is bounded to the north and east by I-270, to the south by the CSX railroad tracks, and to the west by the undeveloped McGown property in Montgomery County. The Parklands at Watkins Mill Town Center, the residential portion of the development is currently under development. The area surrounding 400, 401, 500 and 501 Uptown Street is zoned Mixed Use Development (MXD) and is developing with a mix of residential units, both fee simple and condominium units.

The Property 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. There are many surrounding properties that are publicly owned by the City of Gaithersburg, Maryland State Highway Administration, and Montgomery County.



## **MASTER PLAN AND ZONING:**

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.

## **PUBLIC FACILITIES:**

### **Water and Sewer Services and Public Utilities**

The subject property is served by water and sewer service and as such, the site has W-1 and S-1 categories (areas served by community systems which are either existing or under construction) as verified by the Washington Suburban Sanitary Commission. Service does exist and, therefore, the application complies with the requirements of the City’s Adequate Public Facility Ordinance (APFO) for water and sewer (§ 24-247).

### **Fire and Emergency Services**

The subject property is located within a ten-minute response time of the following five fire stations:

- Gaithersburg/Washington Grove Fire Station 8 (Montgomery Village Avenue)
- Germantown West Station 22
- Germantown Station 29
- Rockville Volunteer Fire Department, Station 31
- Germantown East Station 34

Therefore, the site complies with the requirements for the Adequate Public Facilities requirements for Emergency Services.

### **Adequacy of School Capacity**

The proposed development is located within the Watkins Mill cluster of the Montgomery County Public School (MCPS) system. Within this cluster, the schools that currently serve the proposed development are Quince Orchard High School, Lakelands Park Middle School, and Brown Station Elementary School. Although the property has received final plan approval, the proposed amendment will alter the student generation ratios. The live/work units are calculated at a lower generation rate than standard townhomes, and as such, the proposed amendment does slightly increase the student generation for the proposed project. That being said, 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.

## **Traffic Impacts**

Watkins Mill Town Center received final plan approval in 2006, prior to adoption of the City's Adequate Public Facilities Ordinance. In 2005, the applicant submitted a traffic study in conjunction with SDP-05-002. As required by the current Adequate Public Facilities Ordinance, the applicant has submitted a traffic statement dated August 6, 2012 which indicates that no additional retail space or new residential units are proposed with the amended schematic development plan. Engineering Services Director Ollie Mumpower has reviewed this information and agrees with its findings. Based on this information, no additional traffic studies are required for the proposed amendment (Exhibit 17).

## **STAFF FINDINGS AND RECOMMENDATION**

### **ASDP-0641-2012**

#### **FINDINGS:**

Approval of SDP-11-001, by the City Council is dependent upon the findings required under § 24-160D.10 of the City Code. This section outlines that the City Council shall approve a schematic development plan only upon the finding that:

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

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.

### Conclusion

The schematic development plan is substantially in accord with the Sketch Plan Z-297, option 4. The plan meets and accomplishes the purposes, objectives and minimum standards and requirements of the MXD Zone and is in accord with the applicable master plan recommendations of the 2003 Master Plan. The existing and planned public facilities are adequate to service the proposed development contained in the plan. The development phasing program is adequate in relation to the provision of public facilities and private amenities to service the proposed development.

The proposed plan will be internally and externally compatible and harmonious with existing and planned land uses in the MXD zoned area and adjacent areas. 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.

Finally, the proposed amendment is in the public interest. Based upon the market analysis and supplementary documentation provided by the applicant, it is likely that the live/work units would remain undeveloped for many years. 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. 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.

### **STAFF RECOMMENDATION:**

**Staff recommends THAT THE PLANNING COMMISSION, BASED ON THE EVIDENCE OF RECORD AND THE STAFF ANALYSIS, RECOMMEND TO THE MAYOR AND CITY COUNCIL APPROVAL OF AMENDMENT TO SCHEMATIC DEVELOPMENT PLAN ASDP-0641-2012 AS IT COMPLIES WITH THE REQUIREMENTS OF § 24-160D.10(b) OF THE CITY CODE 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.

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.

INDEX OF MEMORANDA  
**ASDP-0641-2012**

- No. Exhibit
1. Cover Letter
  2. Application and Receipt
  3. Memorandum in Support of Amendment to the Approved Schematic Development Plan
  4. Amended Schematic Development Plan, Sheet 1 of 36, Cover Sheet
  5. Amended Schematic Development Plan, Sheet 3 of 36
  6. Amended Schematic Development Plan, Sheet 6 of 36
  7. Amended Schematic Development Plan, Sheet 10 of 36, Landscape and Lighting Plan
  8. Amended Schematic Development Plan, Sheet 13 of 36, Landscape and Lighting Plan
  9. Amended Schematic Development Plan, Sheet 17 of 36, Parking Distribution Exhibit
  10. Amended Schematic Development Plan, Sheet 18 of 36, Parking Distribution Exhibit
  11. Amended Schematic Development Plan, Sheet 21 of 36, Phasing Exhibit
  12. Amended Schematic Development Plan, Sheet 33 of 36, Conceptual 24' Townhouse Elevation
  13. August 3, 2012 email from Luis Gonzalez regarding stormwater management
  14. August 7, 2012 email from Don Boswell regarding stormwater management
  15. August 7, 2012 email from Luis Gonzalez transmitting the traffic statement
  16. Traffic Statement dated August 6, 2012

17. August 9, 2012 email from Ollie Mumpower regarding the traffic statement
18. LEED Checklist
19. Notice of Public Hearing posted on the City's Website on August 14, 2012
20. Email from John Schlichting providing authorization to deviate from the standard sign posting requirements
21. Letter to *Gaithersburg Gazette* dated August 15, 2012, requesting a Legal Ad for the August 22 and 29, 2012 issues.
22. Notification Postcard template for the September 5, 2012 Public Hearing as sent to interested parties on August 15, 2012, and list of people notified
23. August 15, 2012 email from Luis Gonzalez regarding scheduling of community meeting
24. E-mail dated August 16, 2012, from Luis Gonzalez re: Posting of property with pictures
25. Flyer for community meeting distributed by applicant to interested parties
26. Public comment via email dated August 2, 2012
27. Digital copy of Notice of Public Hearing as appeared in the August 22, 2012 Gaithersburg edition of the *Gazette*
28. Digital copy of Notice of Public Hearing as appeared in the August 29, 2012 Gaithersburg editions of the *Gazette*
29. Certification of publication in the August 22 and 29, 2012 Gaithersburg editions of the *Gazette*
30. Preliminary Staff Analysis to the Planning Commission
31. Site Development Approval for SP-05-0013 listing final conditions for approval
32. R-075-05 approving Schematic Development Plan SDP-05-002 for Casey West
33. Key Lot Plan for Watkins Mill Town Center

-----September 5, 2012 Public Hearing-----

**34. Public comment in support submitted via email dated September 10, 2012**

**35. Public comment in support submitted via email dated September 10, 2012**

36. Public comment in opposition submitted via email dated September 13, 2012
37. Public comment in opposition submitted via email dated September 15, 2012
38. Public comment in opposition submitted via email dated September 18, 2012
39. Public comment in support submitted via email dated September 18, 2012
40. Request to Reopen the Record, from Brad Kline, dated September 18, 2012
41. Public comment in support submitted via email dated September 21, 2012
42. Public comment in support submitted via email dated September 22, 2012
43. Public comment in opposition submitted via email dated September 23, 2012
44. Public comment in support submitted via email dated September 24, 2012
45. Revised Statement of Justification
46. Revised Amended Schematic Development Plan, Sheet 1 of 36, Cover Sheet
47. Revised Amended Schematic Development Plan, Sheet 3 of 36
48. Revised Amended Schematic Development Plan, Sheet 6 of 36
49. Revised Amended Schematic Development Plan, Sheet 10 of 36, Landscape and Lighting Plan
50. Revised Amended Schematic Development Plan, Sheet 13 of 36, Landscape and Lighting Plan
51. Revised Amended Schematic Development Plan, Sheet 17 of 36, Parking Distribution Exhibit
52. Revised Amended Schematic Development Plan, Sheet 18 of 36, Parking Distribution Exhibit
53. Revised Amended Schematic Development Plan, Sheet 21 of 36, Phasing Exhibit
54. Revised Amended Schematic Development Plan, Sheet 33 of 36, Conceptual 24' Townhouse Elevation
55. Transcript of Public Hearing conducted September 5, 2012
56. Ordinance O-01-05 approving Sketch Plan Amendment Z-297

- 57. Letter from Steve Wilcox, Parkwood Homes**
- 58. Market Study, Frank C. Graybeal, First Vice President, CBRE, dated September 26, 2012**
- 59. Public comment in support submitted via email dated September 26, 2012**
- 60. Public comment in opposition submitted via email dated October 1, 2012**
- 61. Applicant's presentation to the Planning Commission, October 3, 2012**
- 62. Transcript of October 3, 2012 Planning Commission hearing**
- 63. Public comment in support submitted via email dated October 8, 2012**
- 64. Public comment in opposition submitted via email dated October 8, 2012**
- 65. Approved conceptual loft townhouse elevation from SDP-05-002**
- 66. Letter from BP Realty providing supplemental response to public request for additional information regarding live/work units in surrounding areas, dated October 9, 2012**
- 67. Letter from BP Realty providing supplemental response to public input, dated October 9, 2012**
- 68. Final Staff Analysis and Recommendation, dated October 10, 2012**
- 69. Staff power point for the October 17, 2012 meeting**
- 70. Public comment in support submitted via email dated October 10, 2012**
- 71. Proposed Preliminary Plat of Subdivision**
- 72. Public comment in support submitted via email dated October 10, 2012**
- 73. Letter from Steve Wilcox, Parkwood Homes, dated October 10, 2012**