

PLANNING AND CODE ADMINISTRATION

City of Gaithersburg · 31 South Summit Avenue · Gaithersburg, Maryland 20877 · Telephone: (301) 258-6330 · Fax: (301) 258-6336
plancode@gaitthersburgmd.gov · www.gaithersburgmd.gov

SITE or SCHEMATIC DEVELOPMENT PLAN APPLICATION

All information must be complete to initiate processing of application

SUBJECT PROPERTY

Street Address or Location 700 North Federick Avenue/715 & 725 Progress Way

APPLICANT/BILLING CONTACT

Business Name MFV 700 NFA, LLC & DNIP4 700 NFA, LLC

Primary Contact Brian Morris

Street Address 4600 Wedgewood Boulevard Suite No. A

City Frederick State Maryland Zip Code 21703

Telephone Numbers: Work 301-815-9984 Cell _____ E-mail Address bmorris@mataninc.com

OWNER

Business Name MFV 700 NFA, LLC & DNIP4 700 NFA, LLC

Primary Contact Brian Morris

Street Address 4600 Wedgewood Boulevard Suite No. A

City Frederick State Maryland Zip Code 21703

Telephone Numbers: Work 301-815-9984 Cell _____ E-mail Address bmorris@mataninc.com

DEVELOPER

Business Name same as Applicant above

Primary Contact _____

Street Address _____ Suite No. _____

City _____ State _____ Zip Code _____

Telephone Numbers: Work _____ Cell _____ E-mail Address _____

ATTORNEY

Business Name Miles & Stockbridge

Primary Contact Phil Hummel

Street Address 11 North Washington Street Suite No. 700

City Rockville State Maryland Zip Code 20850

Telephone Numbers: Work 301-517-4814 Cell _____ E-mail Address phummel@MilesStockbridge.com

ARCHITECT

Business Name Bignell Watkins Hasser Architects, PC MD Registration No. _____

Primary Contact Adel Nur

Street Address One Park Place Suite No. 250

City Annapolis State Maryland Zip Code 21401

Telephone Numbers: Work 410-224-2727 Cell _____ E-mail Address anur@bigwaha.com

ENGINEER

Business Name VIKA Maryland LLC MD Registration No. 25786

Primary Contact Julia Shekarchi

Street Address 20251 Century Boulevard Suite No. 400

City Germantown State Maryland Zip Code 20874

Telephone Numbers: Work 301-916-4100 Cell _____ E-mail Address shekarchi@vika.com

PLAN TYPE (check one only) Concept Preliminary Final Schematic Development

PROPOSED PRIMARY USE (check one only) Residential Non-Residential Mixed Use

PROPOSED UNIT TYPE

<input type="checkbox"/> Office/Professional	<input type="checkbox"/> Restaurant	<input checked="" type="checkbox"/> Retail/Commercial
<input type="checkbox"/> Residential Single Family	<input type="checkbox"/> Mixed Use	<input type="checkbox"/> Residential Multi-Family
<input type="checkbox"/> Other Use (<i>specify</i>) _____		

PARKING Parking Waiver Needed Height Waiver Needed

Number of Spaces Required 28

PROJECT DESCRIPTION

MXD redevelopment of site for phase 4

SITE DETAILS

Site Area Square Feet	<u>86766</u>	Number of Lots	<u>2</u>
Site Area Acres	<u>1.99</u>	Number of Dwelling Units/Acre	<u>n/a</u>
Green Area	_____	Parking Spaces Provided	<u>75</u>
Green Area %	_____	Height of Tallest Building (ft.)	<u>30'</u>
		Height of Tallest Building (stories)	<u>1</u>

SQUARE FOOTAGE - NON-RESIDENTIAL

Retail	<u>14,750</u>	Office/Professional	_____
Restaurant (A)	_____	Educational/Institutional/Religious	_____
Restaurant (B)	_____	Industrial	_____
Restaurant (C)	_____	Other (<i>please specify</i>)	_____

UNIT COUNTS - RESIDENTIAL

Single Family Detached Units	_____	Apartment Units	_____
Townhouse Units	_____	Condominium Units	_____
Duplex Units	_____	Other (<i>please specify</i>)	_____

Total Number Residential Units _____

SEE FOLLOWING PAGES FOR SUBMISSION REQUIREMENTS

THE CHECKLIST BELOW IS A GENERAL GUIDE FOR ITEMS THAT ARE TYPICALLY REQUIRED FOR APPLICATIONS. PLEASE REFER TO CHAPTER 24, SECTION 24-169 OF THE CITY CODE FOR COMPLETE REQUIREMENTS OR CONTACT PLANNING STAFF AT 301-258-6330 FOR FURTHER CLARIFICATION

SUBMISSION REQUIREMENTS - Concept Site Plan:

- Concept Stormwater Management Plans, Five (5) hard copies, One (1) digital copy (DWF preferred) or PDF
- NRI and FSD Plans, Five (5) hard copies, One (1) digital copy (DWF preferred) or PDF
- Proof of APFO Compliance, One (1) digital copy, PDF
- Green Building Checklist, One (1) digital copy, PDF
- Preliminary Forest Conservation Plans, Five (5) hard copies, One (1) digital copy (DWF preferred) or PDF
- Site, Architectural and Detail Plans, Ten (10) hard copies, One (1) digital copy (DWF preferred) or PDF
- Other Planning Commission Requested Information

SUBMISSION REQUIREMENTS - Preliminary Site Plan:

- Site, Architectural and Detail Plans, Ten (10) hard copies, One (1) digital copy (DWF preferred) or PDF
- Preliminary Stormwater Management Plans, Five (5) hard copies, One (1) digital copy (DWF preferred) or PDF
- Preliminary Affordable Housing Plan, One (1) digital copy, PDF
- Preliminary Traffic Impact Study, One (1) digital copy, PDF
- Proof of APFO Compliance, One (1) digital copy, PDF
- Other Planning Commission Requested Information

SUBMISSION REQUIREMENTS - Final Site Plan:

- Site, Architectural and Detail Plans, Ten (10) hard copies, One (1) digital copy (DWF preferred) or PDF
- Final Stormwater Management Plans, Five (5) hard copies, One (1) digital copy (DWF preferred) or PDF
- Final Traffic Impact Study, One (1) digital copy, PDF
- Affordable Housing Plan, One (1) digital copy, PDF
- Final Forest Conservation Plans, Five (5) hard copies, One (1) digital copy (DWF preferred) or PDF
- Subdivision Plats
- Proposed Street Names, One (1) digital copy, PDF
- Draft HOA Bylaws, One (1) digital copy, PDF
- Green Building Checklist, One (1) digital copy, PDF
- Other Planning Commission Requested Information

OPTIONAL (Required for MXD and CD Zones):

- Phasing or Staging Plan, Five (5) hard copies, One (1) digital copy (DWF preferred) or PDF
- Statement of Master Plan Compliance, One (1) digital copy, PDF
- Statement of Compliance with Approved Schematic Development Plan, One (1) digital copy, PDF
- Proposed Covenant, One (1) digital copy, PDF
- Site Plan Enforcement Agreement, One (1) digital copy, PDF
- Sign Package

SUBMISSION REQUIREMENTS - Schematic Development Plan:

- Site, Architectural and Detail Plans, Ten (10) hard copies, One (1) digital copy (DWF preferred) or PDF
- Natural Resource Inventory and Forest Stand Delineation Plans, Two (2) hard copies, One (1) digital copy (DWF preferred) or PDF
- Preliminary Stormwater Management Plans, Five (5) hard copies, One (1) digital copy (DWF preferred) or PDF
- Preliminary Affordable Housing Plan, One (1) digital copy, PDF
- Preliminary Traffic Impact Study, One (1) digital copy, PDF
- Statement of Master Plan and Zone Regulations Compliance, One (1) digital copy, PDF
- Other Planning Commission Requested Information

OPTIONAL:

- Phasing or Staging Plan, Five (5) hard copies, One (1) digital copy (DWF preferred) or PDF
- Proposed Covenant, One (1) digital copy, PDF
- Proof of APFO Compliance, One (1) digital copy, PDF
- Green Building Checklist, One (1) digital copy, PDF



March 1, 2024
(Updated May 6, 2024)

Phillip A. Hummel
phummel@milesstockbridge.com
301.517.4814

Judd Ashman, Mayor
and Councilmembers of the City Council of Gaithersburg

John Bauer, Chair
and Commissioners of the City of Gaithersburg Planning Commission

31 South Summit Avenue
Gaithersburg, Maryland 20877

**Re: Statement of Master Plan and Zone Regulations Compliance for 715
and 725 Progress Way Schematic Development Plan**

Dear Mayor Ashman, Councilmembers of the City Council of Gaithersburg, Chair Bauer, and Commissioners of the City of Gaithersburg Planning Commission:

MFV 700 NFA, LLC and DNIP4 700 NFA, LLC, owners and applicant (collectively, the “Applicant”) is filing this Statement of Master Plan and Zone Regulations Compliance for 715 and 725 Progress Way regarding a Schematic Development Plan application (the “SDP Application”) pursuant to Chapter 24 of the City of Gaithersburg Code (the “Zoning Ordinance”). The SDP Application proposes the redevelopment of 715 and 725 Progress Way (the “Property”) in the City of Gaithersburg (the “City”) with up to 14,750 gross square feet of development in two structures, along with attractive amenities (the “Project”). As discussed in greater detail below, the Project is the second phased schematic development implementing the previously approved sketch plan (SK-8180-2019, the “Sketch Plan”) for the approximately 44-acre site previously addressed as 700 North Frederick Avenue (the “Overall Site”).

The SDP Application will continue the transformation of the Overall Site’s previously outmoded improvements with additional retail uses. The Project will serve as a desirable amenity for the newly constructed flex buildings at 700 and 750 Progress Way, as well as complement the recently constructed retail, restaurant, and automobile filling station at 705 and 751 Progress Way. The SDP Application, together with the previously approved and constructed development, will provide new retail uses near existing businesses and residences, as well as advance economic development along the City’s Frederick Avenue commercial corridor.

Property Background

The Property is currently identified as Parcel S on a plat titled “I.B.M. Subdivision, Lots 1 & 4, Parcels J-O and Q-S” recorded as Plat No. 25782 among the Land Records for Montgomery County, Maryland on August 20, 2021 (the “Plat”). The Plat shows Parcel S as containing 86,766 square feet (or 1.99187 acres) of land. The first approved schematic development plan (SDP-8597-2020, the “Phase I SDP”) covered approximately 38.89 acres of the Overall Site. The Property has been graded as part of the recently completed construction on surrounding portions of the Overall Site. The balance of the Overall Site (identified as Parcel Q on the Plat comprising 134,079 square feet of land (or approximately 3.07803 acres)) will be the subject of a subsequent schematic development plan application.

The Property abuts Bunsen Place to the northwest, a Chick-fil-A restaurant (705 Progress Way) to the southeast, a linear park with shared use path to the northeast, and Progress Way to the southwest. A Sheetz automobile filling station and convenience retail store (721 Progress Way) is located across Bunsen Place to the northwest. Two flex buildings containing a combined area of approximately 395,000 square feet (700 and 750 Progress Way) are located southwest of the Property. The Overall Site is bounded by Interstate 270 to the southwest, Montgomery Village Avenue (Maryland Route 124) to the southeast, North Frederick Avenue (Maryland Route 355) to the northeast, and a FedEx warehouse facility located at 800 North Frederick Avenue to the northwest.

The Property is close to a diverse range of commercial uses located on highly visible corridors along North Frederick Avenue, Montgomery Village Avenue, and Interstate 270. These uses include offices, business parks, grocery stores, wholesale clubs, banks, car dealerships, hotels, restaurants, and other services. The Property is also convenient to a wide array of retail uses at the Gaithersburg Square shopping center, Spectrum Town Center, the Diamond Square shopping center, and the Quince Orchard shopping center. Additionally, the Property is in the vicinity of many residential communities, such as Spectrum Apartments, Spectrum Majestic Apartments, Montgomery Meadows townhouses, Point at Watkins Mill, the Hunt Club Apartments, the Woodland Hills townhouses, the Christopher Court Condominiums, the Breckenridge Condominiums, and the Cider Mill Apartments. The Project is near the site of the former Lakeforest Mall, for which the City recently approved a sketch plan for up to 1,600 dwelling units and over 1,000,000 square feet of commercial uses.

The Project will serve as an attractive amenity for the main employment uses on the Overall Site and supplement the recently constructed Chick-fil-A and Sheetz.

Based on the surrounding existing conditions described above, the Project will also strengthen the horizontal mix of uses, enhance the diversity of commercial development along the Frederick Avenue corridor, and offer additional retail services that are well connected to bicycle and pedestrian infrastructure.

The Property's proximity to several transportation options offers links between the surrounding area and the Project. The Overall Site abuts the Interstate 270/Montgomery Village Avenue interchange and is close to the recently opened Interstate 270/Watkins Mill Road interchange. The Property also has convenient access via Progress Way and Bunsen Place to North Frederick Avenue (Maryland Route 355, a major artery between Washington, DC and Frederick, Md.), which provides access between nearby Germantown and Rockville.

Additionally, the Property and vicinity are well-served by public transit. The Property abuts one bus stop along Montgomery Village Avenue, which offers service on RideOn Routes 56 and 61 (southbound), while the Property is located approximately one mile from the Lakeforest Transit Center, which provides service on eight RideOn lines (Routes 54, 55, 56, 57, 58, 59, 61, and 101). The Montgomery Village Avenue Park and Ride facility, which is located under a mile from the Property, has stops for MTA Commuter Bus Routes 201 and 204. This transit service connects the Property and its surroundings with multiple Metrorail stations (Shady Grove, College Park), a transit center (Lakeforest), park & ride facilities (Gaithersburg, Georgia Avenue, Burtonsville, Urbana), federal agencies (FDA and NIST), a MARC station (Monocacy), BWI Thurgood Marshall Airport, the University of Maryland College Park campus, and a Greyhound Bus Station (Baltimore). A chart summarizing the available bus service within the vicinity of the Property is included in an appendix to this statement. There is also a linear park with a paved shared use path along the Overall Site's North Frederick Avenue frontage. As discussed in greater detail below, the Project includes a direct pedestrian connection to this linear park. Additionally, there is a sidewalk along the Overall Site's Montgomery Village Avenue frontage. These improvements encourage additional pedestrian and bicycle activity.

The Property is also located less than two miles from the Metropolitan Grove MARC station, which provides heavy rail service between Martinsburg, West Virginia/Frederick, Maryland and Union Station (with connecting opportunities to the Shady Grove, Rockville, and Silver Spring Metrorail stations).

Entitlement Background

Previous County Entitlements and Annexation into the City

Prior to the Property's annexation into the City, the Montgomery County Planning Board approved 1,019,999 square feet of development on approximately 125 acres of land (including the Property) between 1965 and 1986. On May 11, 1992, the Mayor and Council adopted Resolution R-49-92, which annexed the approximately 125 acres of land (including the Property) into the City, as well as Ordinance No. O-6-92, which classified the same area in the I-3 (Industrial and Office Park) zone.

Thereafter, on June 24, 1992, Annexation Agreement X-161 was recorded among the Land Records of Montgomery County, which provided, among other things that:

- All existing approved development and uses on the annexed area (including the Property), including but not limited to all structures and parking spaces and areas (defined in Annexation Agreement X-161 as the "Existing Development") were grandfathered into the City as conforming development in accordance with entitlements approved by the Montgomery County Planning Board;
- The City agreed to annex the subject area (including the Property) as a validly created and lawfully existing subdivision of record under the City's laws. The City also agreed to permit resubdivision of the subject land by replatting so long as any lot created complies with the standards and criteria for a record lot from the City's Subdivision Regulations;
- The City acknowledged the number of parking spaces existing at the time of annexation, the number of parking spaces that met City parking standards for the Existing Development, and the number of parking spaces in excess of City requirements available to serve new development. The City also agreed that existing parking spaces built after annexation may be sized in accordance with Montgomery County zoning standards and will not be subject to City parking space size requirements;
- Public facilities, including public streets, were deemed adequate to support the Existing Development and an additional 150,000 square feet of floor area (the "Additional Development") to be located on land now comprising a separate record lot adjacent to the Property; and

- The City agreed to permit future additional development or redevelopment of the subject land (including the Property) in excess of the Existing Development and Additional Development in compliance with I-3 zoning.

Annexation Agreement X-161 was first amended in 1994 to provide, among other things, that resubdivision of the subject site may be permitted without having setbacks that comply with the City's Zoning Ordinance for existing structures, so long as any additional lot or parcel complied with the standards and criteria for a record lot as set forth in the City's Subdivision Regulations.¹

Through conversations with City staff, Applicant has confirmed Annexation Agreement X-161 (as amended) provides the option to redevelop the Property with the uses permitted by right in the I-3 Zone² and under the development standards of the I-3 Zone,³ which may be amended as mutually agreed upon. Furthermore, City staff has also confirmed that under the subsequent MXD rezoning, Applicant has the ability to redevelop the Property with the additional uses and development standards permitted in the MXD Zone. These confirmations are reflected on the Sketch Plan, which, among other things, includes a use table depicting permitted uses on the Overall Site, establishes percentages of floor area for retail commercial, employment/office, and other commercial/institutional uses, provides that all buildings shall be set back a minimum of 30 feet from North Frederick Avenue, Montgomery Village Avenue, and the abutting property to the northwest, and notes that all other setbacks will be determined at the time of schematic development application. Sketch Plan, General Notes 3 & 8. Additional details for the Property's development will be established during subsequent final site plan review.

Comprehensive Rezoning to MXD and Master Plan Recommendations

The zoning and planning history of the Property confirms that although MXD zoning was recommended and ultimately implemented for the site, only non-residential uses have ever been envisioned for the Property's development. The City's Neighborhood Six Land Use Plan of the 1997 Master Plan (the "1997 Master Plan") placed the Property in Study Area 3 and recognized the City's annexation of land area that included the Property. 1997 Master Plan, pg. 12. The 1997 Master

¹ Second and third amendments to Annexation Agreement X-161 were executed on September 22, 2004 and August 5, 2008, respectively. These amendments relate to the redevelopment of land adjacent to the Property.

² The uses permitted by right in the I-3 Zone are codified at § 24-143 of the Zoning Ordinance.

³ The development standards of the I-3 Zone are codified at §§ 24-145 through 24-150 of the Zoning Ordinance.

Plan characterized Study Area 3 as being “dominated by industrial-research-office uses,” which had not changed significantly over the previous decade. Master Plan, pg. 12. The 1997 Master Plan also specifically recommended redesignating the Property as “commercial/industrial-research-office” and rezoning from the then-existing I-3 zoning to MXD. 1997 Master Plan, pgs. 13, 16. Similarly, the adjacent land to the Property’s northwest was also designated as “commercial/industrial-research-office,” with potential commercial retail facilities (including a hotel) and expansion of office and research and development uses. 1997 Master Plan, pg. 13. Pursuant to the 1997 Master Plan’s recommendation, the Property was included in a 1997 comprehensive rezoning approved by the Mayor and City Council in Ordinance O-12-97 that amended the Property’s zoning from I-3 to MXD. This rezoning did not alter any terms of the Annexation Agreement X-161 (as amended).

The Property was also included within the boundary of the 2001 Frederick Avenue Corridor Plan (the “2001 Corridor Plan”). The Property was placed within the Northern Employment District, which extends from Montgomery Village Avenue to Game Preserve Road. 2001 Corridor Plan, pgs. 16-17. Per the 2001 Corridor Plan, this planning area is “dominated by several large, vacant tracts of land on the west side of North Frederick Avenue as well as car dealerships, and other large-scale retail, hotels and large office complexes.” 2001 Corridor Plan, pg. 16. The 2001 Corridor Plan plainly stated that “[a]ll land use designations made in the 1997 [Master Plan]” namely, commercial/industrial-research-office for the Property, “are reconfirmed.” 2001 Corridor Plan, pg. 16. The Property’s commercial/industrial-research-office was once again reconfirmed in the Land Use Element of the City’s 2009 Master Plan (adopted in December 2011). 2009 Master Plan, pg. 8.

Thus, Applicant’s proposed retail uses for the Project approved in the Sketch Plan and proposed in the SDP Application are entirely consistent with the City’s long-standing planning vision for the Property and the introduction of residential uses is not appropriate.

City Entitlements Prior to Applicant’s Purchase of the Overall Site

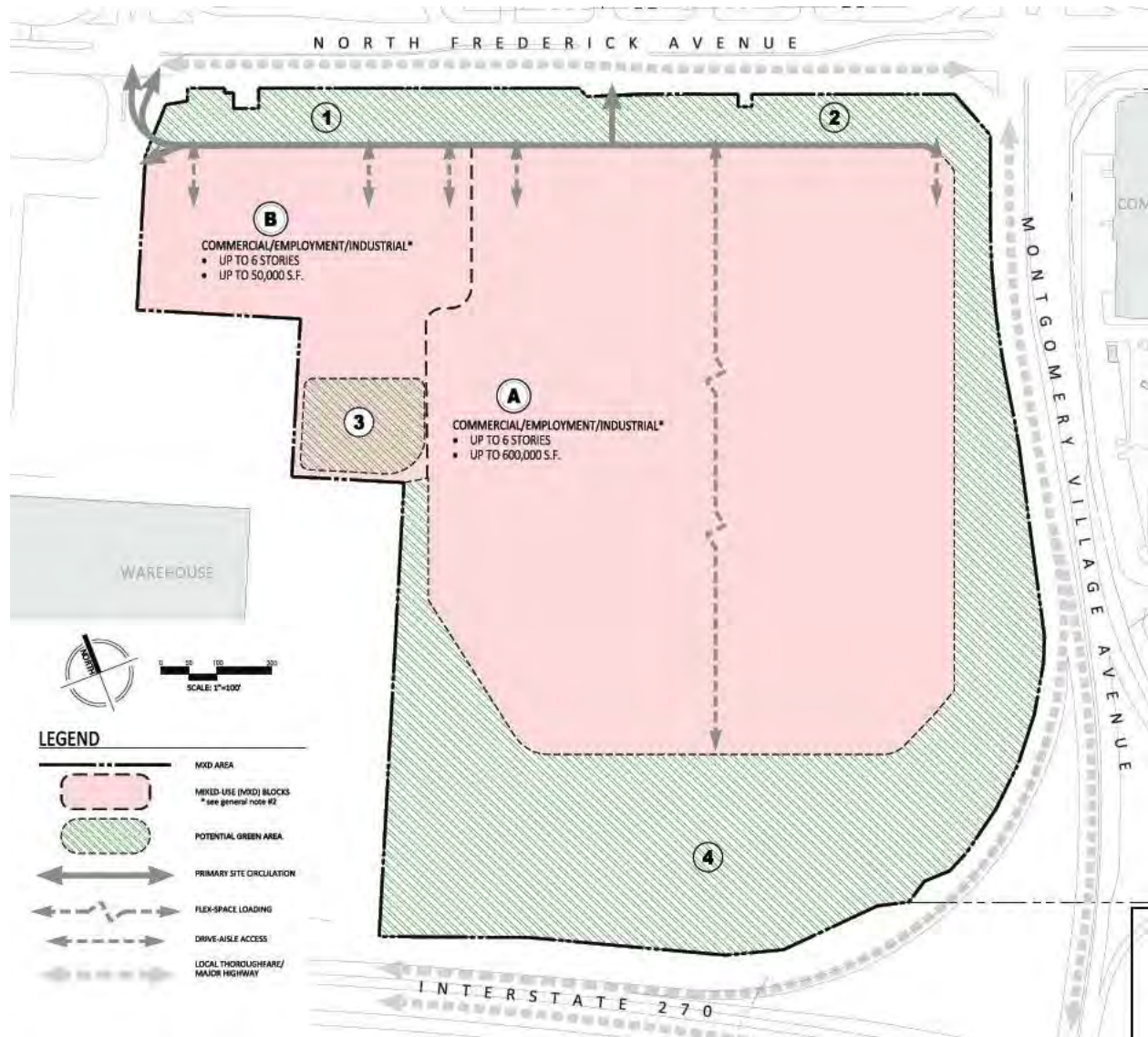
Information provided to Applicant by the City shows a number of entitlements have been approved for the Property since annexation and subsequent MXD rezoning. These include a 2009 amended final plan for the provision of a covered walkway between the two previous (and since demolished) office buildings with improvements to courtyard landscape, exterior driveways, and sidewalks and a 2012 amended final plan for parking lot revisions. A complete list of the entitlements for the Property provided by the City to Applicant prior to the approval of the Sketch Plan is included in the appendix.

City Entitlements After Applicant's Acquisition of the Overall Site

(1) Sketch Plan

On August 19, 2019, the Mayor and City Council approved Applicant's Sketch Plan SK-8180-2019 by adopting Resolution No. R-54-19. The Sketch Plan allows the replacement of the Property's then-existing improvements with up to 650,000 square feet of commercial density. The Sketch Plan permitted up to 10% (or up to 65,000 square feet) of the redeveloped floor area as retail commercial uses, which include "personal services businesses, fitness centers, amusement and recreation facilities, child and/or adult day care, principal retail, restaurants, and bars." Sketch Plan, General Note 3. The Sketch Plan also allowed up to 100% (or up to 650,000 square feet) of employment/office or other commercial/institutional uses. Sketch Plan, General Note 3. These percentages were based on "good cause shown" as required by the Zoning Ordinance. Sketch Plan, General Note 3.

The Sketch Plan illustrated two blocks on the Property: Block A at the corner of North Frederick Avenue and Montgomery Village Avenue and Block B further to the north along North Frederick Avenue:



The approved Sketch Plan illustrates up to 600,000 square feet of commercial/employment/industrial uses with a maximum building height of up to six stories on Block A and up to 50,000 square feet of commercial/employment/industrial uses with a maximum building height of up to six stories on Block B. The Sketch Plan also allows adjustments to the block boundaries and other designated areas identified within each phase at the time of schematic development plan. Subject to the established floor areas and accompanying provisions, the Sketch Plan permits shifting up to 15% of the proposed density approved for one block to the other, provided the maximum cumulative density of 650,000 square feet is not exceeded. Sketch Plan, General Note 4.

With respect to open spaces, the Sketch Plan depicts a linear park along the Property’s North Frederick Avenue frontage (identified as numbers 1 and 2 above), an employee amenity space on the Property’s interior (identified as number 3 above), and a naturalized space along the Property’s Montgomery Village Avenue and Interstate 270 frontages (identified as number 4 above). The Sketch Plan provides that the location of symbols and site elements may be adjusted at the time of schematic development plan. Sketch Plan, General Note 6. The location and size of green areas are to be finalized at the time of schematic development plan. *See* Open Space Strategy for Sketch Plan. Phases of development and potential green areas may be sequenced in any order or combined. *See* Development Phasing for Sketch Plan.

In order to maintain Block A’s emphasis on employment uses while also recognizing the need for complementary retail to serve future businesses, employees, and tenants, the Sketch Plan provides up to 20,000 square feet of principal retail uses within the retail commercial use category on Block A. Sketch Plan, General Note 3. Principal retail uses on Block B may exceed 20,000 square feet, as long as the cumulative retail commercial density on both blocks does not exceed 65,000 square feet. Sketch Plan, General Note 3.

The Sketch Plan also included the table of permitted uses allowed on Block A and/or Block B:

<i>Permitted Uses</i>	Possible Location	
	Block B	Block A
Integrated Light Manufacturing	X	X
Repair and Business Services, including but not limited to carpenter, cabinet, plumbing	X	X
Laboratories	X	X
Research, Experimental and Testing Laboratories	X	X
Manufacture, Compounding, Processing, Assembly, and Ancillary Retail Sales	X	X
Wholesale businesses	X	X
Distribution/Warehouse, excluding self storage	X	X
Personal service businesses such as barber shops and drycleaners	X	X
Offices	X	X
Fitness centers, amusement and recreational facilities	X	X
Child and/or adult day care	X	X
Banks	X	X
Retail	X	X
Restaurants, Bars	X	X
Rental of trucks, ancillary to uses listed above (not to exceed rental of 30 trucks)	X	X
Automobile filling stations	X	
Automatic automobile car wash, ancillary to Automobile Filling Stations	X	

The Sketch Plan states that under Annexation Agreement X-161 (as amended), Applicant has the option to develop the Overall Site with the permitted uses and development standards of the I-3 Zone or the MXD Zone. Sketch Plan, General Note 8. The Sketch Plan also requires that all buildings be set back a minimum of 30 feet from North Frederick Avenue, Montgomery Village Avenue, and adjoining Parcel H to the northwest, with all other setbacks determined at the schematic development plan stage. Sketch Plan, General Note 8. The required number of parking spaces will be based on gross leasable area. Sketch Plan, General Note 9.

(2) Phase I SDP and Associated Final Site Plans

On March 15, 2021, the Mayor and City Council adopted Resolution No. R-15-21 approving the Phase I SDP for approximately 38.89 acres of the Overall Site.⁴ This portion of the Overall Site is currently subdivided as Lot 1, Lot 4, Lot 5, Lot 6, Parcel J, Parcel K, Parcel P, Parcel N, Parcel O, Parcel R, Parcel T, I.B.M. Subdivision, as well as private road parcels (current Parcels J, L, and M). The Phase I SDP included an automobile filling station with convenience retail on Lot 1, a drive-thru restaurant on Lot 4, two flex buildings on Lots 5 and 6, a linear park (current Parcels K, N, and R) along the Overall Site's North Frederick Avenue frontage, open space/naturalized buffers along the Overall Site's Montgomery Village Avenue and Interstate 270 frontages (current Parcels O, T, and P), three private roads (Flask Place, Progress Way, and Bunsen Place), employee amenity areas, and surface parking facilities. Current Parcel S (the Property) and Parcel Q were to be subject to future phased schematic development plan applications.

The Phase I SDP was then implemented through the approval of three final site plan applications. On July 21, 2021, the Planning Commission approved Final Site Plan SP-8848-2021 for the two flex buildings (700 and 750 Progress Way), the linear park, the private street network, employee amenity areas, naturalized areas, and other associated infrastructure. Thereafter on October 6, 2021, the Planning Commission approved Final Site Plan SP-8948-2021 for the drive-thru Chick-fil-A restaurant (705 Progress Way). Final Site Plan SP-9217-2022, as the last final site plan implementing the Phase I SDP, was approved on August 3, 2022 for a Sheetz automobile filling station and convenience retail store (751 Progress Way). All improvements associated with the Phase I SDP and the three associated final site plans have since been constructed.

⁴ The Mayor and City Council also adopted a resolution (Resolution No. R-16-21) approving several environmental waivers in ENV-8657-2020 allowing encroachments into stream buffers, 100-year flood plains, and 50-foot wetland buffers needed to implement the Phase I SDP.

Project Background

The Project continues the implementation of the Sketch Plan with a second phased schematic development plan application. As shown on the materials submitted with the SDP Application, the Project proposes to redevelop what is currently identified as Parcel S with two commercial structures containing retail uses. Each structure is proposed to be on its own record lot, with Lot 7 improved with a 4,650 square foot structure (725 Progress Way) and Lot 8 improved with a 10,100 square-foot structure (715 Progress Way). Each structure is anticipated to have a building height of one story (30 feet) and have its own drive-through facility. The square footage of commercial development listed on the SDP Application, as well as the illustrated building locations, footprints, and heights may be adjusted based on final design and will be determined at the time of final site plan(s). The portion of the Property currently subdivided as Parcel Q is not included in the Project and will be the subject of a future phased schematic development plan application.

The Project will accommodate safe, adequate, and efficient multimodal circulation. Each proposed lot will have access to the existing signalized intersection at North Frederick Avenue and Bunsen Place via Progress Way. This intersection offers convenient ingress and egress on North Frederick Road, including a dedicated left turn lane and signals for full vehicular movements in and out of the Overall Site. Intersections also include existing marked crosswalks with countdown pedestrian timers to allow pedestrian movements across North Frederick Road. Vehicular traffic can also access the Property from North Frederick Road via a right-in/right-out access point at Flask Place and Progress Way. The Project will facilitate proper on-lot internal circulation as well. The drive aisles on each lot are designed to accommodate two-way vehicular traffic. As shown on the drawings submitted with the SDP Application, the Project incorporates an inter-parcel connection that will allow vehicles to travel efficiently from one building to the other without needing to travel on Progress Way.

A new sidewalk along the shared boundary between Lots 7 and 8 will allow convenient pedestrian access through the Property from the existing sidewalk along Progress Way and offer a safe pathway to the front entrances of the Project's two commercial structures. This new sidewalk will also have a direct connection to the linear park's shared use path, supporting efficient pedestrian and bicycle access to the Project's commercial buildings. Pedestrians will be able to walk from the Property to the abutting Chick-fil-A restaurant on the existing sidewalk along Progress Way, and can also reach North Frederick Avenue via existing sidewalks along Progress Way and Bunsen Place.

Additionally, the Project includes attractive landscaping. As shown on the landscape plan submitted with the SDP Application, a number of shade trees are proposed to be planted along the Property's Progress Way frontage. These street trees will improve the pedestrian experience and create a welcoming appearance for those arriving at the site. Several ornamental trees are also included along both sides of the sidewalk along the shared boundary of Lots 7 and 8 connecting Progress Way to the linear park. This sidewalk will incorporate an outdoor seating area along the sidewalk north of the inter-parcel vehicular connection. This area is envisioned to be programmed with tables and chairs, bench seating, specialty paving, planters, ornamental trees, and shade trees. Shade trees and ornamental trees are thoughtfully distributed through the Project's parking islands, while other trees are planted near the boundary with the Chick-fil-A restaurant in order to promote compatibility with existing development.

Furthermore, the Project includes state-of-the-art stormwater management facilities to provide environmental site design to the maximum extent practicable. On-site micro-biorentention facilities, including planter-box micro-bioretention facilities, are expected to provide treatment for the Project. These facilities will filter and retain stormwater on-site and are acceptable management practices at both the State and County levels. The Project's stormwater management facilities are intended to replicate natural hydrology and reduce impervious surfaces.

Compliance with the Zoning Ordinance's Required Findings for Schematic Development Plan Approval

Section 24-160D.10(b) of the Zoning Ordinance lists the required findings the Mayor and City Council must make to approve a schematic development plan application in the MXD Zone. The SDP Application satisfies these findings as follows:

- (1) *The plan is substantially in accord with the approved sketch plan; and;*

The SDP Application satisfies all necessary elements of the Sketch Plan. Specifically, the amount of development in the SDP Application complies with the 650,000 square foot maximum for commercial development on the Overall Site, the 65,000 square foot maximum for retail commercial development on the Overall Site, and the 20,000 square foot maximum for retail commercial development on Block A. Sketch Plan, General Notes 2 & 3. Compliance with these limits maintains the emphasis of employment uses for the Overall Site's comprehensive redevelopment. The square footage of commercial development listed on the SDP Application, as well as the illustrated building locations, footprints, and heights may be adjusted based on final design and will be determined at the time of final site plan(s). See §§

24-160D.9(b)(1)(a); 24-169(b)(1); 24-169(a)(6)(b) of the Zoning Ordinance; Sketch Plan, General Notes 4 & 6. Any such adjustments, however, will comply with the density regulations incorporated into the Sketch Plan.

All uses proposed in the SDP Application, both in type and in approximate location, are in accordance with the chart included in the Sketch Plan. The Project's buildings proposed in the SDP Application also adhere to the six-story maximum as provided in the Sketch Plan. Sketch Plan, General Note 5. Furthermore, all structures shown on the SDP Application are set back a minimum of thirty feet from North Frederick Avenue (113 feet proposed), Montgomery Village Avenue (285 feet proposed), and the adjoining property to the northwest (891 feet proposed); all other setbacks will be determined through schematic development plan review. See Sketch Plan, General Note 8.

When combined with the green area approved in the site plans implementing the Phase I SDP, the included green area equals approximately 42% (755,000 square feet), thereby exceeding the 25% minimum referenced on the Sketch Plan. The SDP Application is also in conformance with the comprehensive design guidelines approved with the Phase I SDP. See Sketch Plan, General Note 7.

(2) *The plan meets or accomplishes the purposes, objectives, and minimum standards and requirements of the zone, and other requirements of the City Code; and*

- Purposes of MXD Zoning

The Project meets and accomplishes the purposes of the MXD zone. See § 24-160D.1 of the Zoning Ordinance. The SDP Application achieves the Property's orderly, staged, and market-responsive redevelopment by continuing the phased implementation of the approved Sketch Plan. The SDP Application also encourages design flexibility through compliance with previously approved design guidelines, which offer a flexible and coordinated framework for urban design, architecture, streetscape, and open space. The Project achieves internal compatibility by placing new complementary retail commercial uses in close proximity to recently constructed employment uses on the Overall Site. Additionally, the Project's proposed uses are also compatible with the character of the Northern Employment District, the Property's long-standing "commercial/industrial-research-office" land use designation, and a range of surrounding uses. The Project will be well served by existing transportation infrastructure, including vehicular roadways, bus transit, and pedestrian and bike facilities. The Project also includes pedestrian connections to existing sidewalks, the linear park along North Frederick Avenue, and a shared-use path, while also incorporating a new attractively landscaped on-site seating

area. The Project's uses, structures, and form all offer a superior quality of redevelopment exceeding that which could be attained under conventional zoning regulations and procedures.

Furthermore, the Project achieves an efficient use of land by continuing the transformation of the Overall Site's previous and obsolete single-tenant office campus with a new employment hub with supporting commercial retail uses along the North Frederick Avenue corridor. This development is within close proximity of an existing array of housing, retail, personal services, and public facilities uses. The Project's proposed retail uses, in combination with the included pedestrian facilities, will strengthen the horizontal mix of uses in the surrounding neighborhood and facilitate connections via varied transportation options. The Project will improve opportunities for City residents to live close to where they work by encouraging tenancy in the Overall Site's flex buildings.

The Project will also support a superior natural environment by incorporating new and existing landscaped areas, providing new stormwater management strategies where none previously existed, and offering infill development on a conveniently located site along an important commercial corridor. Based on market demand, opportunities for phasing or staging will also ensure there are adequate public facilities to support new development.

Thus, the SDP Application is proper for the comprehensive and systematic development of the City, is capable of accomplishing the purposes of the MXD zone, is an internally and externally compatible form of development, and is consistent with applicable planning and land use policies.

- Objectives of MXD Zoning

The Zoning Ordinance provides that the objective of the MXD Zone is to "establish procedures and standards for the implementation of master plan land use recommendations for comprehensively planned, multi-use projects." § 24-160D.1 of the Zoning Ordinance. This objective is satisfied here as the Project implements the City's long-standing land use recommendations from the 1997 Master Plan, the 2001 Corridor Plan, and the Land Use Element of the 2009 Master Plan. This includes, among other things, the 1997 Master Plan's recognition that Study Area 3 (which includes the Property) "is dominated by industrial-research-office uses," as well as the 2001 Corridor Plan's reconfirmation of land use designations for the Northern Employment District and the land use map included in the 2009 Master Plan. Specifically, the Project will include additional supportive retail commercial uses in a multi-use development with commercial, employment, and industrial uses in multiple buildings. This approach is wholly consistent with the Property's MXD

zoning, the Property's commercial/industrial-research-office land use designation, and the approved Sketch Plan.

- Minimum Standards and Requirements of the MXD Zone

The Project also complies with the minimum location and development requirements of the MXD Zone. *See* § 24-160D.2 of the Zoning Ordinance. As noted above, the Overall Site was reclassified from I-3 to MXD in a comprehensive rezoning pursuant to the recommendations of the 1997 Master Plan. *See* § 24-160D.2(a) & (b) of the Zoning Ordinance. The Property also fronts, is located adjacent to, and is readily accessible from North Frederick Avenue and Montgomery Village Avenue, both of which are classified as major highways. *See* § 24-160D.2(c) & (f) of the Zoning Ordinance. Additionally, the Property is conveniently located to the recently opened Interstate 270 – Watkins Mill Road interchange, as well as the existing Interstate 270 – Montgomery Village Avenue interchange. The Property is categorized S-1/W-1 and is presently served by public sewer and water.⁵ Signage, as well as other architectural and design components, will be coordinated and addressed in the comprehensive design guidelines previously approved with the Phase I SDP to provide a thematic approach and offer consistency with the overall character of the surrounding area. § 24-160D.2(e) of the Zoning Ordinance.

- Other Requirements of the City Code

- Uses Permitted

As noted above, the Project proposes the retail uses shown on the permitted uses chart incorporated in the Sketch Plan. The approximate location of these uses is shown on the plans submitted with the SDP Application in accordance with Section 24-160D.3(b)(1) of the Zoning Ordinance.

The approved Sketch Plan allows up to 10% (or up to 65,000 square feet) of retail commercial uses (with up to 20,000 square feet of principal retail uses on Block A). *See* Sketch Plan, General Notes 2 & 3. The Mayor and City Council found good cause shown in modifying the standard percentages of floor area of the retail commercial, employment/office, and other commercial/institutional categories codified at Section 24-160D.3(b)(2) of the Zoning Ordinance. As noted above, the SDP Application conforms to the use percentages shown on the Sketch Plan.

⁵ Montgomery County's Water and Sewer Plan define and describe the W-1 and S-1 service area categories as "[a]reas served by community (public) systems that are either existing or under construction. Category 1 may include properties or areas for which community system mains are not immediately available or which have not yet connected to existing community service."

- o Density and Intensity of Development

The development tabulations shown on the SDP Application reflect a maximum proposed FAR of approximately 0.17 for the Project (14,750 square feet of development on a site area of 86,766 square feet) for the second phased schematic development plan application. When considered in aggregate with the previously approved site plans implementing the Phase I SDP, there is a maximum proposed FAR of approximately 0.29 FAR (521,024 square feet of development on a site area of 1,780,749 square feet). This complies with the 0.75 FAR maximum density for commercial/employment/industrial uses permitted in the MXD zone. § 24-160D.4(b) of the Zoning Ordinance.

- o Minimum Green Area

The materials included in the SDP Application confirm that the Project includes 22,000 square feet of green area over the Property's 86,766 square feet, which meets and exceeds 25% green area (25.36%). When considered in aggregate with the green area shown on the site plans implementing the Phase I SDP, there will be green area in excess of the 25% requirement for commercial/employment/industrial development in the MXD zone (755,000 square feet of green area over 1,780,749 square feet equals approximately 42%). § 24-160D.6(a) of the Zoning Ordinance. The cumulative total of all phased schematic development plan and final site plans will not provide less than 25% of the total area devoted to commercial/employment/industrial uses as green area for the redevelopment of the Overall Site.

- o Utilities and Public Facilities

All new utility lines in the Project are placed underground. § 24-160D.7(b) of the Zoning Ordinance. The Project does not include any new public or private streets or alleyways. § 24-160D.7(c) of the Zoning Ordinance.

As noted below, there are adequate public facilities to serve the Project in accordance with the Zoning Ordinance's Adequate Public Facilities Ordinance. § 24-160D.7(d) of the Zoning Ordinance.

- o Parking Requirements

The MXD development standards provide that the Mayor and City Council shall "determine the appropriate number of spaces" at the time of schematic development review. § 24-160D.8 of the Zoning Ordinance. The development

tabulations included in the SDP Application reflects that both Lot 7 and Lot 8 meet or exceed parking requirements for vehicles, bicycles, and motorcycles/scooters based on the anticipated uses permitted under the MXD zone and by the Sketch Plan. § 24-219 of the Zoning Ordinance. Consistent with the previously approved plans on the Overall Site, the parking facilities on the Property may serve as overflow parking for the two-flex buildings. In accordance with the Zoning Ordinance, and as noted on the plans submitted with the SDP Application, the final number, configuration, and layout of parking spaces will be determined at the time of final site plan. 24-160D.8 of the Zoning Ordinance.

The development tabulations also confirm that the Project provides 10.76% of surface parking lot areas as planting areas (4,000 square feet of planting areas for a 37,180 square foot parking area), which is in excess of the 10% requirement. § 24-220(e) of the Zoning Ordinance. The amount of surface parking lot area provided as planting areas proposed in the SDP Application is calculated based on the surface parking lot area for the Overall Site and will be provided on an aggregate basis. Each phased schematic development plan and final site plan may provide more or less than 10% parking lot internal green area, but the cumulative total of all phased schematic development plan and final site plans will not provide less than 10% of the surface parking lot area as planting areas for the redevelopment of the Overall Site.

- o Forest Conservation, Erosion and Sediment Control, and Stormwater Management

The Project will continue to comply with the applicable requirements of Chapter 22 of the City Code (Trees and Forest Conservation). There are no planned changes to the existing approved forest conservation plan or to the existing conservation easements, with the minimal exception of a pedestrian connection to the shared use path in the linear park. This modification will not affect existing planting material.

The Preliminary Erosion and Sediment Control Plan and Preliminary Stormwater Management Plan included with the SDP Application also demonstrate compliance with the relevant standards of Chapter 8 of the City Code (Erosion and Sediment Control and Stormwater Management). As noted above, on-site micro-biorentention facilities, including planter-box micro-biorentention facilities, will provide modern stormwater management on a site where none previously existed.

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

The Project is consistent with the recommendations in the applicable master plans for the area. The 1997 Master Plan designated the Overall Site (including the Property) as “commercial/industrial-research office,” recommended it be rezoned to MXD (which it subsequently was through comprehensive rezoning), and described the surrounding neighborhood as “dominated by industrial-research-office uses.” 1997 Master Plan, pgs. 12-13. The 2001 Corridor Plan placed the Property within the Northern Employment District, which it described as “dominated by several large, vacant tracts of land on the west side of North Frederick Avenue, as well as car dealerships, and other large-scale retail, hotels and large office complexes.” 2001 Corridor Plan, pg. 16. The 2001 Corridor Plan also reconfirmed the land use designations and zoning recommendations made for the Property in the 1997 Master Plan. 2001 Corridor Plan, pg. 16. The Land Use Elements of the City’s 2003 Master Plan and 2009 Master Plan do not contain specific recommendations for the Property but maintain its land use designation of commercial/industrial-research-office.

Consistent with this long-standing guidance, the Project proposes continuing the redevelopment of the Overall Site as an employment hub with complementary retail uses. The Project’s proposed uses, together with the existing Chick-fil-A and Sheetz locations, will serve as a desirable amenity to future employers and employees. The Project is therefore harmonious with the Property’s enduring commercial/industrial-research office land use designation, and the descriptions of surrounding development from the 1997 Master Plan, the 2001 Corridor Plan, the 2003 Master Plan, and the 2009 Master Plan. None of the City’s master plans include special conditions or requirements for the Property.

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

The Project will also be internally and externally compatible and harmonious with existing and planned land uses. As depicted on the plans submitted with the SDP Application, the Project proposes two retail buildings on the Property. The Project is designed with a compatible layout to the adjacent Chick-fil-A restaurant, with parking facilities conveniently located off of Progress Way and the buildings sited in the rear adjacent to the North Frederick Avenue linear park. This orientation effectively uses the linear park as an attractive buffer between the Project’s structures and North Frederick Avenue. The Project’s drive aisles can

accommodate two-way traffic, while the drive-thru facilities are designed to reduce the potential for conflicts between vehicles and pedestrians. An inter-parcel connection is proposed between Lots 7 and 8 to support efficient vehicular circulation between the Project's retail uses.

A new sidewalk through the entire Property incorporates an attractive seating area and offers a link between Progress Way and the linear park's shared use path. This sidewalk also allows safe pedestrian pathways to the entrances of the new retail buildings. Street trees will be extended along Progress Way, while the new sidewalk will enhance the pedestrian experience and improve the level of comfort for walking. Other tree plantings proposed along the Property's boundary with Lot 4 will integrate the Project's new uses with the existing Chick-fil-A restaurant.

The Project's proposed retail uses and the associated building types conform to the current character of the North Frederick Avenue corridor. This area contains a broad range of commercial uses contained in retail, office, and warehouse structures, as well as established residential neighborhoods in the surrounding vicinity. The Project will be connected to surrounding neighborhoods by multiple transportation options, including roadways, transit, and shared-use pathways. The Project's proposed non-residential buildings and retail uses are also consistent with the Euclidean I-3 and C-2 zoned land within the vicinity of the Property. The Project will offer uses compatible to the recently constructed employment hub on the Property and will offer additional opportunities to work and access personal services within convenient proximity.

The Project is also compatible with existing and planned land uses as it implements the established and consistent recommendations of the 1997 Master Plan, the 2001 Corridor Plan, and the Land Use Elements of the City's 2003 Master Plan and 2009 Master Plan.

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

The Project complies with the City's Adequate Public Facilities Ordinance codified in Article XV of the Zoning Ordinance. As explained in the enclosed statement prepared by The Traffic Group, the Gaithersburg Traffic Impact Study Standards do not apply as the development program will not generate 30 additional weekday trips during the peak morning and evening hours. § 24-245 of the Zoning Ordinance. The Project only proposes commercial uses and will therefore not generate any students. As a result, the adequacy of school capacity standards are inapplicable. 24-246 of the Zoning Ordinance.

As noted above, the Property is located within the S-1/W-1 categories and is presently served by public sewer and water. The Project would neither create a total water demand that would exceed available supply less an adequate reserve for fire-flow nor cause the City to exceed sewer transmission capacity. § 24-247 of the Zoning Ordinance.

Lastly, the Property is located within a ten-minute response of two fire and rescue stations: Station 8 of the Gaithersburg-Washington Grove Volunteer Fire Department located at 801 Russell Avenue (approximately 0.5 miles from the Property) and Station 53 of the National Institutes of Standards and Technology located at 100 Bureau Drive (approximately 1.4 miles from the Property). § 24-248(a) of the Zoning Ordinance.

As such, the Project will be served by adequate public facilities in accordance with Article XV of the City's Zoning Ordinance.

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

The Project, as proposed in the SDP Application, will be implemented in one or more final site plan applications. The approval of a schematic development plan also constitutes preliminary subdivision approval under Chapter 20 of the City Code (Subdivision Ordinance of the City of Gaithersburg). See § 20-41 of the City Code. A final plat of subdivision will be filed after final site plan approval. As noted above, the area of the Property currently subdivided as Parcel Q will be subject to future phased schematic development plan, final site plan, and final plat applications.

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

Approving the SDP Application would advance the public interest for several reasons. The SDP Application continues the implementation of the approved Sketch Plan by replacing the Overall Site's previous single-user office park campus with a new, modern, and adaptive employment hub with accompanying retail uses. The Project's new retail uses will serve current and future employers and employees working at the two flex buildings, as well as residents living near the Frederick Avenue commercial corridor. The Project also offers redevelopment that is compatible with the surrounding neighborhood. The Project's proposed retail uses are consistent with the character of the Northern Employment District and nearby development.

The Project's new sidewalk connection will provide a convenient pedestrian connection from Progress Way to the linear park, as well as offer an attractive seating area for outdoor dining and relaxation. Existing and planned transportation facilities, including highways, arterial roadways, transit, shared-use paths, and sidewalks will provide convenient connections between the Project and existing development. Additionally, the SDP Application advances the City's established recommendations in the City's master plans (1997 Master Plan, the 2001 Corridor Plan, and the Land Use Elements of the City's 2003 Master Plan and 2009 Master Plan), as well as the City's 2022 Strategic Plan by, among other things, attracting biotechnology companies, reinvesting in commercial properties, and enhancing the stability of the local economic base.

Conclusion

The City should approve the SDP Application as it conforms to all applicable requirements, offers a desirable amenity to the recently established employment hub on the Overall Site, and places new retail uses near jobs, housing, and transportation infrastructure. We look forward to working with you on the SDP Application.

Sincerely,

MILES & STOCKBRIDGE P.C.



Phillip A. Hummel

cc: Brian Morris
Mick Wrisley
Vince Burke

APPENDIX

Bus Service Within Vicinity of Property

Bus Route	Service	Distance
RideOn 56	Lakeforest Transit Center – Rockville Metro Station	Abuts Property
RideOn 61	Germantown Transit Center – Shady Grove Metro Station (via Lakeforest Transit Center)	Abuts Property
MTA Commuter Bus 201	Gaithersburg Park & Ride – BWI Airport	0.8 mi.
MTA Commuter Bus 204	Monocacy MARC – College Park Metro Station (via Gaithersburg Park & Ride)	0.8 mi.
RideOn 54	Lakeforest Transit Center – Rockville Metro Station	0.9 mi.
RideOn 55	Germantown Transit Center – Rockville Metro Station (via Lakeforest Transit Center and Shady Grove Metro Station)	0.9 mi.
RideOn 57	Lakeforest Mall – Shady Grove Metro Station	0.9 mi.
RideOn 58	Lakeforest Mall – Shady Grove Metro Station	0.9 mi.
RideOn 59	Montgomery Village Center – Rockville Metro Station (via Lakeforest Transit Center and Shady Grove Metro Station)	0.9 mi.
RideOn 101 Extra	Lakeforest Transit Center – Medical Center Metro Station (via Shady Grove, Rockville, and North Bethesda Metro Stations)	0.9 mi.

List of Property Entitlements Provided by City Prior to Sketch Plan

Application No.	Description	Approval Date
S-1012(b)	Add lighting to parking area	May 6, 1993
STF-03-123	Replace existing emergency diesel generators	August 20, 2003
STF-04-003	Lab renovations	January 29, 2004
STF-04-066	Install 750 kw generator next to loading dock area to include concrete pad	August 23, 2004
STF-05-007	Removal of medians in Parking Lot "A"; once parking islands are removed, the existing surface will be overlaid and restriped	February 10, 2005
STF-07-057	Install 750 kw generator next to loading dock to include concrete pad and retaining wall	August 31, 2007
STF-08-061	New generator pad	October 30, 2008
AFP-09-004	Provide covered walkway between buildings joining the two entrances of the existing buildings, as well as uncovered interior courtyard landscape areas and associated improvements to the exterior driveways and sidewalks (including handicapped parking space relocation, new sidewalk, and drop-off area modifications)	March 5, 2009
STF-09-071	Temporary installation of a satellite antenna receiver and support communications shelter, and generator. Demonstrations and activities to end on June 1, 2010	October 28, 2009

Application No.	Description	Approval Date
STF-10-024	Replace high sodium lights in parking lot with LED lights	May 18, 2010
STF-11-114	Add “wellness walkway” for employees fitness with workout areas and associated landscaping and final forest conservation plan	October 21, 2011
STF-11-119	Amend “wellness walkway”	November 7, 2011
STF-12-046	New basketball court (missing SDA letter)	May 5, 2012
AFP-0863-2012	Revise existing Parking Lot “B” and “C” to add 212 car spaces and 8 motorcycle spaces, along with revised site lighting and security; and to add new security gates to the entrance and new security fence where needed to enclose the site perimeter	October 10, 2012
AFP-6241-2014	Replace existing cooling tower in same location (height increasing from 12 feet to 22 feet)	October 28, 2014
ASDP-6972 & AFP-6973-2015	Café expansion (missing SDA letter as development plans were never finalized)	June 12, 2015
AFP-7533-2017	New end wall construction on existing spline corridor	March 22, 2017



MBE Certified
Charles County
Howard County
Prince George's County

MFD Certified
Montgomery County

CORPORATE OFFICE
Baltimore, MD
Suite H
9900 Franklin Square Drive
Baltimore, Maryland 21236
410.931.6600
fax: 410.931.6601
1.800.583.8411

DELMARVA OFFICE
443.290.4060

SOUTH CAROLINA OFFICES
Columbia: 803.422.9965
Rock Hill: 803.693.4216

FIELD OFFICE LOCATIONS

Arizona
Arkansas
Florida
Maine
Mississippi
New York
North Carolina
Ohio
Pennsylvania
South Carolina
Texas
Utah
Virginia
West Virginia

April 29, 2024

Brian Fields, P.E.
Engineering Services Division Chief
City of Gaithersburg
800 Rabbitt Road
Gaithersburg, MD 20878

RE: 700 North Frederick Avenue
City of Gaithersburg, Maryland
Our Agreement No.: 2019-0119

Dear Mr. Fields:

As requested, we have prepared a trip generation comparison between the existing and the proposed development for the 700 North Frederick Avenue Project. It was confirmed that if the proposed trips were less than 30 Net New Trips from the existing/previously approved development, then a Traffic Impact Analysis would not be required, and this development would be exempt from the Adequate Public Facilities Ordinance for Traffic Capacity.

The previous use of the 700 North Frederick Avenue Property was 538,916 Square Feet of General Office while the current/existing Development is as follows:

- 495,000 Square Feet of Warehouse;
- 5,250 Square Feet of a Fast-Food Restaurant with Drive-Thru (CFA); and
- 6,139 Square Feet of Super Convenience Market with Gas (Sheetz).

This new application proposes the following additions to the current Development:

- 10,250 Square Feet of Strip Retail Uses; and
- 4,500 Square Feet of a Fast-Food Restaurant with Drive-Thru.

The proposed development is projected to generate 374 Morning and 306 Evening New Peak Hour Trips based on the 11th Edition of the ITE Trip Generation Manual and is shown on Exhibit 1. Based on the previously approved development trips, this proposed development is projected to generate 339 less AM and 366 less PM Peak Hour Trips.

Therefore, the proposed Development at 700 North Frederick Avenue is within the available Trip Capacity for this property and is exempt from further Adequate Public Facilities Testing for Traffic Capacity in the City of Gaithersburg. If you have any questions, please let me know. Thank you.

Sincerely,

Joseph J. Caloggero, P.E., PTOE, PTP
Vice President

JJC:amr

TRIP GENERATION FOR SUBJECT SITE

TRIP RATES / FORMULAE

IN/OUT

Warehousing (ksf, ITE-150)

AM Peak Hour Trips = $0.12 \times \text{ksf} + 23.62$ 77/23

PM Peak Hour Trips = $0.12 \times \text{ksf} + 26.48$ 28/72

Convenience Store/Gas Station (16-24 VFP, ITE-945)

Morning Trips = $91.35 \times \text{ksf}$ 50/50

Evening Trips = $78.95 \times \text{ksf}$ 50/50

Fast Food Rest. w/Drive-Thru (ksf, ITE-934)

Morning Trips = $44.64 \times \text{ksf}$ 51/49

Evening Trips = $33.03 \times \text{ksf}$ 52/48

Strip Retail Plaza <40 ksf (ITE-822)

Ln(AM Peak Hour Trips) = $0.66 \text{Ln}(\text{ksf}) + 1.84$ 60/40

PM Peak Hour Trips = $\text{Ln}(T) = 0.71 \text{Ln}(\text{ksf}) + 2.72$ 50/50

General Office Building (ksf, ITE-710)

Ln(AM Peak Hour Trips) = $0.86 \times \text{Ln}(\text{ksf}) + 1.16$ 88/12

Ln(PM Peak Hour Trips) = $0.83 \times \text{Ln}(\text{ksf}) + 1.29$ 17/83



ITE Trip Generation, 11th Edition.

EXHIBIT 1
TRIP GENERATION
FOR SUBJECT SITE

TRIP TOTALS

MORNING PEAK HOUR			EVENING PEAK HOUR		
IN	OUT	TOTAL	IN	OUT	TOTAL

Proposed (Current Use plus New Additional Uses)

9,750 sq. ft. Fast Food Rest. w/Drive-Thru	222	213	435	167	155	322
Less Internal Trips	-50	-33	-83	-50	-69	-119
<u>Pass-by Trips (50%, 55%)</u>	<u>-86</u>	<u>-90</u>	<u>-176</u>	<u>-64</u>	<u>-47</u>	<u>-111</u>
New Trips	86	90	176	53	39	92
6,139 sq. ft. Super Convenience Market w/Gas	280	281	561	242	243	485
Less Internal Trips	-27	-39	-66	-65	-46	-111
<u>Pass-by Trips (76%, 75%)</u>	<u>-192</u>	<u>-184</u>	<u>-376</u>	<u>-133</u>	<u>-148</u>	<u>-281</u>
New Trips	61	58	119	44	49	93
10,250 sq. ft. Strip Retail Plaza	17	12	29	39	40	79
Less Internal Trips	<u>-2</u>	<u>-2</u>	<u>-4</u>	<u>-11</u>	<u>-8</u>	<u>-19</u>
New Trips	15	10	25	28	32	60
495,000 sq. ft. Warehousing	64	19	83	24	62	86
Less Internal Trips	<u>-12</u>	<u>-17</u>	<u>-29</u>	<u>-11</u>	<u>-14</u>	<u>-25</u>
New Trips	52	2	54	13	48	61

Total Proposed	Pass-by Trips	278	274	552	197	195	392
	New Trips	214	160	374	138	168	306

Previous Use

538,916 sq. ft. General Office Building	627	86	713	114	558	672
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Total Difference (Proposed - Previous Use)	-413	74	-339	24	-390	-366
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ITE Trip Generation, 11th Edition.

EXHIBIT 1 CONT'D
TRIP GENERATION
FOR SUBJECT SITE

Mixed-Use Trip Generation Calculation

Time Period: AM Peak Hour

Summary Table

	Residential		Office		Retail		Hotel		Restaurant		Cinema		TOTAL
	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	
Single-Use Trips	0	0	64	19	297	293	0	0	222	213	0	0	1,108
Mixed-Use Internal Trips	0	0	12	17	29	41	0	0	50	33	0	0	182
External Trips	0	0	52	2	268	252	0	0	172	180	0	0	926
INTERNAL CAPTURE RATE:												16%	

Internal Trip Capture for Trip Destinations (Demand)

From \ To	Residential		Office		Retail		Hotel		Restaurant		Cinema	
	Rate	Trips	Rate	Trips	Rate	Trips	Rate	Trips	Rate	Trips	Rate	Trips
Residential			3%	2	17%	50			20%	44		
Office					32%	95			23%	51		
Retail	2%	0	4%	3					50%	111		
Hotel			3%	2	4%	12			6%	13		
Restaurant	5%	0	14%	9	8%	24	4%	0				
Cinema												

Internal Trip Capture for Trip Origins (Supply)

From \ To	Residential		Office		Retail		Hotel		Restaurant		Cinema	
	Rate	Trips	Rate	Trips	Rate	Trips	Rate	Trips	Rate	Trips	Rate	Trips
Residential			2%	0	1%	0			20%	0		
Office	1%	0			28%	5			63%	12		
Retail	14%	41	29%	85					13%	38		
Hotel			75%	0	14%	0			9%	0		
Restaurant	4%	9	31%	66	14%	30	3%	6				
Cinema												

Balance (Minimum of Demand and Supply)

From \ To	Residential	Office	Retail	Hotel	Restaurant	Cinema	Total
	Residential						
Office			5		12		17
Retail		3			38		41
Hotel							0
Restaurant		9	24				33
Cinema							0
Total	0	12	29	0	50	0	



EXHIBIT 1 (CONT'D)
INTERNAL TRIP CALCULATION
FOR SUBJECT SITE

Mixed-Use Trip Generation Calculation

Time Period: PM Peak Hour

Summary Table

	Residential		Office		Retail		Hotel		Restaurant		Cinema		TOTAL
	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	
Single-Use Trips	0	0	24	62	281	283	0	0	167	155	0	0	972
Mixed-Use Internal Trips	0	0	11	14	76	54	0	0	50	69	0	0	274
External Trips	0	0	13	48	205	229	0	0	117	86	0	0	698
INTERNAL CAPTURE RATE:												28%	

Internal Trip Capture for Trip Destinations (Demand)

From \ To	Residential		Office		Retail		Hotel		Restaurant		Cinema	
	Rate	Trips	Rate	Trips	Rate	Trips	Rate	Trips	Rate	Trips	Rate	Trips
Residential			57%	14	10%	28	12%	0	14%	23		
Office	4%	0			8%	22			2%	3	1%	0
Retail	46%	0	31%	7			17%	0	29%	48	26%	0
Hotel					2%	6			5%	8		
Restaurant	16%	0	30%	7	50%	141	71%	0			32%	0
Cinema	4%	0	6%	1	4%	11	1%	0	3%	5		

Internal Trip Capture for Trip Origins (Supply)

From \ To	Residential		Office		Retail		Hotel		Restaurant		Cinema	
	Rate	Trips	Rate	Trips	Rate	Trips	Rate	Trips	Rate	Trips	Rate	Trips
Residential			4%	0	42%	0	3%	0	21%	0		
Office	2%	1			20%	12			4%	2		
Retail	26%	74	2%	6			5%	14	29%	82	4%	11
Hotel	2%	0			16%	0			68%	0		
Restaurant	18%	28	3%	5	41%	64	7%	11			8%	12
Cinema	8%	0	2%	0	21%	0	2%	0	31%	0		

Balance (Minimum of Demand and Supply)

From \ To	Residential	Office	Retail	Hotel	Restaurant	Cinema	Total
	Residential						
Office			12		2		14
Retail		6			48		54
Hotel							0
Restaurant		5	64				69
Cinema							0
Total	0	11	76	0	50	0	



EXHIBIT 1 (CONT'D)
INTERNAL TRIP CALCULATION
FOR SUBJECT SITE

Caroline Seiden

From: Douglas Smith
Sent: Tuesday, June 11, 2024 1:16 PM
To: Caroline Seiden
Cc: Brian Fields
Subject: RE: Email regarding Traffic Statement for SDP-9759-2024

Hi Caroline,

While we still have some outstanding comments regarding the exact square footage numbers listed, as well as the type of land use assumed for the retail strip, it is clear from the analysis that there will be a net reduction in total trips generated in the AM and PM peak hours. Therefore, a TIS is not warranted.

Thanks,
Doug



Douglas Smith, PE, PTOE
Public Works Department
Project Engineer Transportation

o: 240.805.1325

e: douglas.smith@gaitthersburgMD.gov

800 Rabbitt Road | Gaithersburg, MD 20878

gaitthersburgMD.gov