

ORDINANCE NO 0-2-12

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GAITHERSBURG GRANTING APPROVAL FOR AN AMENDMENT TO PREVIOUSLY-APPROVED SKETCH PLAN APPLICATION Z-301 AND APPROVING A NEW SKETCH PLAN IDENTIFIED AS APPLICATION Z-301(A) FOR LAND, KNOWN AS THE SPECTRUM AT WATKINS MILL ROAD, LOCATED AT THE NORTHWEST CORNER OF WATKINS MILL ROAD AND NORTH FREDERICK AVENUE, CONTAINING APPROXIMATELY 40.1 ACRES OF PROPERTY ZONED MIXED USE DEVELOPMENT (MXD)

Z-301(A)

OPINION

Joint Application Z-301(A)/SDP-11-002 has come before the Mayor and City Council for approval of an amendment to sketch plan Z-301 and an amendment to schematic development plan SDP-07-001 for land zoned Mixed Use Development (MXD). Application Z-301(A) has come before the Mayor and City Council for approval as an amendment to the previously approved sketch plan, Z-301. The City Council's authority in this matter is pursuant to § 24-160D 11 of the City of Gaithersburg Zoning Ordinance (Chapter 24 of the City Code).

The subject case involves approximately 40.1 acres of land and concerns the development of the property known as Parcels N668, N663, N565, P360, P356, P457, N561, P450, N455, N686, N572, N613 (no changes are proposed for parcels N686, N613, and N572). The subject property ("Property") is located east of Interstate 270 and west of Maryland Route 355, and is bounded on the west by Md Route 355, to the north by P370 & P182 (Potomac Electric Power Co), and to the east by parcel N391 (Colonial Pipeline Co), Parcels N526 and N417 (Humane Society of the United States), and Interstate 270. The Property is currently bounded on the south by Watkins Mill Road extended.

OPERATIVE FACTS

A. Background

The subject Tax Parcels, originally a portion of tax parcel 910 were annexed into the City of Gaithersburg in 1968. In 2006, the Mayor and City Council approved rezoning application Z-301 and schematic development plan SDP-05-003 with 29 conditions as listed in Resolution R-65-06. The applicant subsequently submitted application SDP-07-001 to amend the approved schematic development plan which was approved via Resolution R-92-07. The site has received final site plan approval for Phases 1A and 1B and associated infrastructure via applications SP-07-017 and SP-09-004, respectively.

B Current Application

On September 20, 2011, Mr Pete Henry of BP Realty Investments, LLC, submitted a joint application for amended sketch plan Z-301(A) along with schematic development plan, SDP-11-002 The sketch plan proposes 214,810 square feet of mixed office, restaurant, commercial, service station, senior center/public uses, including 669 multi-family residential units to be built in two phases on approximately 40.1 acres of land

The Z-301(A) application proposes the development of the property in two phases that shall become binding upon Sketch Plan approval They are as follows

Phase 1: Commencement at Approval of the Final Site Plan

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

Phase 2: Commencement at commencement of Watkins Mill Road Interchange

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

The Mayor and City Council and Planning Commission held a consolidated joint public hearing regarding application Z-301(A) and SDP-11-002 on January 17, 2012, at which time evidence was received on the subject application A presentation was given by staff discussing the application Mrs Leigh Henry, on behalf of the applicant, answered questions from the Council and Planning Commission During the course of the hearing the following concerns and questions were raised regarding the proposed plan

Pedestrian linkages to the site

Unit mix among the three residential buildings in Phase One

Retail condition along the Building H frontage of Spectrum Avenue

Traffic conditions at the intersection of Montgomery Village Avenue and North Frederick Avenue

In response to the issues above, the Applicant and design team revised and resubmitted the plan. In response to the comment made regarding pedestrian access into the site, the applicant revised the proposed plan to provide pedestrian access along Watkins Mill Road. The applicant further provided an updated traffic analysis and statement regarding the current traffic conditions at the intersection of North Frederick Avenue and Montgomery Village Avenue, which indicates that critical lane volumes at this intersection are actually lower than they were in 2007. Furthermore, the proposed residential unit mix and retail/restaurant mix has been modified, which has further reduced the anticipated peak traffic generated by the development, ensuring that the traffic generated by the proposed modification is within the limitations established by SDP-07-001.

The Applicant submitted correspondence regarding the proposed unit mix that indicates that Building H will feature a unit mix that has a higher percentage of studio apartments than buildings A and C. Overall, the predominant unit type will be one bedroom units, with two and three bedroom units being a much smaller percentage of units. Finally, the applicant has also revised the building elevations along the Spectrum Avenue Frontage of Building H to further define and enhance the retail presence along this street. Staff has also added a condition that the applicant work with staff to further refine the pedestrian experience along the street frontage during the final site plan review stage.

At the conclusion of the joint public hearing, the Planning Commission voted to keep their record open until five (5) PM on February 2, 2012, and the Mayor and City Council voted to keep their record open until five (5) PM on March 1, 2012. The Planning Commission made its recommendation on February 15, 2012, and forwarded its recommendation of approval to the Mayor and City Council for Z-301(A). Based on their review of the evidence, the Planning Commission further found that the Z-301(A) application is in conformance with the MXD (Mixed Use Development) Zone of the City's Zoning Ordinance and recommended approval with the following conditions:

1. The project shall be phased as follows:
Phase 1 commences at approval of the final site plan and shall permit the following:

Buildings and associated infrastructure: Building A (multi-family residential/retail), Building B (retail/restaurant), Building C and C-3 (multi-family residential/retail/restaurant), Building D (retail/restaurant), Building F (restaurant), Building H (multi-family residential/retail/restaurant), Building L (office/bank), Building M (retail), Building P (Police facility and associated future parking deck), Building Q (City senior center), Building S (office/bank), Building T (office), and all other parking and related facilities for the above, as required. Provided that the number of available parking spaces provided never falls below the

required number of parking spaces, parking may be initially constructed as surface parking to City standards and then replaced with buildings and structured decks as shown on the SDP

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

Buildings Building K (retail/restaurant/office above deck), Building N (service station), Building O (office/bank), and R (age-restricted multi-family residential and retail) and parking and related infrastructure for the above, as required. Provided that the number of available parking spaces provided never falls below the required number of parking spaces, parking may be initially constructed as surface parking to City standards and then replaced with buildings and structured decks as shown on the SDP

The property included in the Second Phase is intended to be fully developed and not held as open space (except as shown on the submitted SDP), and such development density noted above is intended to commence construction concurrent with the commencement of construction of the Watkins Mill Interchange. If the Watkins Mill Interchange project has not commenced on or before March 1, 2015, or is abandoned by the Maryland State Highway Administration (SHA), the Developer may apply to the City for an amendment to the Sketch Plan

- 2 The applicant is to work with City and Montgomery County Transportation staff to develop, fund in the amount of \$500,000 and implement a Transportation Demand Management Plan to mitigate the effects of the proposed development on surrounding intersections. As an alternative, the applicant, the City Manager, and Montgomery County could reach an agreement whereby the Montgomery County Department of Transportation would administer and manage the TDM Plan. The applicant must escrow \$500,000 or an equivalent bond or letter of credit with the City to fund the TDM Plan prior to applying for final site plan approval. Applicant is to provide a preliminary plan at final site plan. A Transportation Demand Management Plan shall be operational at the time that the first certificate of occupancy is issued. Upon written agreement by both parties, the amount of funding and its allocation and use can be reduced, eliminated, or reallocated to a specific project necessary to further the strategic directions of the City;
- 3 The applicant shall be required to construct the tennis court, pool and clubhouse generally shown on the SDP concurrently with the construction of Building C condominium,

- 4 The applicant shall work with City Staff on the continued refinement of pedestrian and bicycle linkages between buildings and throughout and around the site. A final pedestrian/bicycle plan, including a sign program for such path, bike racks, etc., extending to and from the site and through the site be reviewed as part of the final site plan for Building H,
- 5 The applicant shall receive approval of a final utility plan from the Department of Public Works and letters from appropriate utility agencies including, but not limited to, Washington Gas, PEPCO, Verizon, and WSSC prior to the issuance of Public Works permits for each phase,
- 6 The applicant shall obtain a letter of agreement from SHA for access from Md Rte 355 and for any grading/disturbance of the revertible slope easement along Md Rte 355 prior to approval of final site plan,
- 7 The applicant shall submit a noise analysis for current and future traffic noise impacts on the site and a noise abatement plan as part of the final site plan application. Noise abatement measures should seek to achieve the 65 dBA exterior noise guideline and the 45 dBA interior noise guideline.
- 8 As part of building permit application and prior to approval of building permits, the applicant shall submit certification by a professional engineer with competency in acoustical analysis that the building shells will attenuate exterior noise levels to an interior level not to exceed 45 dBA Ldn. A final noise mitigation plan shall be reviewed and approved by staff prior to the issuance of building permits,
- 9 The applicant to ensure that the design of all multi-story buildings with ground floor retail accommodate mechanical vent shafts through all floors for the first floor units,
- 10 The applicant to work with staff to locate new bus shelters near the Travis Avenue and Watkins Mill Road entrances to the development. The bus shelters shall be the City prototype without advertising,
- 11 The applicant to provide Art in Public Places Program (AIPP) and commit funding to be approved by city staff and AIPP committee during the final site plan stage for building H,
- 12 Prior to the issuance of the first building permit, the Developer shall dedicate to The City of Gaithersburg, the lot shown on the attached SDP containing Building P and the surrounding parking areas for the use as a Senior Center, subject to a cross parking easement. In

addition to the Dedication, Developer shall, as part of the construction of the initial phase of the Spectrum project: (a) rough grade the Building Q pad, (b) provide water, sewer, sanitary sewer, electricity and gas lines to within fifteen feet (15') of the Building Q pad, and (c) construct, at Developer's cost, the 89 parking spaces within the Building P lot as shown on the SDP (including lightning, striping) and perimeter landscaping) to the back of curb for the building pad, of which 75 space shall be attributable to the Senior Center, and 14 spaces shall be attributable to the balance of the Developer's project.

- 13 The applicant shall work with staff to refine and enhance the pedestrian experience along Spectrum Avenue prior to final site plan approval for Building H
- 14 The applicant shall work with staff to redesign/reorient Building L to minimize views of the drive through
- 15 Road construction phasing Public road improvements including curb and gutter, paving, storm drain, sidewalk and street lights shall be completed in the following sequence
 - i) Post Preserve Road from existing Maryland Route 355 to Station 5+81 50, and Spectrum Avenue from station 18+80 78 to existing Maryland Route 355 shall be constructed prior to occupancy permits being issued for Buildings A, B, C or S
 - ii) Spectrum Avenue from station 11+20 to 18+80 78, and Spectrum Boulevard from Watkins Mill Road to Spectrum Avenue shall be constructed prior to occupancy permits being issued for Buildings D, E, F, G, H, I, J, K, L, and M
 - iii) Spectrum Avenue from station 7+24 83 to 18+80 78 shall be constructed when the parking lot for future Building Q is constructed
 - iv) Spectrum Avenue from existing Professional Drive to station 7+24 83 shall be constructed prior to occupancy permits being issued for Building R

C Evaluation and Findings

The Mayor & City Council agrees with the findings, conclusions, and recommendations of approval by the City Planning Commission and City staff. The Mayor & City Council finds those recommendations to be well reasoned and adopts and incorporates their findings as part of this action.

- (1) *The application meets or accomplishes the purposes, objectives, and minimum standards and requirements of the zone*
 - a) The Spectrum at Watkins Mill application 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) The Spectrum at Watkins Mill 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 40 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 sketch plan is within the density and height requirements of the MXD zone

- (2) *The application is in accord with recommendations in the applicable master plan for the area and is consistent with any special conditions or requirements contained in said master plan*

The Property is located within the Northern Employment District of the *Frederick Avenue Corridor Land Use Master Plan*, a portion of which was adopted as a Special Study Area to the Master Plan for the City of Gaithersburg in 2001. The Corridor Master Plan identified the property as a "future mixed-use development parcel. Uses should include commercial, residential and retail." Buildings are intended to be placed along the edges of the site with parking located behind the buildings. Recommendations in the Corridor Plan for development within 600 feet of Frederick Avenue, including design, building placement, landscaping, pedestrian orientation, open space,

and proposed uses (residential, commercial, public, and retail) have been incorporated into the proposed Casey East development, and as such, the proposed development complies with the recommendations of the Master Plan. There are no additional recommendations for the property in either the 2003 Land Use Element or the draft 2009 Land Use Element.

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

The proposed development is internally and externally compatible and harmonious with existing and planned land uses in the MXD zoned areas and adjacent areas. Internally, the proposed development provides a mix of uses that will provide residents and visitors a variety of commercial, residential, and recreational opportunities in an inviting environment. The proposed internal uses are compatible on site, as well as with off-site adjoining commercial and residential land uses. The on-site commercial uses will benefit both future residents of the development, as well as those residents and employees within the nearby residential and commercial areas. The on-site apartments will provide residential opportunities for employees within the nearby employment district along North Frederick Avenue.

In conclusion, the Mayor & City Council finds that Z-301(A), as submitted in accordance with § 24-160D 11 and hereafter conditioned, is in the public interest and should be approved due to the presence of sufficient evidence in the record to indicate that the subject Amendment to Sketch Plan has accomplished the purposes of the MXD Zone, reflects an internally and externally compatible form of development, and is consistent with the City's Master Plan, as well as generally accepted City planning and land use policies, subject to the applicant complying with the conditions stated in this Ordinance.

AMENDMENT TO SKETCH PLAN Z-301(A)

ORDINANCE

NOW, THEREFORE, BE IT ORDAINED by the City Council of Gaithersburg, that Application Z-301(A), being an application filed by BP Realty Investments, LLC, is hereby approved with the following conditions required of the applicant:

- 1 The project shall be phased as follows
Phase 1 commences at approval of the final site plan and shall permit the following

Buildings and associated infrastructure Building A (multi-family residential/retail), Building B (retail/restaurant), Building C and C-3 (multi-family residential/retail/restaurant), Building D (retail/restaurant),

Building F (restaurant), Building H (multi-family residential/retail/restaurant), Building L (office/bank), Building M (retail), Building P (Police facility and associated future parking deck), Building Q (city senior center), Building S (office/ bank), Building T (office), and all other parking and related facilities for the above, as required. Provided that the number of available parking spaces provided never falls below the required number of parking spaces, parking may be initially constructed as surface parking to City standards and then replaced with buildings and structured decks as shown on the SDP

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

Buildings Building K (retail/restaurant/office above deck), Building N (service station), Building O (office/bank), and R (age-restricted multi-family residential and retail) and parking and related infrastructure for the above, as required. Provided that the number of available parking spaces provided never falls below the required number of parking spaces, parking may be initially constructed as surface parking to City standards and then replaced with buildings and structured decks as shown on the SDP

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allocation and use can be reduced, eliminated, or reallocated to a specific project necessary to further the strategic directions of the City;

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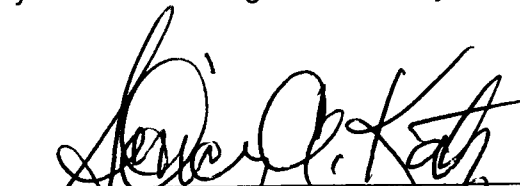
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ADOPTED by the Mayor and City Council of Gaithersburg, Maryland, on the 19th day of March, 2012



SIDNEY A. KATZ, MAYOR
and President of the Council

DELIVERED to the Mayor of the City of Gaithersburg this 19th day of March, 2012 APPROVED by the Mayor of the City of Gaithersburg this 19th day of March, 2012



SIDNEY A. KATZ, MAYOR
and President of the Council

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the City Council in public meeting assembled on the 19th day of March, 2012 This Ordinance will become effective on the 9th day of April, 2012

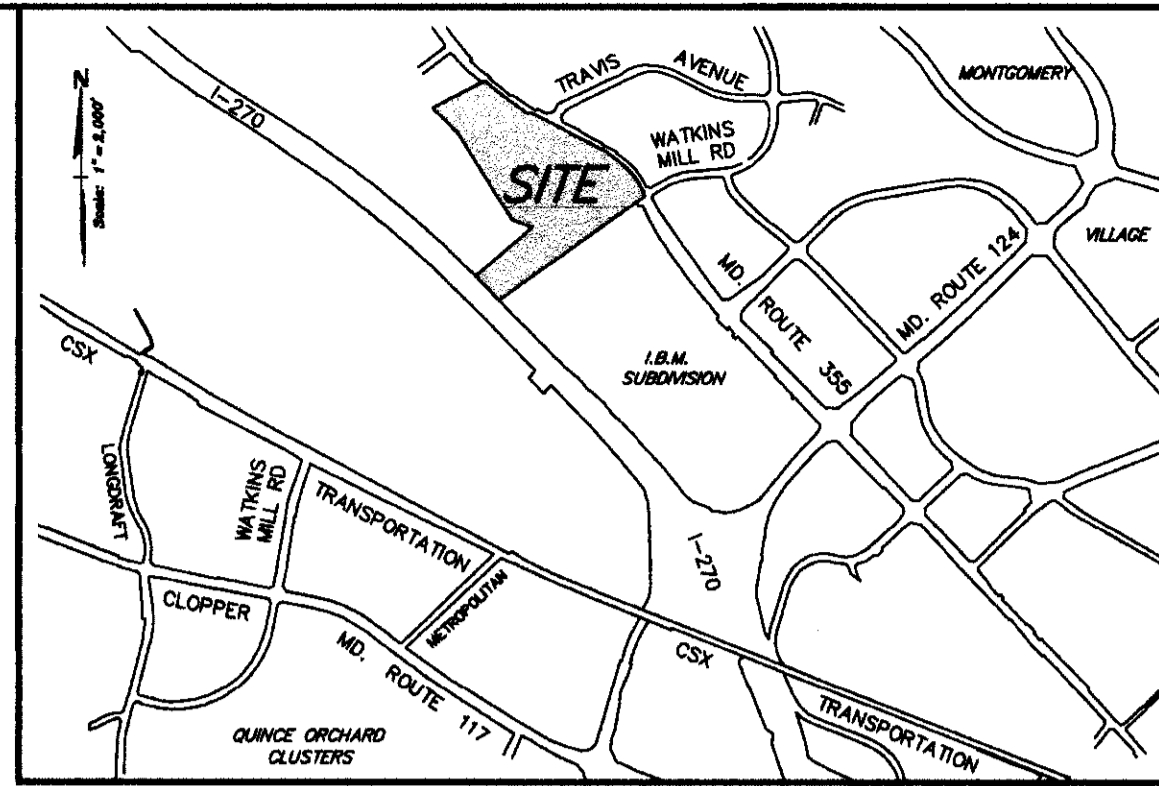


Angel L. Jones, City Manager

THE SPECTRUM AT WATKINS MILL

GAITHERSBURG, MARYLAND

AMENDED SCHEMATIC DEVELOPMENT PLAN



Vicinity Map
1" = 2000'

SDP SHEET INDEX

TITLE	SHEET NO.
COVER SHEET	1
SCHEMATIC DEVELOPMENT PLAN	2-6
NOTES AND DETAILS	7
PARKING DISTRIBUTION PLAN	8
PRELIMINARY STORM DRAIN AND PAVING PLAN	9-10
CONCEPTUAL UTILITY PLAN	11
BOUNDARY SURVEY	12
LANDSCAPE AND LIGHTING PLAN	13-14
NRI/FSD	15
FINAL FOREST CONSERVATION PLAN	16
ARCHITECTURE	17-19
RENDERINGS/EXHIBITS	20
TRUCK TURNING EXHIBIT	21

LEGEND
PREVIOUSLY APPROVED SDP-07-001 (NO CHANGE)
SDP AMENDMENT

General Notes

- This plan is an amendment to SDP 07-001 previously approved on August 20, 2007, and SDP 05-003 approved June 19, 2006.
- Topography was prepared aerielly by Photographic Data Services. (March, 2001)
- Existing contour interval = 2'.
- This site is zoned MXD.
- Water and Sewer class: I
- 100-year floodplain as shown on FIRM 24031C0186D, as amended by LOMR dated December 9, 2008.
- Maximum building height: 9-story 104'.
- Designation, total number, location, size and use of buildings are subject to final site plan approval.
- Buildings as shown are for illustrative purposes. Actual building footprints will vary based on specific uses. But will be within the cumulative square footage for each of the listed uses. The allocation of building square footage will be adjusted at site plan. Building square footage can be adjusted or allocated from building envelope to building envelope, as long as the cumulative total is not exceeded in accordance with Section 24-198 (c)(3).
- The 30' scale Schematic Development Plan supersedes all 100' & 200' scale plans.
- Limits of clearing and grading as defined in approved SWM and Sediment Control Plan SP-07-0017. Landscaped open space as represented hereon are preliminary and subject to modification at final site plan.
- 0.75 F.A.R. Maximum allowed. (0.07 Phase I; 0.12 Phase 2)

14. 40% of the residential area and 25% of the urban core area to be provided for green space.

Commercial Area	25.0 ac
25% Green Space Req'd	6.25 ac
Residential Area	7.7 ac
40% Green Space Req'd	3.08 ac
Total Green Space Req'd	9.33 ac
Total Provided	15.68 ac

15. Building Sizes and Uses

Planned Uses	Building	Previously Approved SDP 07-001	Proposed Uses SDP 11-002	
4 Restaurants (Class A)	B	8,000	9,500	
	C-3	11,000	11,000	
	D	8,000	5,500	
	E	7,500	7,500	
	H	7,200	7,200	
	Total	30,400	31,000	
1 Mixe Use Bank/Office:	L	4,000	4,000	
	S	6,000	4,000	
	Total	6,000	6,000	
1 Office/Police	L	28,000	28,000	
	Total	28,000	28,000	
1 Warehouse Storage (Bldg P)	Warehouse	1,200	1,200	
	Total	1,200	1,200	
8 Mixed Use Retail:	A	2,100	3,770	
	C	11,700	9,240	
	D	7,500	1,000	
	F	47,500	5,000	
	G	5,000	6,690	
	Total	78,800	31,600	
1 Senior Center:	Q	30,000	30,000	
	Total	30,000	30,000	
Residential-Condo Units:	A	110	114	
	C	110	110	
	Total	224	224	
PHASE I	I	6,200	6,200	
	K	6,200	6,200	
	Total	12,400	12,400	
	3 Mixed Use Retail:	J	4,100	9,300
		R	1,700	1,500
		Total	5,800	10,800
2 Mixed Use Bank/Office:		K	60,000	60,000
	Total	4,100	2,100	
1 Service Station/Hotel:	N	4,800	4,800	
	Total	4,800	4,800	
Residential-Condo Units:	DU	158	158	
	DU	158	158	
	Total	158	158	

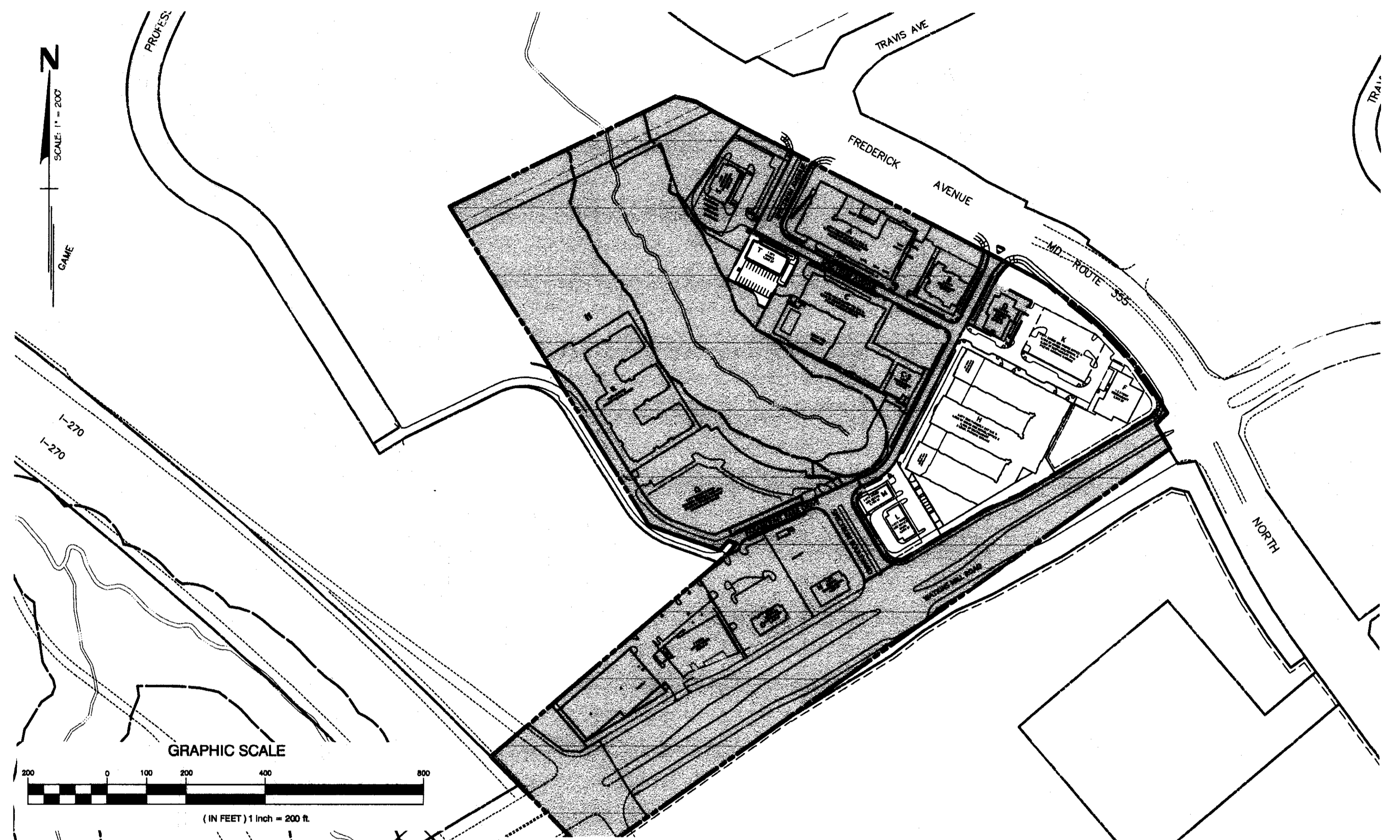
Site area:	
N668	0.7 ac±
N633	0.2 ac±
N565	0.02 ac±
P360	8.8 ac±
P356	5.7 ac±
P457	8.4 ac±
N501	2.0 ac±
P450	4.0 ac±
N455	0.4 ac±
MD SHA	0.1 ac±
PUB. R/W	8.4 ac±
Total	31.3 ac±

The following parcels which were part of the original SDP approval have been dedicated to Montgomery County in accordance with the Agreement of Dedication dated April 29, 2010 and recorded in the land records of Montgomery County at Liber 39284 Folio 482 (incorporated herein by reference); no changes are being requested to these parcels:

N613	2.0 ac± (Montgomery County Police Station)
N686	1.5 ac± (Future Watkins Mill Road Interchange)
N572	5.3 ac± (Watkins Mill Road)
Total	8.8 ac±

Total Site Area 40.1 ac±

- Restaurant use can be up to 15% of Gross Square Footage of building consistent with standards applied to other properties with MXD zoning. Restaurant use above 15% is subject to parking requirements of the City Zoning Ordinance.



RESOLUTION NO. R-18-12

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF GAITHERSBURG GRANTING APPROVAL OF SCHEMATIC DEVELOPMENT PLAN SDP-11-002, KNOWN AS THE SPECTRUM AT WATKINS MILL ROAD, FOR ZONED MIXED USE DEVELOPMENT (MXD)

OPINION

The Mayor and City Council and Planning Commission held a consolidated joint public hearing for map amendment application Z-301(A) and SDP-11-002 on January 17, 2012. During the course of the hearing the following concerns and questions were raised regarding the proposed plan:

1. Pedestrian linkages to the site
Relate conditions along the Building H storage of Spectrum Avenue and Frederick Avenue at the intersection of Montgomery Village Avenue and North Frederick Avenue.

2. Phase 2 entrances at beginning of construction of the Watkins Mill Road Interchange and street lighting
Building K (restaurant/office above deck), Building H (senior center), Building C (office/retail), and Building D (multi-family residential) shall be constructed in accordance with the proposed plan. The applicant shall provide a site plan showing the proposed entrances and street lighting for the above buildings. The applicant shall also provide a site plan showing the proposed entrances and street lighting for the above buildings. The applicant shall also provide a site plan showing the proposed entrances and street lighting for the above buildings.

OPERATIVE PARTS

A. Background

The subject Tax Parcels, originally a portion of tax parcel #10 were annexed into the City of Gaithersburg in 1988. In 2006, the Mayor and City Council approved rezoning application Z-301 and schematic development plan SDP-05-003 with 38 conditions as amended by Resolution R-09-09. The applicant subsequently submitted application SDP-07-001 to amend the approved schematic development plan with respect to Resolution R-09-09. The site has received final site plan approval for Phase 1A, 1B, and 1C and associated infrastructure via applications SP-07-017 and SP-06-001, respectively.

C. Evaluation and Findings

- The City Council, upon annual review of the evidence of record, agrees with the findings, conclusions and recommendations of approval of joint application Z-301(A) and schematic development plan SDP-11-002 by the City Planning Commission and City staff. The City Council finds that these recommendations be well reasoned and adopts and supports that findings as part of this action. The City Council also finds that the applicant has provided sufficient information to support the proposed plan and that the applicant has provided sufficient information to support the proposed plan and that the applicant has provided sufficient information to support the proposed plan.
- The City Council finds that the applicant meets the submission requirements and the standards and requirements for approval of the subject schematic development plan in that:

1. The project shall be phased as follows

- Phase 1 commences at approval of the final site plan and shall permit the following:
 - Buildings and associated infrastructure Building A (multi-family residential), Building B (restaurant/office above deck), Building C (office/retail), Building D (multi-family residential), Building E (restaurant/office above deck), Building F (restaurant/office above deck), Building G (office/retail), Building H (senior center), Building I (office/retail), Building J (office/retail), Building K (restaurant/office above deck), Building L (office/retail), Building M (office/retail), Building N (office/retail), Building O (office/retail), Building P (office/retail), Building Q (office/retail), Building R (office/retail), Building S (office/retail), Building T (office/retail), Building U (office/retail), Building V (office/retail), Building W (office/retail), Building X (office/retail), Building Y (office/retail), Building Z (office/retail).
- Phase 2 commences at beginning of construction of the Watkins Mill Road Interchange and street lighting.

2. The applicant shall obtain a letter of agreement from SHA for access from Md. Rte. 355 and for any grading/retention of the reversible slope assessment along Md. Rte. 355 prior to approval of final site plan.

- Prior to the issuance of the first building permit, the Developer shall dedicate to the City of Gaithersburg, the lot shown on the attached SDP containing Building H and the surrounding parking areas for the use as a Senior Center, subject to a cross parking easement. In addition to the Dedicated, Developer shall, as part of the construction of the initial phase of the Spectrum project: (a) rough grade the Building Q pad, (b) provide water, sewer, and electric and gas lines to within fifteen feet (15') of the Building Q pad, and (c) construct, at Developer's cost, the 89 parking spaces within the Building P lot as shown on the SDP (including lighting, siting) and perimeter landscaping to the back of curb for the building pad, of which 75 spaces shall be attributable to the Senior Center, and 14 spaces shall be attributable to the balance of the Developer's project.
- The applicant shall work with staff to refine and enhance the pedestrian experience along Spectrum Avenue prior to final site plan approval for Building H.
- The applicant shall obtain a letter of agreement from SHA for access from Md. Rte. 355 and for any grading/retention of the reversible slope assessment along Md. Rte. 355 prior to approval of final site plan.
- Road construction phasing: Public road improvements including curb and gutter, paving, storm drain, sidewalk and street lights shall be completed in the following sequence:
 - Post Preserve Road from existing Maryland Route 355 to Station 2441 50, and Spectrum Avenue from station 1940 78 to existing Maryland Route 355 shall be constructed prior to occupancy permits being issued for Buildings A, B, C, D, E, F, G, H, I, J, K, L, and M.
 - Spectrum Avenue from station 1120 to 1940 78, and Spectrum Boulevard from Watkins Mill Road to Spectrum Avenue shall be constructed prior to occupancy permits being issued for Buildings D, E, F, G, H, I, J, K, L, and M.
 - Spectrum Avenue from station 724 83 to 1940 78 shall be constructed when the parking lot for future Building Q is constructed.
 - Spectrum Avenue from existing Professional Drive to station 1724 83 shall be constructed prior to occupancy permits being issued for Building R.
- The applicant shall work with staff to refine and enhance the pedestrian experience along Spectrum Avenue prior to final site plan approval for Building H.
- The applicant shall work with staff to redesign/reorient Building L to minimize view of the drive through.
- Road construction phasing: Public road improvements including curb and gutter, paving, storm drain, sidewalk and street lights shall be completed in the following sequence:
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 - Spectrum Avenue from station 1120 to 1940 78, and Spectrum Boulevard from Watkins Mill Road to Spectrum Avenue shall be constructed prior to occupancy permits being issued for Buildings D, E, F, G, H, I, J, K, L, and M.
 - Spectrum Avenue from station 724 83 to 1940 78 shall be constructed when the parking lot for future Building Q is constructed.
 - Spectrum Avenue from existing Professional Drive to station 1724 83 shall be constructed prior to occupancy permits being issued for Building R.

SCHEMATIC DEVELOPMENT PLAN SDP-11-002

RESOLUTION

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF GAITHERSBURG, THAT SDP-11-002, being an application filed by BP Realty Investments, LLC, requesting approval of Schematic Development Plan is hereby approved subject to the following conditions recited of the applicant:

- The project shall be phased as follows:
 - Phase 1 commences at approval of the final site plan and shall permit the following:
 - Buildings and associated infrastructure Building A (multi-family residential), Building B (restaurant/office above deck), Building C (office/retail), Building D (multi-family residential), Building E (restaurant/office above deck), Building F (restaurant/office above deck), Building G (office/retail), Building H (senior center), Building I (office/retail), Building J (office/retail), Building K (restaurant/office above deck), Building L (office/retail), Building M (office/retail), Building N (office/retail), Building O (office/retail), Building P (office/retail), Building Q (office/retail), Building R (office/retail), Building S (office/retail), Building T (office/retail), Building U (office/retail), Building V (office/retail), Building W (office/retail), Building X (office/retail), Building Y (office/retail), Building Z (office/retail).
 - Phase 2 commences at beginning of construction of the Watkins Mill Road Interchange and street lighting.
- The applicant shall obtain a letter of agreement from SHA for access from Md. Rte. 355 and for any grading/retention of the reversible slope assessment along Md. Rte. 355 prior to approval of final site plan.
- Road construction phasing: Public road improvements including curb and gutter, paving, storm drain, sidewalk and street lights shall be completed in the following sequence:
 - Post Preserve Road from existing Maryland Route 355 to Station 2441 50, and Spectrum Avenue from station 1940 78 to existing Maryland Route 355 shall be constructed prior to occupancy permits being issued for Buildings A, B, C, D, E, F, G, H, I, J, K, L, and M.
 - Spectrum Avenue from station 1120 to 1940 78, and Spectrum Boulevard from Watkins Mill Road to Spectrum Avenue shall be constructed prior to occupancy permits being issued for Buildings D, E, F, G, H, I, J, K, L, and M.
 - Spectrum Avenue from station 724 83 to 1940 78 shall be constructed when the parking lot for future Building Q is constructed.
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- The applicant shall work with staff to refine and enhance the pedestrian experience along Spectrum Avenue prior to final site plan approval for Building H.
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 - Spectrum Avenue from station 724 83 to 1940 78 shall be constructed when the parking lot for future Building Q is constructed.
 - Spectrum Avenue from existing Professional Drive to station 1724 83 shall be constructed prior to occupancy permits being issued for Building R.

ADOPTED BY THE CITY COUNCIL THIS 10th DAY OF MARCH, 2012
SHEILA KATA, MAYOR
Resident of the Council

THIS IS TO CERTIFY that the foregoing Resolution was adopted by the City Council on public meeting assembled on the 10th day of March, 2012.
Tony Tomassini, Acting City Administrator



BP Realty Investments, LLC
10000 Falls Road, Suite 100
Potomac, Maryland 20854
Ph: (301) 299-2099
Fax: (301) 299-2033

AMENDED SCHEMATIC DEVELOPMENT PLAN

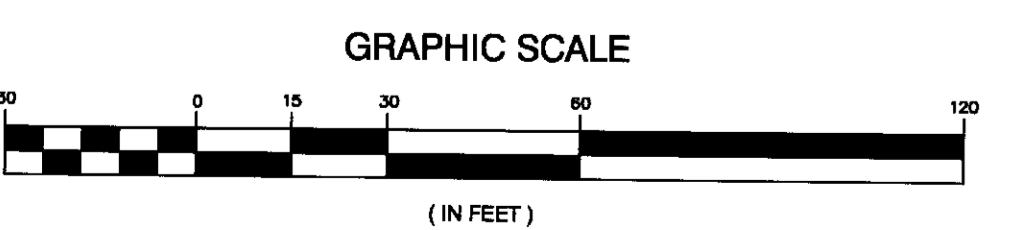
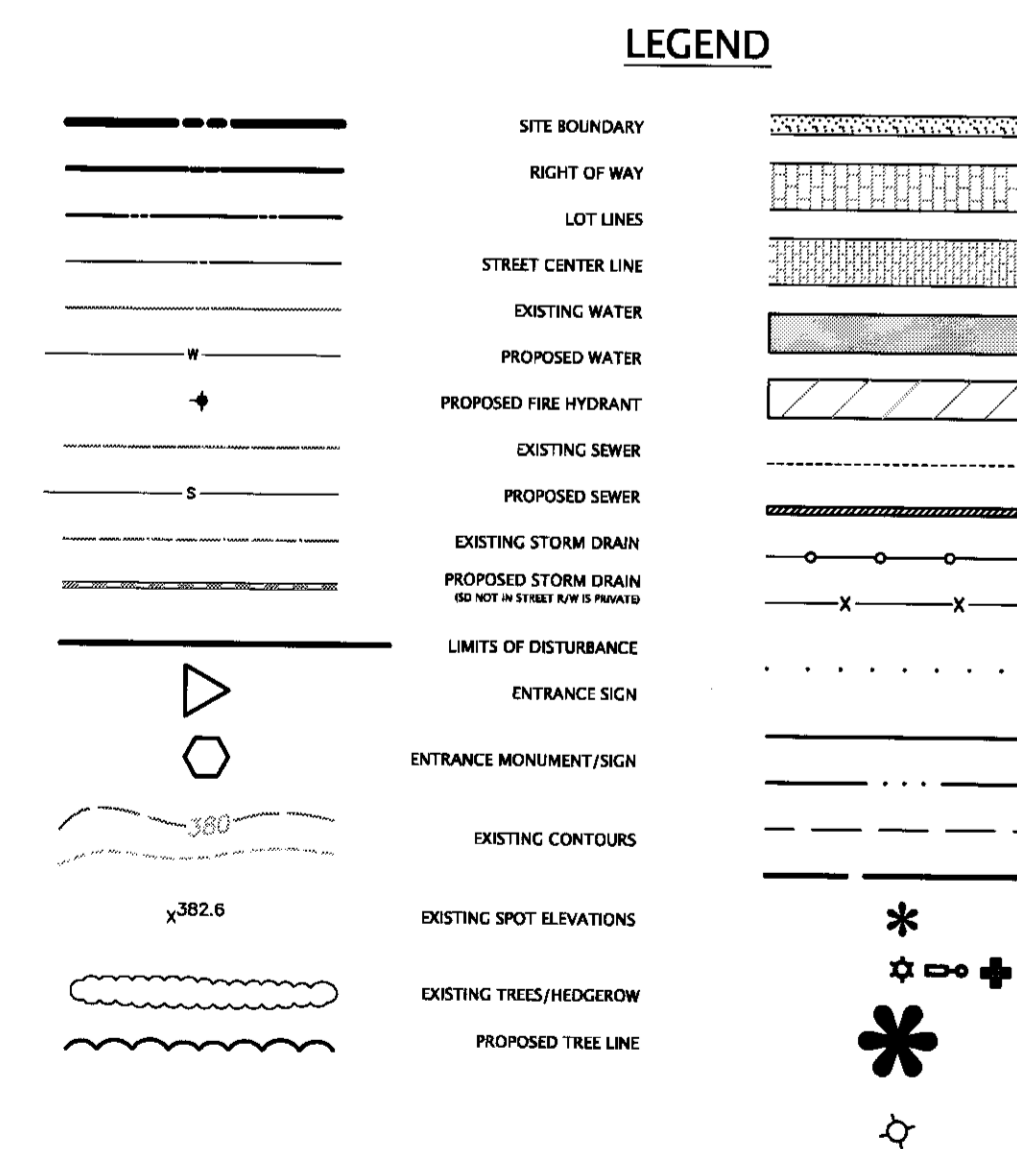
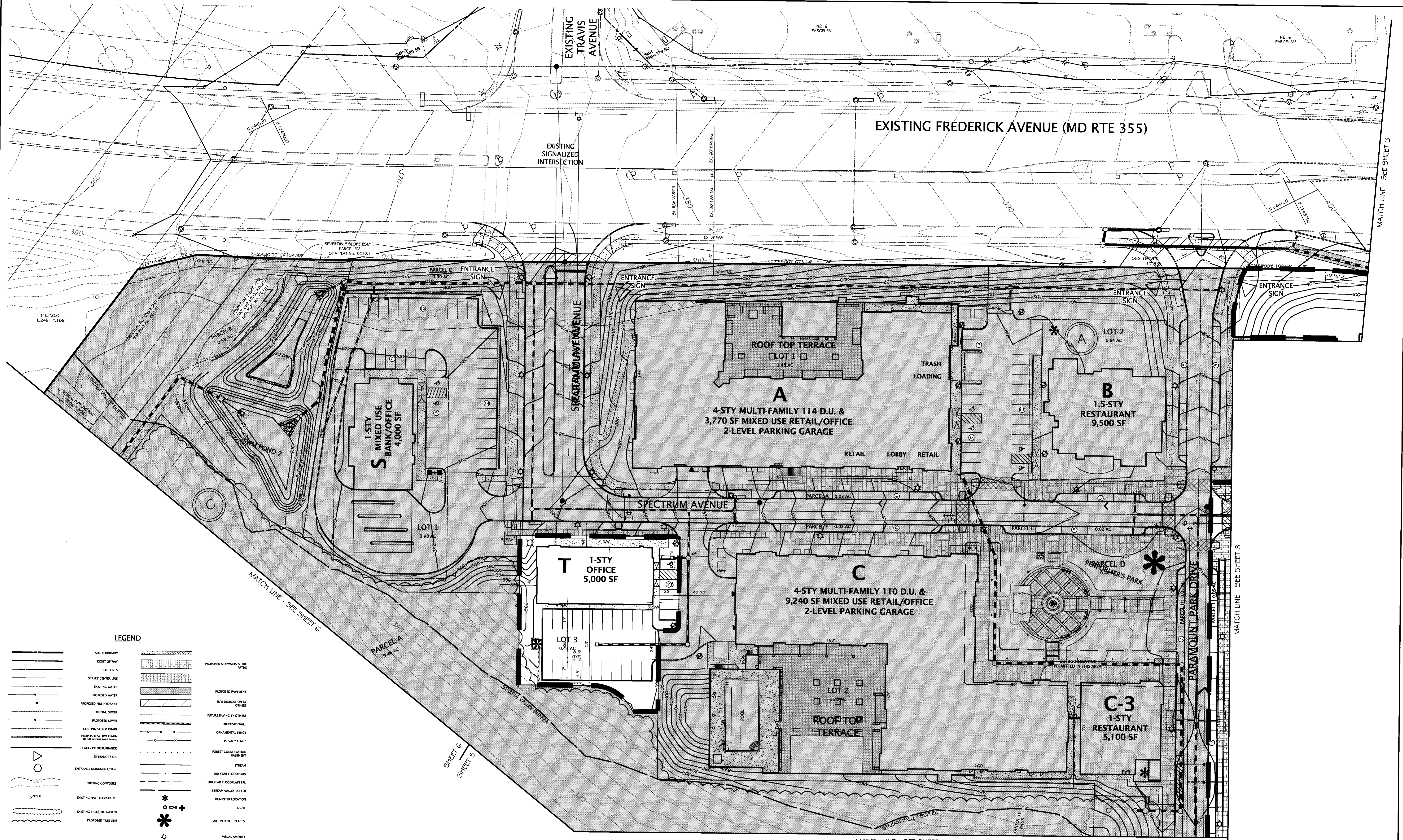
REVISION	DATE
STAFF COMMENTS	1/23/12

THE SPECTRUM AT WATKINS MILL

City of Gaithersburg
9th Election District
Montgomery County, Maryland

SDP 11-002

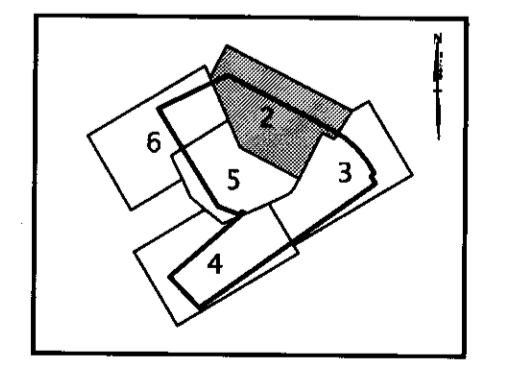
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Drawn by: LFG
DATE: Sept. 2011
SHEET No. 1 of 21



LEGEND
 PREVIOUSLY APPROVED
 SDP-07-001
 (NO CHANGE)

SDP AMENDMENT

CITY OF GAITHERSBURG MAYOR & COUNCIL
 31 SOUTH SUMMIT AVENUE, GAITHERSBURG, MARYLAND 20877
SCHEMATIC DEVELOPMENT PLAN APPROVAL
 AT THE REGULARLY SCHEDULED MEETING OF THE MAYOR AND CITY COUNCIL HELD ON March 19, 2012
 APPLICATION NO. SDP-11-002 WAS GRANTED
 SCHEMATIC DEVELOPMENT PLAN APPROVAL
 BY RESOLUTION R-1912 WITH 15 () CONDITIONS.
 DATE 7/24/12 BY [Signature]
NOTE: ANY REVISIONS TO SIGNED PLANS MUST BE REAPPROVED BY THE MAYOR & CITY COUNCIL.



SHEET INDEX
 SDP 11-002



BP Realty Investments, LLC
 10000 Falls Road, Suite 100
 Potomac, Maryland 20854
 Ph.: (301) 299-2099
 Fax: (301) 299-2033

AMENDED
SCHEMATIC DEVELOPMENT PLAN

REVISION	DATE
STAFF COMMENTS	1/23/12

THE SPECTRUM AT WATKINS MILL

City of Gaithersburg
 9th election district
 Montgomery County, Maryland

SCALE: 1"=30'
 Drawn By: LFG
 DATE: Sept. 2011
 SHEET No. 2 of 21

RESOLUTION No R-19-12

RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF GAITHERSBURG GRANTING APPROVAL OF
SCHEMATIC DEVELOPMENT PLAN SDP-11-002,
KNOWN AS THE SPECTRUM AT WATKINS MILL ROAD, FOR
APPROXIMATELY 40 10 ACRES OF PROPERTY
ZONED MIXED USE DEVELOPMENT (MXD)

SDP-11-002

OPINION

Joint Application Z-301(A)/SDP-11-002 has come before the Mayor and City Council for approval of an amendment to sketch plan Z-301 and an amendment to schematic development plan SDP-07-001 for land zoned Mixed Use Development (MXD). The City Council's authority in this matter is pursuant to § 24-160D 9(b)(2) of the City of Gaithersburg Zoning Ordinance (Chapter 24 of the City Code), which authorizes the Council and Commission to conduct public hearings on a schematic development plan application following appropriate notification procedures and to take action on the application within ninety (90) days of the close of the hearing record, following receipt of a recommendation by the City Planning Commission.

The subject case involves approximately 40 10 acres of land and concerns the development of the property known as Parcels N668, N663, N565, P360, P356, P457, N561, P450, N455, N686, N572, N613 (no changes are proposed for parcels N686, N613, and N572). The subject property ("Property") is located east of Interstate 270 and west of Maryland Route 355, and is bounded on the west by Md Route 355, to the north by P370 & P182 (Potomac Electric Power Co), and to the east by parcel N391 (Colonial Pipeline Co), Parcels N526 and N417 (Humane Society of the United States), and Interstate 270. The Property is currently bounded on the south by Watkins Mill Road extended. The schematic development plan application was submitted to the City Planning and Code Administration, on September 20, 2011. This application was designated as SDP-11-002.

OPERATIVE FACTS

A. Background

The subject Tax Parcels, originally a portion of tax parcel 910 were annexed into the City of Gaithersburg in 1968. In 2006, the Mayor and City Council approved rezoning application Z-301 and schematic development plan SDP-05-003 with 29 conditions as listed in Resolution R-65-06. The applicant subsequently submitted application SDP-07-001 to amend the approved schematic development plan with was approved via Resolution R-92-07. The site has received final site plan approval for Phase 1A and 1B and associated infrastructure via applications SP-07-017 and SP-09-004, respectively.

B Current Application

On September 20, 2011, Mr. Pete Henry of BP Realty Investments, LLC submitted a joint application for amended sketch plan Z-301(A) along with schematic development plan, SDP-11-002. The sketch plan proposes 214,810 square feet of mixed office, restaurant, commercial, service station, senior center/public uses, including 669 multi-family residential units to be built in two phases on approximately 40.1 acres of land. The schematic development plan (SDP) proposes to modify the previously approved SDP to incorporate an additional 287 multi-family residential units in Phase One and reduce the proposed commercial and retail square footage within the allowances provided under the proposed sketch plan.

The Mayor and City Council and Planning Commission held a consolidated joint public hearing for map amendment application Z-301(A) and SDP-11-002 on January 17, 2012. During the course of the hearing the following concerns and questions were raised regarding the proposed plan:

- Pedestrian linkages to the site
- Unit mix among the three residential buildings in Phase One
- Retail condition along the Building H frontage of Spectrum Avenue
- Traffic conditions at the intersection of Montgomery Village Avenue and North Frederick Avenue

In response to the issues above, the Applicant and design team revised and resubmitted the plan. In response to the comment made regarding pedestrian access into the site, the applicant revised the proposed plan to provide pedestrian access along Watkins Mill Road. The applicant further provided an updated traffic analysis and statement regarding the current traffic conditions at the intersection of North Frederick Avenue and Montgomery Village Avenue which indicates that critical lane volumes at this intersection are actually lower than they were in 2007. Furthermore, the proposed residential unit mix and retail/restaurant mix has been modified which has further reduced the anticipated peak traffic generated by the development, ensuring that the traffic generated by the proposed modification is within the limitations established by SDP-07-001. The applicant submitted correspondence regarding the proposed unit mix that indicates that Building H will feature a unit mix that has a higher percentage of studio apartments than buildings A and C. Overall, the predominant unit type will be one bedroom units, with two and three bedroom units being a much smaller percentage of units. Finally, the applicant has also revised the building elevations along the Spectrum Avenue Frontage of Building H to further define and enhance the retail presence along this street. Staff has also added a condition that the applicant work with staff to further refine the pedestrian experience along the street frontage during the final site plan review stage.

The Planning Commission record regarding joint application Z-301(A) and schematic development plan SDP-11-002 closed as of five (5) PM, February 1, 2012. The Planning Commission reviewed the SDP-11-002 application at its regular meeting on February 15, 2012. Based up their review of the evidence, the Planning Commission found application SDP-11-002 to be in conformance with the MXD zone standards.

Consequently, the Planning Commission recommended approval of application SDP-11-002 with the following conditions required of the applicant:

- 1 The project shall be phased as follows
Phase 1 commences at approval of the final site plan and shall permit the following

Buildings and associated infrastructure Building A (multi-family residential/retail), Building B (retail/restaurant), Building C and C-3 (multi-family residential/retail/restaurant), Building D (retail/restaurant), Building F (restaurant), Building H (multi-family residential/retail/restaurant), Building L (office/bank), Building M (retail), Building P (Police facility and associated future parking deck), Building Q (city senior center), Building S (office/bank), Building T (office), and all other parking and related facilities for the above, as required Provided that the number of available parking spaces provided never falls below the required number of parking spaces, parking may be initially constructed as surface parking to City standards and then replaced with buildings and structured decks as shown on the SDP

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

Buildings Building K (retail/restaurant/office above deck), Building N (service station), Building O (office/bank), and R (age-restricted multi-family residential and retail) and parking and related infrastructure for the above, as required Provided that the number of available parking spaces provided never falls below the required number of parking spaces, parking may be initially constructed as surface parking to City standards and then replaced with buildings and structured decks as shown on the SDP

The property included in the Second Phase is intended to be fully developed and not held as open space (except as shown on the submitted SDP), and such development density noted above is intended to commence construction concurrent with the commencement of construction of the Watkins Mill Interchange If the Watkins Mill Interchange project has not commenced on or before March 1, 2015, or is abandoned by the Maryland State Highway Administration (SHA), the Developer may apply to the City for an amendment to the Sketch Plan

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

provide a preliminary plan at final site plan A Transportation Demand Management Plan shall be operational at the time that the first certificate of occupancy is issued Upon written agreement by both parties, the amount of funding and its allocation and use can be reduced, eliminated, or reallocated to a specific project necessary to further the strategic directions of the City;

- 3 The applicant shall be required to construct the tennis court, pool and clubhouse generally shown on the SDP concurrently with the construction of Building C condominium,
- 4 The applicant shall work with City Staff on the continued refinement of pedestrian and bicycle linkages between buildings and throughout and around the site A final pedestrian/bicycle plan, including a sign program for such path, bike racks, etc , extending to and from the site and through the site be reviewed as part of the final site plan for Building H,
- 5 The applicant shall receive approval of a final utility plan from the Department of Public Works and letters from appropriate utility agencies including, but not limited to, Washington Gas, PEPCO, Verizon, and WSSC prior to the issuance of Public Works permits for each phase,
- 6 The applicant shall obtain a letter of agreement from SHA for access from Md Rte 355 and for any grading/disturbance of the revertible slope easement along Md Rte 355 prior to approval of final site plan,
- 7 The applicant shall submit a noise analysis for current and future traffic noise impacts on the site and a noise abatement plan as part of the final site plan application Noise abatement measures should seek to achieve the 65 dBA exterior noise guideline and the 45 dBA interior noise guideline
- 8 As part of building permit application and prior to approval of building permits, the applicant shall submit certification by a professional engineer with competency in acoustical analysis that the building shells will attenuate exterior noise levels to an interior level not to exceed 45 dBA Ldn A final noise mitigation plan shall be reviewed and approved by staff prior to the issuance of building permits,
- 9 The applicant to ensure that the design of all multi-story buildings with ground floor retail accommodate mechanical vent shafts through all floors for the first floor units,
- 10 The applicant to work with staff to locate new bus shelters near the Travis Avenue and Watkins Mill Road entrances to the development. The bus shelters shall be the City prototype without advertising,
- 11 The applicant to provide Art in Public Places Program (AIPP) and commit funding to be approved by city staff and AIPP committee during the final site

plan stage for building H,

- 12 Prior to the issuance of the first building permit, the Developer shall dedicate to The City of Gaithersburg , the lot shown on the attached SDP containing Building P and the surrounding parking areas for the use as a Senior Center, subject to a cross parking easement. In addition to the Dedication, Developer shall, as part of the construction of the initial phase of the Spectrum project: (a) rough grade the Building Q pad, (b) provide water, sewer, sanitary sewer, electricity and gas lines to within fifteen feet (15') of the Building Q pad, and (c) construct, at Developer's cost, the 89 parking spaces within the Building P lot as shown on the SDP (including lightning, striping) and perimeter landscaping) to the back of curb for the building pad, of which 75 space shall be attributable to the Senior Center, and 14 spaces shall be attributable to the balance of the Developer's project.
- 13 The applicant shall work with staff to refine and enhance the pedestrian experience along Spectrum Avenue prior to final site plan approval for Building H
- 14 The applicant shall work with staff to redesign/reorient Building L to minimize views of the drive through
- 15 Road construction phasing Public road improvements including curb and gutter, paving, storm drain, sidewalk and street lights shall be completed in the following sequence
 - i) Post Preserve Road from existing Maryland Route 355 to Station 5+81 50, and Spectrum Avenue from station 18+80 78 to existing Maryland Route 355 shall be constructed prior to occupancy permits being issued for Buildings A, B, C or S
 - ii) Spectrum Avenue from station 11+20 to 18+80 78, and Spectrum Boulevard from Watkins Mill Road to Spectrum Avenue shall be constructed prior to occupancy permits being issued for Buildings D, E, F, G, H, I, J, K, L, and M
 - iii) Spectrum Avenue from station 7+24 83 to 18+80 78 shall be constructed when the parking lot for future Building Q is constructed
 - iv) Spectrum Avenue from existing Professional Drive to station 7+24 83 shall be constructed prior to occupancy permits being issued for Building R

C Evaluation and Findings

The City Council, upon careful review of the evidence of record, agrees with the findings, conclusions and recommendations of approval of joint application Z-301(A) and Schematic Development Plan SDP-11-002 by the City Planning Commission and City staff. The City Council finds those recommendations to be well reasoned and adopts and incorporates their findings as part of this action. The City Council further agrees with the Planning Commission in that the procedures governing the application for the MXD Zone and approvals necessary to seek building permits are subject to a multi-step process and that this is only one of several steps of the process, that subsequently includes Final Site Plan reviews and approvals.

In reviewing the subject application for the approval of Schematic Development Plan SDP-11-002, the City Council finds the application and development proposal meets or accomplishes the purposes, objectives, and minimum standards and requirements of the MXD Zone that are set forth in Chapter 24 (Zoning) Article III, Division 19 of the City Code.

The City Council finds that the application meets the submission requirements and the standards and requirements for approval of the subject schematic development plan in that:

- 1) The applicant filed, together with the prescribed application fee, an application for approval of a schematic development plan which is consistent with the approved sketch plan in terms of nature, density, location of use, access, circulation, and preservation features,
- 2) Staff determined that the schematic development plan application SDP-11-002 was complete and contains all the information and components required under §24-169(b) of the City Code,
- 3) The schematic development plan is in substantial compliance with the approved sketch plan [Z-301(A)],
- 4) The schematic development plan contains a minimum of two hundred (200) dwelling units and one hundred thousand (100,000) square feet of proposed retail/office development, or a comparable equivalent mix;
- 5) The City Council and City Planning Commission have conducted a joint public hearing(s) on the application subject to the notification procedures in section 24-196 of this Code,
- 6) The Planning Commission delivered its recommendation to the City Council on February 15, 2012, within thirty (30) days of the close of the commission's hearing record of February 2, 2012,
- 7) The Council is taking action on the application within ninety (90) days after the close of the Council's hearing record on June 14, 2006,

- 8) The approval of this schematic development plan with its degree of detail shall substitute for preliminary site plan approval, and
- 9) The schematic development plan demonstrates compliance with Master Plan recommendations for the property, including any special conditions or requirements related to the property set forth in the master plan for among other reasons, the nature, and density, and mix of uses posed, future accessibility to public transportation improvements, retention of forested areas, and interrelationship and compatibility of uses

Furthermore, the City Council finds from the evidence of record that the application for schematic development plan approval, SDP-11-001, as currently amended, fulfills the findings required under § 24-160D 10

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

The current SDP application is located within Phase 1B of the development. The proposed development is in substantial accordance with the approved sketch plan which provides that this portion of the development may be developed as follows

Phase 1 Commencement at Approval of the Final Site Plan

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

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

- a) The Spectrum at Watkins Mill application 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) The Spectrum at Watkins Mill 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 40 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 SDP 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*

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

(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.*

As previously stated, the proposed development is internally and externally compatible and harmonious with existing and planned land uses in the MXD zoned areas and adjacent areas. Internally, the proposed development provides a mix of uses that will provide residents and visitors a variety of commercial, residential, and recreational opportunities in an inviting environment. The proposed internal uses are compatible on site, as well as with off-site adjoining commercial and residential land uses. The on-site commercial uses will benefit both future residents of the development, as well as those residents and employees within the nearby residential and commercial areas. The on-site apartments will provide residential opportunities for employees within the nearby employment district along North Frederick Avenue.

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

a) The Spectrum at Watkins Mill is located within the Watkins Mill cluster of the Montgomery County Public School (MCPS) system. Within this cluster, the schools that currently serve the proposed development are Watkins Mill High School, Montgomery Village Middle School and Watkins Mill Elementary School. None of these schools exceed 110% program capacity, and therefore, are adequate to serve the proposed development.

b) The subject property will be served by water and sewer pursuant to a signed agreement for the extension of utilities with the relevant public utility. As such, the

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

c) The site is currently served by three (3) existing fire stations

(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 level of development reflected in the Schematic Development Plan can be accommodated adequately by existing and planned public facilities with the proper phasing and staging of the development. The sketch plan provides for the phasing of uses before and after the construction of the Watkins Mill Interchange as a method to offset some of the traffic impacts of the project. Furthermore, the existing schools, water, sewer and fire services are adequate to serve the proposed development.

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

The Spectrum at Watkins Mill, SDP-11-002, will create a well planned and executed mixed-use town center development that establishes a sustainable and livable community that will remain a long term asset to the City. The proposed development provides for number of resources that address several critical regional needs, including a 6th District Police Station, and ample land and parking for a senior center. The proposed development will be organized, through the application of good design principles, to have a strong sense of place and a distinct identity while providing a larger tax base for the City to generate additional revenue that can help support a wider array of public programs, services, and improvements.

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

SCHEMATIC DEVELOPMENT PLAN SDP-11-002

RESOLUTION

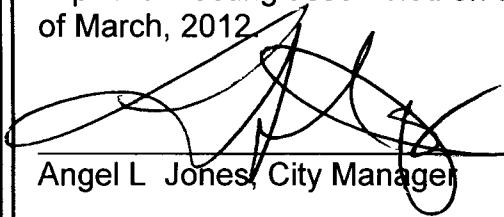
NOW, THEREFORE BE IT ORDAINED by the City Council of Gaithersburg, that SDP-11-002, being an application filed by BP Realty Investments, LLC, requesting approval of Schematic Development Plan is hereby approved subject to the following conditions required of the applicant:

ADOPTED by the City Council this 19th day of March, 2012



SIDNEY A. KATZ, MAYOR and
President of the Council

THIS IS TO CERTIFY that the foregoing
Resolution was adopted by the City Council
in public meeting assembled on the 19th day
of March, 2012.



Angel L. Jones, City Manager