



PLANNING AND CODE ADMINISTRATION

City of Gaithersburg · 31 South Summit Avenue · Gaithersburg, Maryland 20877 · Telephone: (301) 258-6330 · Fax: (301) 258-6336
plancode@gaitersburgmd.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 The Spectrum at Watkins Mill

APPLICANT/BILLING CONTACT

Business Name BP Realty Investments

Primary Contact Matthew Walters

Street Address 226 Spectrum Avenue Suite No. _____

City Gaithersburg State MD Zip Code 20879

Telephone Numbers: Work 301-850-2234 Cell 301-706-8088 E-mail Address mwalter3@hipprojects.com

OWNER

Business Name BPTC Two, LLC

Primary Contact Peter Henry

Street Address 226 Spectrum Avenue Suite No. _____

City Gaithersburg State MD Zip Code 20879

Telephone Numbers: Work 301-850-2234 Cell _____ E-mail Address peterh@henryinvestments.com

DEVELOPER

Business Name BP Realty Investments

Primary Contact Matthew Walters

Street Address 226 Spectrum Avenue Suite No. _____

City Gaithersburg State MD Zip Code 20879

Telephone Numbers: Work 301-850-2234 Cell 301-706-8088 E-mail Address mwalter3@hipprojects.com

ATTORNEY

Business Name N/A

Primary Contact _____

Street Address _____ Suite No. _____

City _____ State _____ Zip Code _____

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

ARCHITECT

Business Name N/A MD Registration No. _____

Primary Contact _____

Street Address _____ Suite No. _____

City _____ State _____ Zip Code _____

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

ENGINEER

Business Name Raztec Associates, Inc MD Registration No. _____
Primary Contact Mike Razavi
Street Address 341 West Patrick St Suite No. _____
City Fredenick State MD Zip Code 21701
Telephone Numbers: Work 301-775-4394 Cell _____ E-mail Address mike@raztecengineers.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 checked="" type="checkbox"/> Office/Professional	<input checked="" 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 (specify) _____		

PARKING Parking Waiver Needed Height Waiver Needed

Number of Spaces Required _____

PROJECT DESCRIPTION

Changing approved service station and bank pad to just a service station. Reducing two additional pad site building sizes.

SITE DETAILS

Site Area Square Feet	<u>142,441</u>	Number of Lots	<u>3</u>
Site Area Acres	<u>3.27</u>	Number of Dwelling Units/Acre	<u>0</u>
Green Area	<u>.89</u>	Parking Spaces Provided	<u>82</u>
Green Area %	<u>27%</u>	Height of Tallest Building (ft.)	<u>25</u>
		Height of Tallest Building (stories)	<u>1</u>

SQUARE FOOTAGE - NON-RESIDENTIAL

Retail/Restaurant/Office	<u>11,600</u>	Office/Professional	_____
Restaurant (A)	_____	Educational/Institutional/Religious	_____
Restaurant (B)	_____	Industrial	_____
Restaurant (C)	_____	Other (please specify)	_____

UNIT COUNTS - RESIDENTIAL

Single Family Detached Units	<u>0</u>	Apartment Units	<u>0</u>
Townhouse Units	<u>0</u>	Condominium Units	<u>0</u>
Duplex Units	<u>0</u>	Other (please specify)	<u>0</u>

Total Number Residential Units 0

SEE FOLLOWING PAGES FOR SUBMISSION REQUIREMENTS

ENGINEER

Business Name Raztec Associates, Inc MD Registration No. _____

Primary Contact Mike Razavi

Street Address 341 West Patrick St Suite No. _____

City Fredenick State MD Zip Code 21701

Telephone Numbers: Work 301-775-4394 Cell _____ E-mail Address mike@raztecengineers.com

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<input type="checkbox"/> Residential Single Family	<input type="checkbox"/> Mixed Use	<input type="checkbox"/> Residential Multi-Family
<input type="checkbox"/> Other Use (specify) _____		

PARKING Parking Waiver Needed Height Waiver Needed

Number of Spaces Required _____

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Restaurant (A)	_____	Educational/Institutional/Religious	_____
Restaurant (B)	_____	Industrial	_____
Restaurant (C)	_____	Other (please specify)	_____

UNIT COUNTS - RESIDENTIAL

Single Family Detached Units	<u>0</u>	Apartment Units	<u>0</u>
Townhouse Units	<u>6</u>	Condominium Units	_____
Duplex Units	<u>0</u>	Other (please specify)	<u>0</u>

Total Number Residential Units 0

SEE FOLLOWING PAGES FOR SUBMISSION REQUIREMENTS



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SEDIMENT AND EROSION CONTROL PLAN APPLICATION

***ALL APPLICATIONS, PLANS AND FEES SHOULD BE MAILED OR DELIVERED TO
CITY OF GAITHERSBURG, CITY HALL, 31 S. SUMMIT AVENUE, GAITHERSBURG MD 20877**

SUBJECT PROPERTY

Street Address or Location 690 Watkins Mill Road, 300 Spectrum Ave + 270 Spectrum Ave

PROJECT NAME Spectrum Town Center

APPLICANT/BILLING CONTACT

Business Name BP Realty Investments

Primary Contact Matthew Walters

Street Address 226 Spectrum Avenue

Suite No. _____

City Gaithersburg

State MD

Zip Code 20879

Telephone Numbers: Work 301-850-2234 Cell 301-706-8088 E-mail Address mwalters@hiprojects.com

OWNER

Business Name BPTC Two LLC

Primary Contact Peter Henry

Street Address 226 Spectrum Avenue

Suite No. _____

City Gaithersburg

State MD

Zip Code 20879

Telephone Numbers: Work 301-850-2234 Cell 3 E-mail Address peterh@henryinvestments.com

DEVELOPER

Business Name BP Realty Investments

Primary Contact Matthew Walters

Street Address 226 Spectrum Avenue

Suite No. _____

City Gaithersburg

State MD

Zip Code 20879

Telephone Numbers: Work 301-850-2234 Cell 301-706-8088 E-mail Address mwalters@hiprojects.com

ENGINEER

Business Name Raztec Associates, Inc

MD Registration No. _____

Primary Contact Mike Razavi

Street Address 341 West Patrick Street

Suite No. 22

City Frederick

State MD

Zip Code 21701

Telephone Numbers: Work 301-775-4394 Cell _____ E-mail Address mike@raztecengineers.com

LOCATION DESCRIPTION 3 pads ^{to} ~~to~~ NW of Rt 355 + Watkins Mill Road

PROJECT DESCRIPTION

Changing approved service station and bank pad to just a service station. Reducing two additional pad site building sizes.

PLAN TYPE (check all that apply) Concept Preliminary Final

WATERSHED: Great Seneca Lower Great Seneca Creek Middle Great Seneca Creek
 Muddy Branch Upper Rock Creek Watts Branch

TRIBUTARY: Multiple Muddy Branch Whetstone Run
 Long Draught Branch

PROJECT AREA

Total Sediment & Erosion Control Area (Acres) 3.27
Total Disturbed Area (Acres) 3.18

See Sediment and Erosion Control Checklist for Submittal Requirements

INVOICE



To:
Mike Razavi
RAZTEC ASSOCIATES, INC.

Invoice Number	Invoice Date	Invoice Amount	Amount Due	Invoice Status	Invoice Description
00130015	06/13/2019	\$1,583.00	\$0.00	Paid In Full	NONE

Reference Number	GL Account	Description	Quantity	Total
SDP-8198-2019	06-40650	GOV Review (Major)	1	\$1,583.00

Total Non-SDC Fees

Note: When making an online payment, Western Union charges a \$5.95 convenience fee per online transaction. The convenience fee is not included on the WSSC permit/plan invoice total.

PAYMENTS (This invoice only)

Reference Number	Payment Receipt #	Description	Payment Method	Amount Paid
SDP-8198-2019	TRC-118619-17-06-2019	GOV Review (Major)	Check #1025	\$1,583.00

Total Paid This Invoice

March 22, 2019



A SERVICE DISABLED
VETERAN-OWNED
SMALL BUSINESS

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

FIELD LOCATIONS

Arkansas
Georgia
Maryland
New York
North Carolina
Ohio
Pennsylvania
South Carolina
Texas
Utah
Virginia
West Virginia

Mr. Pete Henry
BP Realty Investments, LLC
10000 Falls Road, Suite 100
Potomac, Maryland 20854

RE: Spectrum Phase II
Gaithersburg, Maryland
Our Job No.: 2000-1107

Dear Mr. Henry:

As a follow up to our previous conversation and our letter dated March 13, 2019, we have had an opportunity to review the previous site plan which showed buildings "N" and "O", which were planned for a 4,800 SF convenience market with gas pumps and a 4,100 SF drive-in bank, respectively. This plan was reviewed and compared to the proposed layout for the 5,100 SF convenience market with gas pumps which is currently planned to take the place of buildings "N" and "O". It should be noted that a review of these plans indicates that the access for this site is the same on both scenarios. Access is planned along Paramount Park Drive which runs in an east west direction along the site and would provide access to Spectrum Boulevard (and ultimately Watkins Mill Road) and to MD 355 to the east and to development adjacent to this lot to the west. No additional access points are being requested for the subject property.

The March 13, 2019 letter addressed the reduction in the amount of traffic that would be anticipated to be generated as a result of the proposed changes to this portion of the site plan. It indicated that there would be 38 less trips during the morning peak hour and 170 less trips during the evening peak hour generated by the proposed plan compared to what was originally proposed for this lot. With no changes to the access points for this lot, the distribution of traffic that was approved with the original traffic study prepared for this site would not be impacted. This distribution indicated that the traffic would be oriented to the road network as follows:

- 50% to and from the North
- 15% to and from the East
- 35% to and from the South

With no changes to the proposed access points for the subject property, the assumptions made in the original traffic study for the assignment of the peak hour trips would still be applicable and the volume of traffic at the access points would actually be lower than originally anticipated due to the reduction in the number of trips shown to be generated by the proposed plan versus the previously approved plan.

Therefore, it is our opinion that the requested changes to allow for the 5,100 SF convenience market with gas pumps in lieu of the 4,800 SF convenience market with gas pumps and the 4,100 SF drive-in bank would actually have less of an impact on the access points and the adjacent roadways than originally considered in the previous approval of the site plan for this site.

If you have any questions concerning this information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Glenn Cook".

Glenn E. Cook
Senior Vice President

GEC:mlj

(F:\2000\2000-1107\Wp\Ltr_Spectrum Phase II_Henry.docx)

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

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

Zoning Application: No _____ to the existing **SDP-11-002** approval (Spectrum at Watkins Mill) (“**Application**”) for the approval of a (1) Café with drive-through on Pad “D”, and (2) a Service Station/Retail facility with related car wash facility on Pad “N” and “O”, and (3) a restaurant/retail/office building on Pad “B”.

For replacing a portion of No. SDP-07-001 (for Pads “B,D, N and O”), previously approved on July 15, 2011, and a portion of the property formerly known as “Casey East”, the prior SDP-07-001 having been also amended by SDP-11-002 on March 19, 2012 for the approvals of Pad formerly known as “Casey East” Approved No. Z-301A and SDP-11-002.

The existing approved Sketch Plan/SDP permits 214,810 square feet of mixed-use development (office, restaurants, retail, commercial service station, senior center and police station) and 669 multifamily residential units to be constructed in three complexes – the *Paramount*, the *Majestic*, and the *Azalea*, all to be constructed in phases on approximately 40.1 acres of land.

The Application, if approved, will: (a) allow for the continued phased development of the Spectrum at Watkins Mill in a manner consistent with the Master Plan and existing approvals, (b) in a manner that will be supportive of the newly established retail in the project, (c) provide services for those traveling onto or from the new Watkins Mill/I-270 Interchange, and (d) continue the evolution of the Spectrum mixed-use project.

**MEMORANDUM IN SUPPORT OF SCHEMATIC DEVELOPMENT PLAN
APPROVAL**

BPTC TWO, LLC (the “Applicant”), applies for the modification of three sections of property (“Property”) within the planned, mixed-use development known as *The Spectrum at Watkins Mill* (the “Spectrum”), to house (1) a proposed restaurant café with drive through lane on Parcel

D, (2) a proposed service station/convenience store with a car wash on Parcel's N and O, and (3) restaurant/retail/office building on Pad "B". The Spectrum, which is approximately 27 acres after dedication of Watkins Mill Road and the 6th District Police Station, is located in the northwest quadrant of North Frederick Avenue and Watkins Mill Road Extended, and was approved under zoning application Z-301 (as amended by Z-301A), Schematic Development Plan SDP-11-002 (amending SDP 07-001 and SDP 05-003), and more recently SP-12-0002 (the "Majestic") and AFP-7220-2016 ("Firebirds Restaurant"). With this submission, the Applicant seeks to modify the existing approval for approximately 3 acres of the 27-acre Spectrum project.

This application seeks the following changes:

Building D:

Pad Building D is currently approved as a freestanding 6,500 square foot building, of which 3,500 square feet are designated as a restaurant use and 3,000 square feet are designated for mixed-use retail.

The application seeks to revise this to accommodate the construction of a freestanding café style restaurant/retail store of approximately 2,500 square feet with a drive through and outdoor seating for the café proposed to be operated by Starbucks.

Building N & O:

Pads N and O are approved for 8,900 square feet of buildings, as follows: (1) Pad Building "N" is currently approved for a freestanding Service Station/Retail use of 4,800 square feet with associated pumps, and (2) Pad Building "O" is designated as a freestanding Mixed Use/Bank building with drive through lanes of 4,100 square feet.

The application seeks to revise this to accommodate the construction of a freestanding Service Station/Retail use, associated pumps and car wash of approximately 5,300 square feet, proposed to be operated by Royal Farms.

Building Pad B:

Pad Building B is currently approved as a freestanding 9,500 square foot restaurant building.

The application seeks to revise this to accommodate the construction of a freestanding restaurant/retail/office building of 4,500 square feet and 18 additional parking spaces intended for Building B.

We have included in the application a report from the Traffic Group indicating that with the proposed revisions, the revised trip totals projected to be generated by these changes will be less than what would have been anticipated based on the existing approved plan.

The proposed changes are requested to (a) allow for the continued phased development of the Spectrum at Watkins Mill in a manner consistent with the Master Plan and existing approvals, (b) in a manner that will be supportive of the newly established retail in the project, (c) provide services for those traveling onto or from the new Watkins Mill/I-270 Interchange, and (d) continue the evolution of the Spectrum mixed-use project.

I. INTRODUCTION

The Property, which is the subject of this SDP No. _____, is located in the northwest quadrant of Route 355 and Watkins Mill Road. The Property is further identified as three separate parcels as follows: (1) Pad “D”, being referred to as Lot 6 as shown on Plat #25278, being approximately .40501 acres of land (owned by BPTC Two, LLC), and (2) Pad “N and O”, being referred to as Parcel N as shown on Plat 24032, being approximately 2.023 acres of land (also owned by BPTC Two, LLC), and (3) Pad “B”, being referred to as Lot 2 as shown on Plat #24329, being approximately .84178 acres of land (owned by BPTC One, LLC). BPTC Two, LLC is an affiliate of BP Realty Investments, LLC, which is contractually authorized to process this application.

This application proposes the following: (a) for Pad “D” to accommodate the construction of a freestanding café style restaurant/retail store of approximately 2,400 square feet with a drive through and outdoor seating for the café proposed to be operated by Starbucks; (b)

for Pads “N and O” to accommodate the construction of a freestanding Service Station/Retail use, associated pumps and car wash of approximately 5,300 square feet, proposed to be operated by Royal Farms; and (c) for Pad “B” to accommodate the construction of a freestanding restaurant/retail/office building of approximately 4,500 square feet.

Pursuant to Sections 24-160D.11 and 24-198(c) of the Zoning Ordinance, the Applicant is submitting this Application consisting of a Schematic Development Plan and requests approval.

LOCATION:

The subject Property is located east of Interstate 270 and west of MD Route 355, and is bounded on the west by MD Route 355, to the north by P 370 & P 182 (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 bounded on the south by the Watkins Mill Road Extension.

ZONING AND EXISTING APPROVALS

The Subject Property is currently zoned MXD. The Spectrum at Watkins Mill was zoned MXD under application Z-301 (as later amended by Z-301A), received its Schematic Development Plan Approval under SDP-05-003 (as later amended by SDP-07-001), and received Final Site Plan approval under SP-09-004 (as amended by SP-07-0017, SP-09-0004, SP-12-0002 and AFP-6530-2015). There are no special conditions imposed on the Property by the Master Plan.

The Property is located within the Northern Employment District of the Frederick Avenue Corridor plan. The corridor plan states that the Property be developed as mixed-use and “uses should include commercial, residential and retail.” The existing approval and current application incorporates such mix of uses. The Frederick Avenue plan seeks to maintain a significant amount of green space in the development, which was addressed through the combination a heavily landscaping along Route 355, a significant stream valley buffer with reforestation, and additional passive open space being preserved adjoining the existing steam valley buffer.

PROPOSED PLAN

The proposed plan seeks to make changes in other than to use under Section 24-198(c)(ii)(b) changing the orientation of buildings, parking or accessory uses.

As described briefly above, the Application seeks to: (1) reduce the size of Pad “D” from 6,500 square feet to 2,400 square feet, while adding a drive through and outdoor seating area to accommodate a Starbucks Café, (2) reduce the density currently approved for Buildings N and O from 8,900 square feet to 5,300 square feet for a pro-to-type Royal Farms service station with its convenience store, and accessory fuel pump island and car wash, and (3) reduce the size of Pad “B” from 9,500 square feet to 4,500 square feet, while adding parking spaces directly adjacent to the new building. The rationale for change is set forth below.

1. Reducing Pad “D” from 6,500 square feet to 2,400 square feet, while adding a drive through and outdoor seating area.

With the ongoing construction and imminent opening of the Watkins Mill Interchange at I-270, the Watkins Mill Road Extension will at last begin to fulfill its role as a reliever road for the area accessing I-270. The Spectrum at Watkins Mill is planned and approved to include drive throughs as appropriate to enhance the convenient access of goods and service by its customers. The addition of a Starbucks pro-to-type Café with drive through and outdoor seating will meet this goal, and the outdoor seating area will enhance the experience for those folks who wish to enjoy drinks and provisions while relaxing at the Starbucks.

2. Combining the density approved for the service station/retail facility and bank pad into a 5,300 square foot Royal Farms.

The currently approved Spectrum plan includes (1) a 4,800 square foot service station with related retail and fuel pump island [shown as Pad “N”], and (2) a 4,100 square foot bank/office with associated drive through lanes [shown as Pad “O”] on approximately 2.1 acre. This application proposes to combine these buildings into a modern 5,300 square foot service station with related retail, fuel pump island and car wash operated by Royal Farms.

This application proposes to move the fuel island from its internal location [currently facing into the future Azalea multifamily building] to the street frontage of Watkins Mill, as is typically seen in service stations and consistent with Royal Farms operations: (1) allowing a more direct pedestrian connection for the existing Paramount and Majestic residents shopping at the Royal Farms store; (2) providing superior shielding of the fuel islands from the future Azalea multifamily project, and (3) presenting a more recognizable identity for Royal Farms customers traveling from or to I-270 along Watkins Mill Road.

1. Reducing Pad “B” from 9,500 square feet to 4,500 square feet.

The Spectrum at Watkins Mill has had success in attracting large restaurant tenants and the expectation is that the interchange will only make it easier. The project would greatly benefit from the additional parking spaces in the proposed plan. As a result, it is necessary to reduce the building size to 4,500 square feet.

The resulting reconfigurations will generate no more trips than those generated under the existing Phase approvals.

In Summary, the Applicant believes that the changes proposed by this plan will result in a superior urban experience for the residents, visitors and workers in the area, while making better and more efficient use of the land.

REQUIRED FINDINGS:

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

PURPOSES AND OBJECTIVES OF THE MXD ZONE

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

It is the objective of this zone to establish procedures and standards for the implementation of master plan use recommendations for comprehensively planned, multi-use projects. It is also intended that this zone provide a more flexible approach to the comprehensive design and development of multi-use projects than the procedures and regulations applicable under the various conventional zoning categories. In so doing, it is intended that this zoning category be utilized to implement existing public plans and pertinent city policies in a manner and to a degree more closely compatible with said city plans and policies than may be possible under other zoning categories. The specific purposes of this zone are: To establish standards and procedures through which the land use

objectives and guidelines of approved and adopted master plans can serve as the basis for evaluating an individual development proposal, as well as ensuring that development proposed will implement the adopted master plan and other relevant planning and development policies and guidelines for the area considered for MXD zoning.

The proposed SDP continues the development momentum at the Spectrum and provides the ability for the project to provide modern layouts for uses complementary to and consistent with the quality and vision of the Spectrum.

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

The Applicant will continue to proceed with development in an orderly fashion consistent with market demand. The Project will be developed in multiple phases, as set forth under the current approvals.

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

The proposed buildings seek the design flexibility consistent with their businesses pro-to-types while retaining the direction, layout and high standards of the Spectrum project.

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

The SDP for the Property, which is contiguous to MXD property with mixed residential uses, will continue to enhance and complement the neighborhood with a mixed-use development, including restaurants, multiple-family, commercial-office-retail uses, open space, and amenities. The Applicant will continue to integrate the Spectrum development with the adjoining MXD neighborhood.

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

The project continues to improve upon the approved mix of residential and commercial/retail uses that would not be allowed by conventional zoning categories. The project also continues to provide a higher standard of development than that of a conventional zone by using

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

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

The Spectrum project as approved has been designed to efficiently integrate residential, retail, restaurant and employment. This plan will further enhance the efficient use of the land by increasing integration between separate uses. The extensive open spaces and pedestrian linkages under the current approval are retained, while improving the overall urban experience for the resident and visitor to the Spectrum project.

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

The existing Spectrum approval set aside a large forest conservation area and extensive landscaping, as well as extensive water quality controls and features, including infiltration devices at the headwaters of the stream.

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

The Spectrum project is currently subject to phased development. This application seeks to bring the next several pads into development in a phased sequence, consistent with prior approvals. Electric, gas, phone lines, public water and sewer continue to be available at the site, and fire and police protection are adequate, and the traffic generated by this proposed plan generates the same or fewer than those trips generated under the currently approved plan.

MINIMUM LOCATION AND DEVELOPMENT REQUIREMENTS

(Section 24-160D.2 of the Zoning Ordinance)

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

Zoning: No land shall be classified in the Mixed-Use Development Zone unless the land is within an area for which there is an approved and adopted master plan which recommends mixed use development for the land which is the subject of the application, or unless the proposed development otherwise satisfies the purposes and objectives of the MXD Zone. Approval of the MXD Zone for land which is not recommended for this zone in an approved master plan shall require the affirmative vote of four (4) members of the city council.

The current City of Gaithersburg Master Plan (the “Master Plan”) for the property continues to call

for a mixed-use development as currently is proposed.

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

The Mayor and Council found this requirement satisfied when they approved rezoning of the Property to the MXD Zone under zoning Z-301. The Property is contiguous to the existing MXD zoned area (Spectrum at Watkins Mill) and will be integrated into that development by vehicular and pedestrian connections.

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

The Property is in close proximity to a well-established transportation network including MD Route 355 and the newly constructed Watkins Mill Road to the Property will continue to be provided through the public roads to be constructed as part of the Spectrum at Watkins Mill approved plans. Accordingly, adequate access continues to be available to the Property so that traffic does not have an adverse impact on the surrounding area or cause internal circulation or safety problems.

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

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

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

The proposed signage for these buildings have been submitted along with the building layout and elevations for approval as part of this Application, and are of the high quality, consistent with the Spectrum development.

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

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

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

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

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

The applicant believes that the existing application provides for such mixing of uses resulting in a superior environment and planned project, and that this application will work to further make that vision a reality.

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

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

<i>Retail commercial</i>	<i>60%</i>
<i>Employment/office</i>	<i>65%</i>
<i>Other commercial/institutional</i>	<i>15%</i>

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

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

DENSITY IN CONFORMANCE WITH THE MASTER PLAN.
(Section 24-160D.4 of the Zoning Ordinance)

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

(b) Commercial/employment/industrial. The commercial/employment/industrial density in the Mixed-Use Development Zone shall be compatible with any gross floor area or floor area ratio recommended in the applicable area master plan or special

conditions or requirements, if any are stated therein. The maximum density of commercial/employment/industrial development shall be based on the area shown for commercial/employment/industrial uses on the sketch plan or schematic development plan, and shall not exceed a floor area ratio of 0.75.

The Application meets the requirements of these sections.

COMPATIBILITY STANDARDS

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

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

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

The above requirements have been met under the existing Spectrum at Watkins Mill approved plans, and the proposed plan only serves to enhance the compatibility objectives set forth in the Master Plan. Buildings proposed are within the height limits of the zone, and the application continues to provide the significant buffer along Route 355, additional large buffers within the development along the stream valley buffer, and, as well as additional tree save areas, all as approved under the existing SDP and Final Site Plan approval.

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

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

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

No building shall be constructed to a height greater than its distance from any adjoining property not zoned MXD recommended for residential zoning and land use of the applicable master plan, unless the city planning commission

finds that approval of a waiver of this requirement will not adversely affect adjacent property.

No buildings are proposed within 100 feet of an adjoining property not zoned MXD or in a residential category that is developed for one-family detached homes. No building is proposed to be constructed to a height greater than its distance from any adjoining property not zoned MXD. The application meets or exceeds these requirements for processing and approval under the MXD zone.

MINIMUM GREEN AREA

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

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

The approved Spectrum at Watkins Mill development is in compliance with this provision, and this plan increases the area for private open space by incorporating rooftop terraces.

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

All current recreation areas, facilities and amenities, and all open space and landscaped areas are reflected on the existing Spectrum approvals. The enhanced terraces proposed by this application increase these areas and will be reflected on the final site plans for application.

PROVISION FOR PUBLIC FACILITIES

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

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

The approved application for the Spectrum at Watkins Mill application, has provided for such easements and dedications, which shall be unaffected by the new plan.

UNDERGROUND UTILITIES

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

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

The approved application for the Spectrum at Watkins Mill provides for all such on-site utilities to be placed underground, which shall be unaffected by this application.

DEDICATION OF PUBLIC STREETS

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

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

The application delineates the right of ways to be dedicated for public use, consistent with the comments of the County Police and City Staff. The existing approved Spectrum at Watkins Mill plan has, as part of the platting process, set aside the public streets and configured the design of the private streets and drives using TND standards and receiving all required road code waivers. The Applicant proposes to continue to utilize the same street widths as are shown on the approved Final Site Plan for the Spectrum, with the exception of a 3 foot widening of Paramount Park Drive between Spectrum Boulevard and the entrance to Pad N. Additional road code waivers for the road ways altered by this application, if required, would be sought from the City Council as part of the processing.

PUBLIC FACILITIES

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

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

development with the provision of public facilities, and that such facilities shall be operational at acceptable service levels and capacities.

The Applicant has provided, as part of this Application, evidence that the public facilities are adequate to support the contemplated development under this proposed plan, consistent with the recently approved Final Site Plans for the *Spectrum at Watkins Mill* (SP-09-0004, SP-12-0002 and AFP-6530-2014). Utilities are adequate for the development proposed by the application. Schools are adequate at all levels for the development contemplated under this proposed application. An outside Traffic engineering firm has completed a traffic study that confirms that the proposed plan will have a net decrease in peak hour traffic compared to the currently approved plan.

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

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

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

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

For the reasons stated above, the Applicant believes this proposed plan continues:

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

Accordingly, the Applicant requests approval of this SDP.