

PLANNING AND CODE ADMINISTRATION

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

SITE or SCHEMATIC DEVELOPMENT PLAN APPLICATION

All information must be complete to initiate processing of application

SUBJECT PROPERTY

Street Address or Location 700 North Frederick Avenue

APPLICANT/BILLING CONTACT

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

Primary Contact Brian Morris

Street Address 4600 Wedgewood Boulevard

Suite No. A

City Frederick

State Maryland

Zip Code 21703

Telephone Numbers: Work 301-815-9984

Cell _____

E-mail Address _____

OWNER

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

Primary Contact Brian Morris

Street Address 4600 Wedgewood Boulevard

Suite No. A

City Frederick

State Maryland

Zip Code 21703

Telephone Numbers: Work 301-815-9984

Cell _____

E-mail Address _____

DEVELOPER

Business Name _____

Primary Contact _____

Street Address _____

Suite No. _____

City _____

State _____

Zip Code _____

Telephone Numbers: Work _____

Cell _____

E-mail Address _____

ATTORNEY

Business Name Miles & Stockbridge

Primary Contact Phil Hummel

Street Address 11 North Washington Street

Suite No. 700

City Rockville

State Maryland

Zip Code 20850

Telephone Numbers: Work 301-517-4814

Cell _____

E-mail Address _____

ARCHITECT

Business Name Powers Brown Architecture

Primary Contact Reinaldo Venancio

Street Address 150 S. Washington Street

Suite No. 300

City Falls Church

State Virginia

Zip Code 22046

Telephone Numbers: Work 703-962-6643

Cell _____

E-mail Address _____

Archive Design
47 E. South Street, Suite 301
Frederick, MD 21701
Contact: Bob Cummings (301-620-2090)

MD Registration No. _____

ENGINEER

Business Name VIKA Maryland LLC MD Registration No. 25786

Primary Contact Ghassan Khouri, c/o Shannon Flickinger

Street Address 20251 Century Boulevard Suite No. 400

City Germantown State Maryland Zip Code 20874

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

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

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

PROPOSED UNIT TYPE

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

PARKING Parking Waiver Needed Height Waiver Needed

Number of Spaces Required 564

PROJECT DESCRIPTION

MXD redevelopment of site for phase 1 472,700 SF of commercial (per Sketch Plan SK-8180-2019).

SITE DETAILS

Site Area Square Feet	<u>1,757,120</u>	Number of Lots	<u>13</u>
Site Area Acres	<u>40.34</u>	Number of Dwelling Units/Acre	<u>n/a</u>
Green Area	<u>730,000</u>	Parking Spaces Provided	<u>859</u>
Green Area %	<u>41.55%</u>	Height of Tallest Building (ft.)	<u>50'</u>
		Height of Tallest Building (stories)	<u>2</u>

SQUARE FOOTAGE - NON-RESIDENTIAL

Retail	<u>15,600</u>	Office/Professional	_____
Restaurant (A)	<u>0</u>	Educational/Institutional/Religious	_____
Restaurant (B)	<u>7,100</u>	Industrial	_____
Restaurant (C)	<u>n/a</u>	Other (<i>please specify</i>)	<u>flex bldgs - 450,000 (see SK8180-2019 uses)</u>

UNIT COUNTS - RESIDENTIAL

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

Total Number Residential Units n/a

SEE FOLLOWING PAGES FOR SUBMISSION REQUIREMENTS

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

SUBMISSION REQUIREMENTS - Concept Site Plan:

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

SUBMISSION REQUIREMENTS - Preliminary Site Plan:

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

SUBMISSION REQUIREMENTS - Final Site Plan:

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

OPTIONAL (Required for MXD and CD Zones):

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

SUBMISSION REQUIREMENTS - Schematic Development Plan:

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

OPTIONAL:

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

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SITE PLAN APPLICATION
CHECKLIST

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Site Plan No. SDP-8597-2020 Date: 2020-0911

Prior to requesting any applicable development plan, the applicant is required to submit:

- 1. The Natural Resources Inventory (NRI) and Forest Stand Delineation (FSD) as defined in the [Environmental Standards for Development Regulation \(ESDR\)](#) should be submitted at least 30 days prior to the submittal of concept plan reviews, site plan, and schematic development plans (SDP).

The NRI/FSD should, at a minimum, include:

- a. Existing streams, floodplains, stream buffers, topography, soils, wetlands, forest and trees, danger reach/dam break analysis, threatened and endangered species and species in need of conservation, existing wildlife, special protection areas, historic resources, stream quality, noise and light pollution, significant views and vistas, public utilities, property lines, existing buildings and improvements, transportation right-of-ways, easements, and /or stormwater infrastructure
- b. Forest Stand Delineation (FSD) as described in the *State Forest Conservation Manual* and the *City Tree Manual* adopted as part of Chapter 22 of the City Code.
- c. Geotechnical Report for soils with severe limitations as described in Section 28 of the ESDR

CONCEPT REVIEW
Refer to Chapter 24, Section 24-169 (a)

FILING INSTRUCTIONS

Applicant shall complete and submit to the Planning and Code Administration (P&CA) an application for site plan review and fee with submission of plans for concept approval. All drawings must be submitted by 3 p.m., to the Planning and Code Administration in accordance with the [Calendar for Application Deadline](#) posted on the Planning Commission website. The Planning Commission reviews site plans the first and third Wednesdays of each month. The property needs to be posted nine (9) days prior to the Planning Commission review date.

Required scale of 1" = 30', or larger Engineer's scale.*

***No site plans utilizing architect's scale will be accepted (architectural elevations permitted to be in architectural scale).**

CHECK AS FILED

Please note inclusion of following items on plan as submitted.

- 1. Application filed with Planning and Code Administration.
- 2. Fee.
Site Plan Review Fee (Non-refundable).
- 3. Concept Storm Water Management Plan and Sediment and Erosion Control Plan, in accordance with Chapter 8 of the City Code, approved by the Department of Public Works (separate application and fees may apply).
- 4. An approved Natural Resources Inventory & Forest Stand Delineation pursuant to Chapter 22 and Section 20-9 of the City Code.
- 5. A statement demonstrating compliance with the City's Adequate Public Facilities Ordinance (Section 24-243-248).
- 6. Draft Forest Conservation Plan
- 7. One or more drawings at thirty (30) feet or larger Engineer's scale, clearly showing the following:
 - a. Location and dimensions of existing structures, curb cuts, driveways, off-street parking and loading areas, signs, walls, fences, screen planting, pedestrian walks, open space and recreational areas.
 - b. Tentative proposed locations, heights, dimensions of all buildings, driveways, access, parking, easements, green spaces, sidewalks, right-of-way, and proposed streets.
 - c. Generalized location of existing and proposed external roads and adjacent land use and development.
 - d. Zoning data defining of the amount of area of land involved in the site, the percentage of the site proposed to be covered by buildings, the total number of dwelling units proposed, the number of dwelling units proposed per acre, the square footage of office and/or commercial development, the area proposed to be devoted to open space, the area proposed to be paved for parking, driveways, loading space and sidewalks, and the total number of parking spaces required by this chapter for the uses proposed.
 - e. Existing and proposed topography of the site and the surrounding area at two-foot contour intervals showing the location of existing woodland streams, 100 year floodplain, and other significant features of the land.
 - f. Conceptual building elevation drawings: Drawings showing the proposed appearance of the buildings, structures and grounds after the completion of all buildings and structures and the establishment of the uses proposed on the land.
 - g. Conceptual traffic circulation system where any part of the land is to be used by motor vehicles.
 - h. Name, address, and phone numbers of owner, developer, architect and engineer on plan.
 - i. Key map showing location of property.
 - j. North arrow, graphic scale and relational unit scale (i.e., 1" = 30') on all plan sheets.
- 8. A "Green Building" checklist pursuant to Chapter 5, Section 3110 of the City Code. [i.e. LEED™ Leadership in Energy and Environmental Design) project checklist]
- 9. Such other additional information as may be reasonably required by the Planning Commission and/or Staff to accomplish the purposes of the site development plan regulations.

- 10. Prints of site plan, five (5) hard copies, one (1) digital version of each set of plans (PDF preferred) and digital versions of all applications. Following revisions as requested by P&CA staff, applicant will resubmit three (3) corrected hard copies for review, digital plans and one (1) colored PDF of concept plan for Planning Commission review.
- 11. Plans must be folded to 8½" x 11" size at the time of submission.
- 12. Plans and also subsequent submittals must be electronically transmitted as individual PDF files.

PRELIMINARY REVIEW
Refer to Chapter 24, Section 24-169 (b)

FILING INSTRUCTIONS

Applicant shall complete and submit to the Planning and Code Administration (P&CA) an application for site plan review and fee with submission of plans for preliminary approval. All drawings must be submitted by 3 p.m. to the Planning and Code Administration in accordance with the [Calendar for Application Deadline](#) posted on the Planning Commission website. The Planning Commission generally reviews site plans the first and third Wednesdays of each month. The property needs to be posted nine (9) days prior to the Planning Commission review date.

Required scale of 1" = 30', or larger Engineer's scale.*

***No site plans utilizing architect's scale will be accepted (architectural elevations permitted to be in architectural scale).**

CHECK AS FILED

Please note inclusion of following items on plans as submitted.

- 1. All items required at concept review in accordance with Section 24-169(a) of the City of Gaithersburg Code.
- 2. Fee.
Site Plan Review Fee (Non-refundable).
- 3. A preliminary affordable housing plan, in accordance with the City's Affordable Housing Ordinance (See Article XVI of the Zoning Ordinance).
- 4. Preliminary Storm Water Management and Sediment Erosion Control Plans, in accordance with Chapter 8 of the City Code, approved by the Department of Public Works (separate application and fees may apply).
- 5. An approved Preliminary Traffic Impact Study in accordance with the City's Traffic Impact Study Standards and Regulation (separate application and fees may apply).
- 6. One or more drawings at thirty (30) feet or larger scale, clearly showing the following:
 - a. Location and dimensions of existing structures, curb cuts, driveways, off-street parking and loading areas, signs, walls, fences, screen planting, pedestrian walks, open space and recreational areas.
 - b. Tentative proposed locations, heights, dimensions of all buildings, driveways, access, parking, easements, green spaces, sidewalks, right-of-way, and proposed streets.
 - c. Zoning data defining of the amount of area of land involved in the site, the percentage of the site proposed to be covered by buildings, the total number of dwelling units proposed, the number of dwelling units proposed per acre, the square footage of office and/or commercial development, the area proposed to be devoted to open space, the area proposed to be paved for parking, driveways, loading space and sidewalks, and the total number of parking spaces required by this chapter for the uses proposed, *including Handicapped parking (per State Code) including signing and ramp locations.*
 - d. Existing, in dashed lines, and proposed, in solid lines, topography of the site and the surrounding area two-foot contour intervals showing the location of existing woodland streams, 100 year floodplain, and other significant features of the land.

- e. Proposed building elevation drawings*: Drawings showing the proposed appearance of the buildings, structures and grounds after the completion of all buildings and structures and the establishment of the uses proposed on the land.
*Can be in architectural scale
- f. Proposed traffic circulation system where any part of the land is to be used by motor vehicles.
- g. Preliminary street profiles for all proposed dedicated streets @ scale of 1" = 50' horizontal and 1" = 5' vertical. Note horizontal and vertical datum used.
- h. Boundary survey, with bearing and distances in Maryland State Plane datum.
- i. Preliminary landscape, hardscape, and lighting plan.
- j. Preliminary storm drain and paving plan.
- k. Preliminary utility plan.
- l. Any additional submission requirements pursuant to Section 20-36, not already herein defined (a preliminary subdivision plan including individual lot lines, bearing & distances and 3 coordinates etc.). Additional information that may be reasonably required by the Planning Commission and/or Staff to accomplish the purpose of the Site Development Plan regulations.

- 7. Preliminary Forest Conservation Plan as defined in Chapter 22 of the *City Code* and described in *State Technical Manual*.
- 8. Receipt of fee from Applicant's WSSC Governmental Referred Plan Review Form (please add City Application Number prior to submitting to WSSC). To be submitted to City within 7 days after application submission to City.
- 9. Prints of site plan package, five (5) hard copies, one (1) digital version of each set of plans (PDF preferred) and digital versions of all applications. Following revisions as requested by P&CA staff, applicant will resubmit three (3) corrected hard copies for review, digital plans and one (1) colored PDF of concept plan for Planning Commission review.
- 10. Plans must be folded to 8½" x 11" size at time of submission.
- 11. Plans and also subsequent submittals must be electronically transmitted as individual PDF files.

FINAL REVIEW

FILING INSTRUCTIONS

Applicant shall complete and submit to the Planning and Code Administration (P&CA) an application for site plan review and fee with submission of plans for final approval. All drawings must be submitted by 3 p.m. to the Planning and Code Administration in accordance with the [Calendar for Application Deadline](#) posted on the Planning Commission website. The Planning Commission generally reviews site plans the first and third Wednesdays of each month. The property needs to be posted nine (9) days prior to the Planning Commission review date.

- 1. All items required at concept and preliminary reviews [required under Section 24-169(a) and Section 24-169(b)].
- 2. Fee.
Site Plan review Fee (Non-refundable).
- 3. A final affordable housing plan, in accordance with the City's Affordable Housing Ordinance.
- 4. Final Storm Water Management Plan and Sediment and Erosion Control Plans, in accordance with Chapter 8 of the City Code, approved by the Department of Public Works (separate application and fees may apply).
- 5. Final Forest Conservation Plan (separate application and fees may apply).

6. One or more drawings at thirty (30) feet or larger scale, clearly showing the following:
- a. Location and dimensions of existing structures, curb cuts, driveways, off-street parking and loading areas, signs, walls, fences, screen planting, pedestrian walks, open space and recreational areas.
 - b. Final locations, heights, dimensions of all buildings, driveways, access, parking, easements, green spaces, sidewalks, right-of-way, and proposed street.
 - c. Zoning data defining of the amount of area of land involved in the site, the percentage of the site proposed to be covered by buildings, the total number of dwelling units proposed, the number of dwelling units proposed per acre, the square footage of office and/or commercial development, the area proposed to be devoted to open space, the area proposed to be paved for parking, driveways, loading space and sidewalks, and the total number of parking spaces required by this chapter for the uses proposed.
 - d. Existing and proposed topography of the site and the surrounding area at two-foot contour intervals showing the location of existing woodland streams, 100 year floodplain, and other significant features of the land.
 - e. Building elevation drawings: Drawings showing the final proposed appearance, materials and details of the buildings, structures and grounds after the completion of all buildings and structures and the establishment of the uses proposed on the land.
 - f. Traffic circulation system and traffic marking plan where any part of the land is to be used by motor vehicles, including turning radii study as applicable.
 - g. Final street profiles for all proposed dedicated streets. *Project site designs must be coordinated with abutting street grade establishment. In case of access to a State road, contact the Maryland State Highway Administration (M.S.H.A.) prior to construction for issuance of access permit.*
Note: Roads intersecting State or County roads must be submitted to Maryland State Highway Administration or Montgomery County Department of Transportation (M.C.D.O.T.) for review and approval.
 - h. Boundary survey, with bearing and distances in Maryland State Plane Datum, including 3 coordinates.
 - i. Final landscape, hardscape, photometric and lighting plan. *Maintenance responsibility for common open space areas should also be noted.*
 - j. Final storm drain and paving plan.
 - k. Final utility plan.
 - l. Final Sediment and Erosion Control Plan.
 - m. Final Grade establishment plan.
 - n. Any additional submission requirements pursuant to Section 20-36, not already herein defined.
7. A plat of subdivision in accordance with Chapter 20 of the City Code (separate application and fees may apply).
8. Any applicable sign packages showing location, dimension, and design of project identification, directional, monument, and wall signs; requires future submission of applicable sign permits.
9. A list of proposed street names.
10. Draft of homeowners association by-laws, articles of incorporation, covenants and restrictions as applicable.
11. An approved Final Traffic Impact Study in accordance with the City's Traffic Impact Study Standards and Regulations (separate application and fees may apply).
12. Such other additional information as may be reasonably required by the Planning Commission and/or Staff to accomplish the purposes of the site development plan regulations.

- 12a.** Tentative location of construction/sales trailer, if applicable.
- 12b.** Wildlife Management Plan as defined in the *Environmental Standards*; should be included when development is expected to impact wildlife or their habitats.
- 12c.** Plan for addressing showing proposed streets with building locations. Other materials may be requested. Final address plan and map will be issued by the City.
- 13.** Prints of site plan, five (5) hard copies, one (1) digital version of each set of plans (PDF preferred) and digital versions of all applications. Following revisions as requested by P&CA staff, applicant will resubmit three (3) corrected hard copies for review, digital plans and one (1) colored PDF of landscape plan and building elevations will be made available to staff for presentation purposes.
- 14.** Plans must be folded to 8½ " x 11" size at the time of submission.
- 15.** Plans and also subsequent submittals must be electronically transmitted as individual PDF files.
- 16.** Following final approval and completion of conditions, applicant shall submit signed and sealed PDF versions of approved site plan, landscape plan, building elevations, street profiles, sediment control, storm drainage, stormwater management, paving plans and any other associated plans for signature by Department of Public Works, Park Maintenance and Engineering and the Planning and Code Administration, in accordance with the building permit process outlined on the reverse side of the Site Development Approval (S.D.A.) Form.

September 14, 2020

Barbara A. Sears
bsears@milesstockbridge.com
301.517.4812

Phillip A. Hummel
phummel@milesstockbridge.com
301.517.4814

Mayor and City Council of Gaithersburg
31 South Summit Avenue
Gaithersburg, Maryland 20877

Re: Statement of Master Plan and Zone Regulations Compliance for 700 North Frederick Avenue Schematic Development Plan

Dear Mayor Ashman and Councilmembers:

MFV 700 NFA, LLC and DNIP4 700 NFA, LLC, owners and applicant (collectively, the “Applicant”) is filing this Statement of Master Plan and Zone Regulations Compliance for 700 North Frederick Avenue on a Schematic Development Plan (the “SDP Application”) pursuant to Sections 24-160D.9(b) of the City of Gaithersburg Zoning Ordinance (the “Zoning Ordinance”). The SDP Application proposes the redevelopment of 700 North Frederick Avenue (the “Property”) in the City of Gaithersburg (the “City”) with up to 472,700 square feet of commercial/employment/industrial uses in multiple structures up to six stories in height, along with attractive green areas and open spaces (the “Project”). As discussed in greater detail below, the Project implements the previously approved sketch plan for the Property (SK-8180-2019, the “Sketch Plan”) by replacing outmoded office buildings with a range of flexible commercial uses at a highly visible intersection, offering new employment opportunities convenient to residential communities, retail uses, and transportation, incorporating inviting landscaped spaces designed to encourage gathering, and advancing economic development in the City along prominent commercial corridors.

Property Background

The Property is comprised of Part of Parcel C of the I.B.M. Subdivision as depicted on Plat No. 19929 recorded among the Land Records of Montgomery County on November 28, 1995. The area of the Property included in the Project contains approximately 40.34 acres and is improved with commercial structures, surface parking facilities, bio-retention ponds, a walking trail, and open grass areas. The Property is bounded by Interstate 270 to the southwest, Montgomery Village Avenue (Maryland Route 124) to the southeast, North Frederick Avenue

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(Maryland Route 355) to the northeast, and a warehouse located at 800 North Frederick Avenue to the northwest.

The Property is close to a diverse range of commercial uses located on highly visible corridors along North Frederick Avenue, Montgomery Village Avenue, and Interstate 270. These uses include offices, business parks, grocery stores, wholesale clubs, banks, car dealerships, hotels, restaurants, and other services. The Property is also convenient to a wide array of retail uses at the Lakeforest Mall, the Gaithersburg Square shopping center, Spectrum Town Center, the Diamond Square shopping center, and the Quince Orchard shopping center. Additionally, the Property is in the vicinity of many residential communities, such as Spectrum Apartments, Spectrum Majestic Apartments, Montgomery Meadows townhouses, Point at Watkins Mill, the Hunt Club Apartments, the Woodland Hills townhouses, the Christopher Court Condominiums, the Breckenridge Condominiums, and the Cider Mill Apartments. The Project, with its proximity to existing commercial services and residential neighborhoods, harnesses the Property's significant potential by strengthening its position as an employment hub with flexible space that is intended to create a horizontal mix of uses near existing housing and retail, strengthen the diversity of commercial development along well-established corridors and offer new job opportunities near housing and retail.

The Property's proximity to several transportation options offers links between these established retail and residential uses with the Project's proposed commercial/employment/industrial uses. The Property abuts the Interstate 270/Montgomery Village Avenue interchange, and is close to the recently opened Interstate 270/Watkins Mill Road interchange. The Property also has frontage on North Frederick Avenue (Maryland Route 355, a major artery between Washington, DC and Frederick, Md.), which provides access between nearby Germantown and Rockville. Additionally, the Property and vicinity are well-served by public transit. The Property abuts one bus stop along Montgomery Village Avenue, which offers service on RideOn Routes 56 and 61 (southbound), while the Property is located approximately one mile from Lakeforest Transit Center, which provides service on eight RideOn lines (Routes 54, 55, 56, 57, 58, 59, 61, and 101). The Montgomery Village Avenue Park and Ride facility, which is located under a mile from the Property, has stops for MTA Commuter Bus Routes 201 and 204. This transit service links the Property and its surroundings with multiple Metrorail stations (Shady Grove and Rockville) and transit centers (Lakeforest and Germantown), a MARC station (Monocacy), and BWI Thurgood Marshall Airport. A chart summarizing the available bus service within the vicinity of the Property is included in an appendix to this statement. There is also a paved off-road trail/shared use path along the

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Property's North Frederick Avenue frontage, as well as a sidewalk along the Property's Montgomery Village Avenue frontage, both of which encourage additional pedestrian and bicycle activity.

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

Entitlement Background

Previous County Entitlements and Annexation into the City

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

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

- All existing approved development and uses on the annexed area (including the Property), including but not limited to all structures and parking spaces and areas (defined in Annexation Agreement X-161 as the "Existing Development") were grandfathered into the City as conforming development in accordance with entitlements approved by the Montgomery County Planning Board;
- The City agreed to annex the subject area (including the Property) as a validly created and lawfully existing subdivision of record under the City's laws. The City also agreed to permit resubdivision of the subject land by replatting so long as any lot created complies with the standards and criteria for a record lot from the City's Subdivision regulations;

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- The City acknowledged the number of parking spaces existing at the time of annexation, the number of parking spaces that met City parking standards for the Existing Development, and the number of parking spaces in excess of City requirements available to serve new development. The City also agreed that existing parking spaces built after annexation may be sized in accordance with Montgomery County zoning standards and will not be subject to City parking space size requirements;
- Public facilities, including public streets, were deemed adequate to support the Existing Development and an additional 150,000 square feet of floor area (the “Additional Development”) to be located on land now comprising a separate record lot adjacent to the Property; and
- The City agreed to permit future additional development or redevelopment of the subject land (including the Property) in excess of the Existing Development and Additional Development in compliance with I-3 zoning.

Annexation Agreement X-161 was first amended in 1994 to provide, among other things, that resubdivision of the subject site may be permitted without having setbacks that comply with Chapter 24 of the City Code (the Zoning Ordinance) for existing structures, so long as any additional lot or parcel complied with the standards and criteria for a record lot as set forth in the City’s Subdivision Regulations.¹

Through conversations with City staff, Applicant has confirmed that Annexation Agreement X-161 (as amended) provides the option to redevelop the Property with the uses permitted by right in the I-3 Zone² and under the development standards of the I-3 Zone,³ which may be amended as mutually agreed upon. Furthermore, City staff has also confirmed that under the subsequent MXD rezoning, Applicant has the ability to redevelop the Property with the additional uses and development standards permitted in the MXD Zone. These confirmations are reflected on the Sketch Plan, which, among other things, includes a use table depicting permitted

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

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

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

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uses on the Property, establishes percentages of floor area for retail commercial, employment/office, and other commercial/institutional uses, provides that all buildings shall be set back a minimum of 30 feet from North Frederick Avenue, Montgomery Village Avenue, and the abutting property to the northwest, and notes that all other setbacks will be determined at the time of schematic development application. Sketch Plan, General Notes 3 & 8. Additional details will be established during subsequent final site plan review.

Comprehensive Rezoning to MXD and Master Plan Recommendations

The zoning and planning history of the Property confirms that although MXD zoning was recommended and ultimately implemented for the site, only non-residential uses have ever been envisioned for the Property's development. The City's Neighborhood Six Land Use Plan of the 1997 Master Plan (the "1997 Master Plan") placed the Property in Study Area 3 and recognized the City's annexation of land area that included the Property. 1997 Master Plan, pg. 12. The 1997 Master Plan characterized Study Area 3 as being "dominated by industrial-research-office uses," which had not changed significantly over the previous decade. Master Plan, pg. 12. The 1997 Master Plan also specifically recommended redesignating the Property as "commercial/industrial-research-office" and rezoning from the then-existing I-3 zoning to MXD. 1997 Master Plan, pgs. 13, 16. Similarly, the adjacent land to the Property's northwest was also designated as "commercial/industrial-research-office," with potential commercial retail facilities (including a hotel) and expansion of office and research and development uses. 1997 Master Plan, pg. 13. Pursuant to the 1997 Master Plan's recommendation, the Property was included in a 1997 comprehensive rezoning approved by the Mayor and Council in Ordinance O-12-97 that amended the Property's zoning from I-3 to MXD. This rezoning did not alter any terms of the Annexation Agreement X-161 (as amended).

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

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was once again reconfirmed in the Land Use Element of the City's 2009 Master Plan (adopted in December 2011). 2009 Master Plan, pg. 8.

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

City Entitlements Prior to Applicant's Purchase of the Property

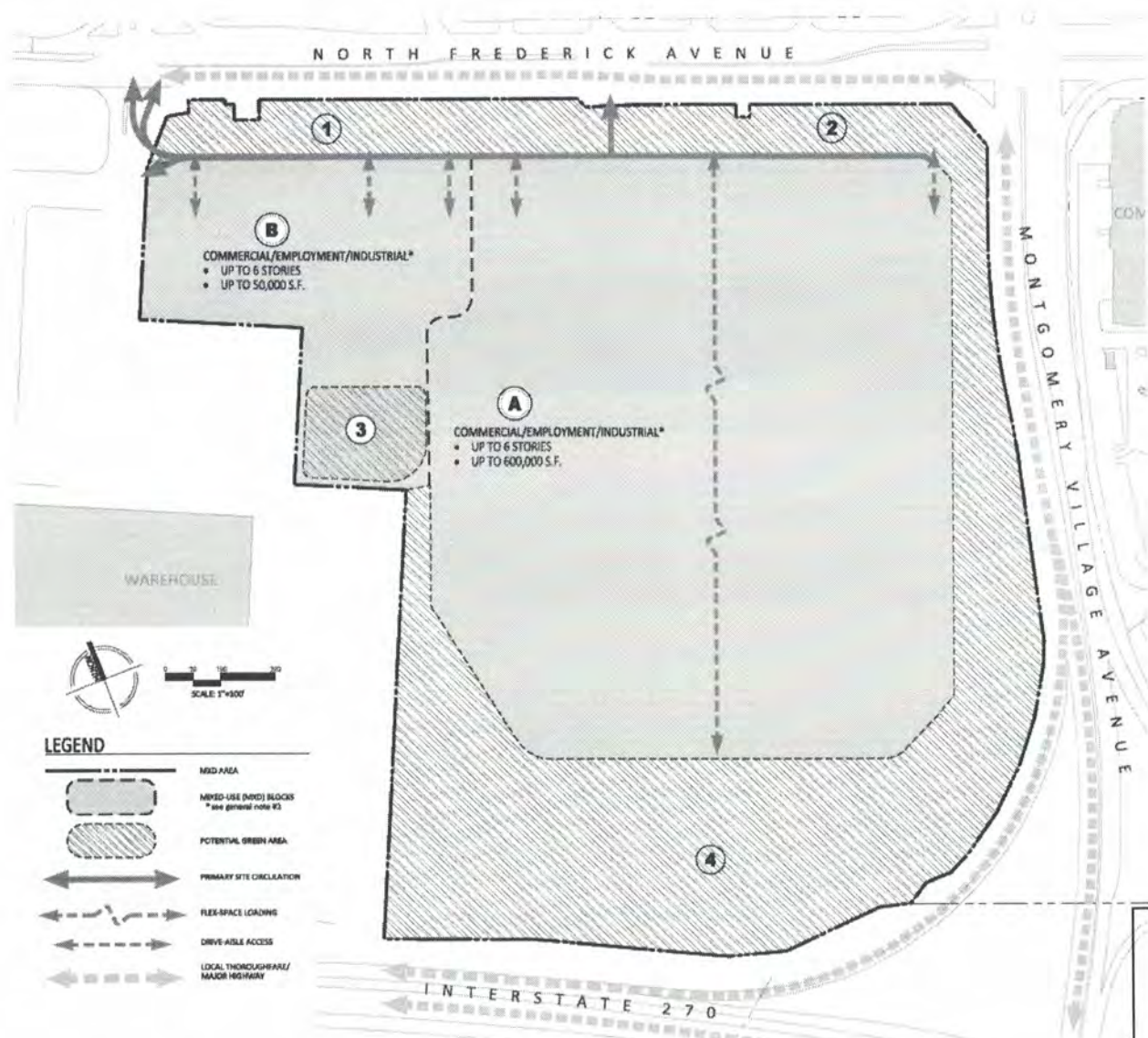
Information provided to Applicant by the City shows a number of entitlements have been approved for the Property since annexation and subsequent MXD rezoning. These include a 2009 amended final plan for the provision of a covered walkway between the two existing office buildings with improvements to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

Sketch Plan

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

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

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The approved Sketch Plan illustrates up to 600,000 square feet of commercial/employment/industrial uses with a maximum building height of up to six stories on Block A and up to 50,000 square feet of commercial/employment/industrial uses with a maximum building height of up to six stories on Block B. The Sketch Plan also allows

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adjustments to the block boundaries and other designated areas identified within each phase at the time of schematic development plan. Subject to the established floor areas and accompanying provisions, the Sketch Plan permits shifting up to 15% of the proposed density approved for one block to the other, provided the maximum cumulative density of 650,000 square feet is not exceeded. Sketch Plan, General Note 4.

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

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

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

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

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

Project Background

The Project implements the Sketch Plan by taking full advantage of the Property’s proximity to the established North Frederick Avenue and Interstate 270 commercial corridors, replace existing obsolete structures with expiring tenancy, and creating a modern employment hub near existing residences, commercial uses, and transportation facilities. As shown on the materials submitted with the SDP Application, the centerpiece of the Project are two centrally-located flexible commercial buildings each expected to contain approximately 225,000 square feet of gross floor area. These structures are intended to accommodate a wide potential range of

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commercial/employment/industrial uses approved in the Sketch Plan, including integrated light manufacturing, research and development, laboratories, and distribution/warehousing. The Project also includes multiple commercial buildings along the Property's North Frederick Avenue frontage, which are anticipated to contain restaurant and retail (including with associated automobile filling station) uses as permitted under the Sketch Plan. These commercial buildings are intended to serve as a convenient and attractive amenity for the employers and employees in the Project's two "flex" buildings, as well as for nearby residents. Thus, the Project offers new employment opportunities and compatible commercial uses close to housing, personal services, offices, and transportation, enhancing the existing horizontal mix of uses along the North Frederick Avenue corridor, and allowing City residents to work and shop close to where they live. The square footages shown on the SDP Application may adjust from lot to lot based on final design and will be determined at the time of final site plan. The portion of the Property identified as "Parcel H" is not included in the Project and will be the subject of a future phased schematic development plan application.

The Project also facilitates safe, adequate, and efficient multimodal circulation. The Property has access to two existing signalized intersections at North Frederick Avenue, which offer convenient ingress and egress on North Frederick Road, including dedicated left turn lanes and signals for full vehicular movements in and out of the Property. These intersections also include existing marked crosswalks with countdown pedestrian timers to allow pedestrian movements across North Frederick Road. The Project also proposes a new road with a right-in/right-out access point, which is spaced halfway between the existing signalized access point immediately north of the Property and the existing signalized access point on the Property, for appropriate distribution of vehicles entering and exiting the Property. This new access point has been accepted by the Maryland State Highway Administration during conceptual review.

Once on the Property, the Project proposes a north/south "spine" access vehicular road that connects the Property's commercial buildings while allowing separation between the retail commercial uses and the two "flex" buildings. This north/south roadway has been shifted to the west from the general location illustrated on the Sketch Plan to create a larger block for the retail commercial buildings that could potentially accommodate a floor plate for a mixed-use commercial structure in the future.

Sidewalks leading from the Property's North Frederick Avenue frontage offer appropriate pathways to the Project's retail commercial uses. The two "flex" buildings will be located a short distance from the Property's southern signalized intersection for quick vehicular access and

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will share an internal drive aisle providing efficient access to loading areas for both structures. The Project will also include a drive aisle behind the two “flex” buildings to allow internal continuous vehicular access on the Property.

Additionally, the Project includes attractive and inviting green areas. Consistent with the Sketch Plan, the Project incorporates numerous plantings along the Property’s North Frederick Avenue frontage with shade trees, ornamental trees, and landscaped planting beds to create a linear park and a welcoming presence along an important City commercial corridor. The linear park is intended to draw pedestrians into the space, provide multiple links to North Frederick Avenue, and offer opportunities for respite, shade, and beauty. Activation is expected to be promoted by adding visible seating locations designed with Crime Prevention through Environmental Design (“CPTED”) principles in mind through several connections to the existing shared-use path. The SDP Application also includes a community art feature at the corner of North Frederick Avenue and Montgomery Village Avenue to establish this highly visible area as a gateway to the Project and establish a sense of place. Details of the community art feature will be considered at the time of the applicable phased final site plan.

The Project has incorporated the internal employee amenity space illustrated on the Sketch Plan. This area seeks to integrate stormwater facilities to define garden rooms for seating and lawn space and pockets for relaxation, outdoor meetings, or dining. The seating areas will be planted with shade trees and provide seating. The lawns are intentionally sized to accommodate company activities and recreation. These areas will be generously landscaped with shade trees, evergreens, ornamental trees, planting areas, and are envisioned to be integrated with the natural areas to the south. A second amenity space has been provided near the southern “flex” building with a shaded seating area, amphitheater-style seating, and a generous lawn for company activities and recreation.

The naturalized area identified on the Sketch Plan along the Property’s boundary abutting Interstate 270 and a portion of Montgomery Village Avenue are enhanced with additional shade trees, evergreens, ornamental trees and planting beds to serve as an effective and visually appealing buffer between the Project and surrounding roadways. Existing facilities will be removed, allowing this area to be preserved as a conservation area. This open area is intended to protect water quality by buffering the stream, improve air quality through additional plantings, and provide space for habitat.

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Furthermore, the Project includes state-of-the-art stormwater management facilities to provide environmental site design to the maximum extent practicable. As shown on the preliminary stormwater management plans included in the SDP Application, the Project currently proposes thirty-two micro-bioretention facilities suitably distributed throughout the site. These features will filter and retain stormwater on-site and are acceptable management practices at both the State and County levels. The Project's stormwater management facilities are intended to replicate natural hydrology and reduce impervious surfaces.

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

Section 24-160D.10(b) of the Zoning Ordinance lists the Mayor and Council's required findings for approval of a schematic development plan in the MXD Zone. The SDP Application satisfies these findings as follows:

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

The SDP Application satisfies all necessary elements of the Sketch Plan. Specifically, the amount of development in the SDP Application complies with the 600,000 square foot maximum of commercial/employment/industrial uses on Block A, the 50,000 square foot maximum of commercial/employment/industrial uses on Block B, and the cumulative commercial density maximum of 650,000 square feet. Sketch Plan, General Note 2. Furthermore, the SDP Application conforms to the 65,000 square foot limit on retail commercial uses, as well as the 650,000 square foot limit on employment/office and other commercial/institutional uses. Sketch Plan, General Note 2. The SDP Application proposes less than the 20,000 square foot limit of principal retail uses on Block A in order to retain an emphasis on employment uses. Sketch Plan, General Note 2. In accordance with the Sketch Plan Resolution, the SDP Application proposes a multi-use development with commercial, employment, and industrial uses in multiple buildings. As noted on the plans submitted with the SDP Application, the gross floor area of the Project's proposed buildings may adjust from lot to lot based on final design at the time of final site plan. Sketch Plan, General Notes 4 & 6. Any such adjustments, however, will comply with the density regulations incorporated into the Sketch Plan.

All uses proposed in the SDP Application, both in type and in approximate location, are in accordance with the chart included in the Sketch Plan. The Project's buildings proposed in the

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SDP Application also adhere to the six story maximum as provided in the Sketch Plan, Sketch Plan, General Note 5. Furthermore, all structures shown on the SDP Application are set back a minimum of thirty feet from North Frederick Avenue (80 feet proposed), Montgomery Village Avenue (100 feet proposed), and the adjoining property to the northwest (100 feet proposed); all other setbacks will be determined through schematic development plan review. *See* Sketch Plan, General Note 8.

Furthermore, the SDP Application incorporates the open spaces in the approximate location illustrated on the Sketch Plan, such as the linear park along North Frederick Avenue, the employee amenity space in the Property's interior, and the naturalized space along Interstate 270 and a portion of Montgomery Village Avenue. These green areas exceed the 25% minimum identified on the Sketch Plan, with locations and sizes illustrated on the Sketch Plan to be set at the time of schematic development plan review. Sketch Plan, General Note 6. The SDP Application also includes a thoughtful set of comprehensive design guidelines that provide standards for, among other things, architecture, open space, and signage. Sketch Plan, General Note 7.

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

- Purposes of MXD Zoning

The Project meets and accomplish the purposes of the MXD zone. *See* § 24-160D.1 of the Zoning Ordinance. The SDP Application achieves the Property's orderly, staged, and market-responsive redevelopment that is large scale and comprehensive by implementing the approved Sketch Plan. The SDP Application also encourages design flexibility through the inclusion of well-considered design guidelines, which offer a coordinated framework for urban design, architecture, streetscape, and open space. The Project achieves internal compatibility by placing employment uses in close proximity to synergistic retail commercial uses, offering an efficient roadway system to link the Project's mix of uses while providing appropriate separation, and including attractive landscaped areas on the Property's frontage and interior. Additionally, the Project's employment and accompanying retail commercial uses are also compatible with the character of the Northern Employment District, the Property's long-standing "commercial/industrial-research-office" land use designation, and surrounding existing uses. The Project provides job opportunities within close proximity to existing residents, commercial uses, and will be linked by existing transportation infrastructure, including vehicular roadways,

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bus transit, and pedestrian and bike facilities. The Project also includes a linear park along North Frederick Avenue and naturalized buffers along Interstate 270 and Montgomery Village Avenue to encourage opportunities for recreation, relaxation, and collaboration. The Project's uses, structures, and form all offer a superior quality of redevelopment exceeding that which could be attained under conventional zoning regulations and procedures.

Furthermore, the Project achieves an efficient use of land by transforming an obsolete single-tenant office campus with a new employment hub with associated commercial uses and green areas along the North Frederick Avenue corridor in close proximity to an existing array of housing, retail, personal services, and public facilities uses. The Project's uses, combined with the inclusion of streetscape enhancements along North Frederick Avenue, will strengthen the horizontal mix of uses in the surrounding neighborhood and facilitate connections via numerous transportation options, including Interstate 270, bus transit, and pedestrian/bike facilities, Montgomery Village Avenue, and Watkins Mill Road. This will provide an opportunity for City residents to live close to where they work.

The Project will also support a superior natural environment by incorporating new and existing landscaped areas, preserving certain natural topographic and geologic features, wetlands, watercourses, and open spaces, providing new stormwater management strategies where none currently exist, and offering infill development on a conveniently located site with obsolete commercial buildings. Based on market demand, opportunities for phasing or staging will also ensure there are adequate public facilities to support new development.

- Objectives of MXD Zoning

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

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retail in a multi-use development with commercial, employment, and industrial uses in multiple buildings. This approach is wholly consistent with the Property's MXD zoning, the Property's commercial/industrial-research-office land use designation, and the approved Sketch Plan and Resolution.

- Minimum Standards and Requirements of the MXD Zone

The Project also complies with the minimum location and development requirements of the MXD Zone. *See* § 24-160D.2 of the Zoning Ordinance. As noted above, the approximately 44 acre Property was reclassified from I-3 to MXD in a comprehensive rezoning pursuant to the recommendations of the 1997 Master Plan. *See* § 24-160D.2(a) & (b) of the Zoning Ordinance. The Property also fronts, is located adjacent to, and is readily accessible from North Frederick Avenue and Montgomery Village Avenue, both of which are classified as major highways. *See* § 24-160D.2(c) & (f) of the Zoning Ordinance. Additionally, the Property is conveniently located to the recently opened Interstate 270 – Watkins Mill Road interchange. The Property is categorized S-1/W-1 and is presently served by public sewer and water.⁴ Signage, as well as other architectural and design components, will be coordinated and addressed in comprehensive design guidelines included with the SDP Application to provide a thematic approach and offer consistency with the overall character of the surrounding area. § 24-160D.2(e) of the Zoning Ordinance.

- Other Requirements of the City Code

- Uses Permitted

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

⁴ Montgomery County's Water and Sewer Plan define and describe the W-1 and S-1 service area categories as "[a]reas served by community (public) systems that are either existing or under construction. Category 1 may include properties or areas for which community system mains are not immediately available or which have not yet connected to existing community service."

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The approved Sketch Plan allows up to 10% (or up to 65,000 square feet) of retail commercial uses (with up to 20,000 square feet of principal retail uses on Block A), up to 100% (or up to 650,000 square feet) of employment/office uses, and up to 100% (or up to 650,000 square feet) of other commercial/institutional uses, with a maximum cumulative density of 650,000 square feet. *See* Sketch Plan, General Notes 2 & 3. The Mayor and City Council found good cause shown in modifying the standard percentages of floor area of the retail commercial, employment/office, and other commercial/institutional categories codified at Section 24-160D.3(b)(2) of the Zoning Ordinance.

- Density and Intensity of Development

The development tabulations shown on the SDP Application reflect a maximum proposed FAR of approximately 0.27 for the Project (472,700 square feet of commercial/employment/industrial uses on a site area of 1,757,120 square feet). This complies with the 0.75 FAR maximum density for commercial/employment/industrial uses permitted in the MXD zone. § 24-160D.4(b) of the Zoning Ordinance.

- Minimum Green Area

The materials included in the SDP Application confirm that the project includes 41.55% (or 730,000 square feet/16.76 acres) of the total project area as green area, which exceeds the 25% requirement for commercial/employment/industrial development in the MXD zone. § 24-160D.6(a) of the Zoning Ordinance.

- Utilities and Public Facilities

All new utility lines in the Project are placed underground. § 24-160D.7(b) of the Zoning Ordinance. As illustrated on the plans submitted with the SDP Application, the Project's proposed private streets meet and exceed with the City's Road Code standards, including width. § 24-160D.7(c) of the Zoning Ordinance. Private streets with wider lanes and planting areas are appropriate due to the Project's employment uses, the anticipated vehicles visiting the Project's "flex" buildings, the associated maintenance needs, and the intent to promote tree growth. Applicant will submit a statement justifying proposed deviations from the Road Code standard with the SDP Application explaining that the waivers are based upon sound engineering and technical judgment, are in the public interest, reflect the land use context, and meet requirements

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for safety, function, fire protection, multi-modal needs, and maintainability. *See* § 19-17 of the City Code.

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

- Parking Requirements

The MXD development standards provide that the Mayor and City Council shall “determine the appropriate number of spaces” at the time of schematic development review. § 24-160D.8 of the Zoning Ordinance. The development tabulations included in the SDP Application reflects that each of the Project's individual lots meet or exceed parking requirements for vehicles, bicycles, and motorcycles/scooters based on the anticipated uses permitted under the MXD zone and by the Sketch Plan. § 24-219 of the Zoning Ordinance. The approximate number of provided parking spaces proposed in the SDP Application are appropriate based on the speculative nature of this development, the desire to accommodate a wide range of potential uses, the potential for a wide range of tenancy, and anticipated market demand for expected tenants, all of which will help attract employers and potential number of employees. In accordance with the Zoning Ordinance, and as noted on the plans submitted with the SDP Application, the final number of parking spaces will be determined at the time of final site plan. 24-160D.8 of the Zoning Ordinance.

The SDP Application also proposes 42 spaces for the anticipated retail use with associated automobile filling station with dimensions of 10' x 20' feet rather than the standard 9'x 17'. These larger vehicular parking spaces will promote safety and reduce conflicts between pedestrians and vehicles. Applicant will supplement the SDP Application with a statement justifying the requested parking waiver as not being detrimental to the public health, safety, and general welfare. *See* § 24-222A(a) of the Zoning Ordinance.

The development tabulations also confirm that the Project provides 10.03% of surface parking lot areas as planting areas, which is in excess of the 10% requirement. § 24-220(e) of the Zoning Ordinance. The amount of surface parking lot area provided as planting areas proposed in the SDP Application is calculated based on the surface parking lot area for the entire Property and will be provided on an aggregate basis. Each phased final site plan may provide more or less than 10% parking lot internal green area, but the cumulative total of all phased final

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site plans will not provide less than 10% of the surface parking lot area as planting areas for the redevelopment of the overall 40.34 acre Property.

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

The Preliminary Forest Conservation Plan submitted with the SDP Application complies with the applicable requirements of Chapter 22 of the City Code (Trees and Forest Conservation). The Project proposes removal of nine specimen trees pursuant to Section 22-12 of the City Code and Applicant has submitted a written justification with the SDP Application supporting the variance.

The Preliminary Erosion and Sediment Control Plan and Preliminary Stormwater Management Plan included with the SDP Application also demonstrate compliance with the relevant standards of Chapter 8 of the City Code (Erosion and Sediment Control and Stormwater Management).

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

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

Consistent with this long-standing guidance, the Project proposes redeveloping the Property with the multi-use Project with “commercial/industrial-research office” uses identified on the Sketch Plan in multiple buildings. The Project’s emphasis on employment opportunities,

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as well the inclusion of supporting retail and restaurant uses that serve as an attractive amenity to future employers and employees are harmonious with the Property's enduring commercial/industrial-research office land use designation, and the descriptions of surrounding development from the 1997 Master Plan, the 2001 Corridor Plan, the 2003 Master Plan, and the 2009 Master Plan. None of the City's master plans include special conditions or requirements for the Property.

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

The Project will also be internally and externally compatible and harmonious with existing and planned land uses. As depicted on the plans submitted with the SDP Application, the Project appropriately places the two "flex" buildings on the Property's interior while siting the accompanying retail (and retail with associated automobile filling station) and restaurant commercial uses closer to North Frederick Avenue. These elements of the Project will be properly linked yet buffered by a system of internal streets and drive aisles that will efficiently distribute vehicles through the Property. As noted above, the north/south "spine" roadway has been shifted to the west from the Sketch Plan to create a larger flexible block that could potentially accommodate a floor plate for a mixed-use commercial structure should the retail commercial buildings shown in the SDP Application redevelop in the future.

The Project also includes attractive green areas and open space. Specifically, the Project includes a linear park along the Property's North Frederick Avenue frontage, which will create a welcoming appearance at the Property's direct access points and provide a comfortable and welcoming environment for pedestrians and cyclists using the existing shared-use path and sidewalks. The Project's landscaped employee amenity areas near the two "flex" buildings are expected to include seating, open lawn space, attractive plantings, and picnic areas, and are intended to encourage gathering, interaction, recreation, and contemplation. Additionally, the Project maintains and enhances naturalized spaces along the Property's boundary abutting Interstate 270 and a portion of Montgomery Village Avenue. These areas will improve the Property's visual appearance, improve circulation, and offer gathering areas for employees while serving as an effective buffer between the Project's uses, adjacent development, and surrounding roadways.

The Property's anticipated commercial/employment/industrial uses included on the Sketch Plan's list of permitted uses, as well as building types also conform to the current

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character of the North Frederick Avenue corridor. This area contains a broad range of commercial uses contained in retail, office, and warehouse structures, as well as established residential neighborhoods in the surrounding vicinity. The existing nearby uses and the Project's new uses will be linked by multiple transportation options, including roadways, transit, and shared-use pathways. The Project's proposed non-residential buildings and commercial/employment/industrial uses are also consistent with the Euclidean I-3 and C-2 zoned land within the vicinity of the Property. The Project will create an employment hub that will provide new opportunities to work and access personal services all within close proximity of existing residences.

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

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

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

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

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

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

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

The Project, as approved in the SDP Application, will be phased through multiple final site plans. These phases may be sequenced in any order or combined. The approval of a schematic development plan also constitutes preliminary subdivision approval under Chapter 20 of the City Code (Subdivision Ordinance of the City of Gaithersburg). See § 20-41 of the City Code. Final plat(s) of subdivision will be filed after final site plan approval(s). As noted above, the area of the Property identified as "Parcel H" on the SDP Application will be subject to future phased schematic development plan, final site plan, and final plat applications.

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

Approving the SDP Application would advance the public interest for numerous reasons. The SDP Application proposes redeveloping the Property's obsolete and single-user office park campus with a new, modern, and adaptive employment hub. The Project's emphasis on employment uses, as well as accompanying retail commercial uses, will create new job opportunities along important commercial corridors, allow City residents to work near where they live, provide new revenue for City services and facilities, and take full advantage of the public's investment in the recently opened Interstate 270/Watkins Mill Road interchange. The Project also offers redevelopment that is compatible with the surrounding neighborhood. The Project's proposed uses are consistent with the character of the Northern Employment District and nearby commercial, warehousing, industrial, retail, and residential uses.

The Project also incorporates a linear park along the Property's North Frederick Avenue frontage that will promote additional pedestrian and cyclist activity in the area, while naturalized areas with additional landscaping along the Property's Interstate 270 and Montgomery Village Avenue boundaries provide a visually appealing and effective buffer. The Project includes landscaped amenity areas for employees to gather, relax, and interact. Existing and planned transportation facilities, including highways, arterial roadways, transit, shared-use paths, and sidewalks will provide convenient connections between the Project and existing development. Additionally, the SDP Application advances the City's established recommendations in the City's master plans (1997 Master Plan, the 2001 Corridor Plan, and the Land Use Elements of

City of Gaithersburg
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the City's 2003 Master Plan and 2009 Master Plan), as well as the City's FY 2020 Strategic Plan regarding, among other things, creating new space appropriate for biotechnology companies, and fostering opportunities for adding value to the City in a priority area for redevelopment.

Conclusion

The City should approve the SDP Application as it conforms to all applicable requirements, transforms an outdated office campus with a modern employment hub, and allows City residents new job opportunities convenient to housing, transportation, and other commercial uses. We look forward to working with you on the SDP Application.

Sincerely,

LINOWES AND BLOCHER LLP



Barbara A. Sears



Phillip Hummel

cc: Brian Morris

APPENDIX

Bus Service Within Vicinity of Property

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

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List of Property Entitlements Provided by City Prior to Sketch Plan

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

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	Demonstrations and activities to end on June 1, 2010	
STF-10-024	Replace high sodium lights in parking lot with LED lights	May 18, 2010
STF-11-114	Add “wellness walkway” for employees fitness with workout areas and associated landscaping and final forest conservation plan	October 21, 2011
STF-11-119	Amend “wellness walkway”	November 7, 2011
STF-12-046	New basketball court (missing SDA letter)	May 5, 2012
AFP-0863-2012	Revise existing Parking Lot “B” and “C” to add 212 car spaces and 8 motorcycle spaces, along with revised site lighting and security; and to add new security gates to the entrance and new security fence where needed to enclose the site perimeter	October 10, 2012
AFP-6241-2014	Replace existing cooling tower in same location (height increasing from 12 feet to 22 feet)	October 28, 2014
ASDP-6972 & AFP-6973-2015	Café expansion (missing SDA letter as development plans were never finalized)	June 12, 2015
AFP-7533-2017	New end wall construction on existing spline corridor	March 22, 2017

PLANNING AND CODE ADMINISTRATION

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

STORMWATER MANAGEMENT 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 700 North Frederick Avenue

PROJECT NAME 700 North Frederick Avenue

APPLICANT/BILLING CONTACT

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

Primary Contact Brian Morris

Street Address 4600 Wedgewood Boulevard Suite No. A

City Frederick State Maryland Zip Code 21703

Telephone Numbers: Work 301-815-9984 Cell _____ E-mail Address _____

OWNER

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

Primary Contact Brian Morris

Street Address 4600 Wedgewood Boulevard Suite No. A

City Frederick State Maryland Zip Code 21703

Telephone Numbers: Work 301-815-9984 Cell _____ E-mail Address _____

DEVELOPER

Business Name _____

Primary Contact _____

Street Address _____ Suite No. _____

City _____ State _____ Zip Code _____

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

ENGINEER

Business Name VIKA Maryland, LLC MD Registration No. 25786

Primary Contact Ghassan Khouri, c/o Shannon Flickinger

Street Address 20251 Century Boulevard Suite No. 400

City Germantown State Maryland Zip Code 20874

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

LOCATION DESCRIPTION

700 North Frederick Avenue, NW corner of Montgomery Village Avenue and 355.

PROJECT DESCRIPTION

MXD redevelopment of site for phase 1 472,700 SF of commercial (per Sketch Plan SK-8180-2019).

PLAN TYPE: Concept Preliminary Final
(check all that apply)

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

TRIBUTARY: Muddy Branch Long Draught Branch Whetstone Run Multiple

STORMWATER MANAGEMENT ACRES PROVIDED

On Site Quality Acres	<u>0.55 ACRES</u>	On Site Quantity Acres	<u>0</u>
Requested Waiver Quality Acres	<u>0</u>	Requested Waiver Quantity Acres	<u>0</u>
Total SWM Acres	<u>0.55 ACRES</u>	Total Acres Disturbed	<u>33.81 ACRES</u>

NUMBER OF STRUCTURES PROPOSED

Environmental Site Design	<u>25</u>	Dry Pond	<u>0</u>
Wet Pond	<u>0</u>	Water Quality Inlet	<u>0</u>
Underground Storage	<u>0</u>	Sand Filter	<u>0</u>
Structural BMP	<u>7</u>	Other (please specify)	<u>0</u>

See Stormwater Management Plan Checklist for Submittal Requirements

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plancode@gaithersburgmd.gov · www.gaithersburgmd.gov

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 700 North Frederick Avenue

PROJECT NAME 700 North Frederick Avenue

APPLICANT/BILLING CONTACT

Business Name VIKA Maryland, LLC

Primary Contact Ian P. Duke

Street Address 20251 century Boulevard Suite No. 400

City Germantown State Maryland Zip Code 20874

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

OWNER

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

Primary Contact Brian Morris

Street Address 4600 Wedgewood Boulevard Suite No. A

City Frederick State Maryland Zip Code 21703

Telephone Numbers: Work 301-815-9984 Cell _____ E-mail Address _____

DEVELOPER

Business Name _____

Primary Contact _____

Street Address _____ Suite No. _____

City _____ State _____ Zip Code _____

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

ENGINEER

Business Name VIKA Maryland, LLC MD Registration No. 25786

Primary Contact Ghassan Khouri, c/o Shannon Flickinger

Street Address 20251 Century Boulevard Suite No. 400

City Germantown State Maryland Zip Code 20874

Telephone Numbers: Work 301-916-4100 Cell _____ E-mail Address _____

PLANNING AND CODE ADMINISTRATION

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plancode@gaithersburgmd.gov · www.gaithersburgmd.gov

ENVIRONMENTAL STANDARDS WAIVER APPLICATION

SUBJECT PROPERTY

Street Address or Location 700 N. Frederick Ave., Montgomery County, Maryland

PROJECT NAME 700 N. Frederick Avenue

ASSOCIATED SITE PLAN NUMBER SDB-8597-2020

APPLICANT/BILLING CONTACT

Business Name VIKA Maryland, LLC

Primary Contact Josh Sloan, RLA

Street Address 20251 Century Blvd. Suite No. Suite 400

City Germantown State Maryland Zip Code 20874

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

OWNER

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

Primary Contact Brian Morris

Street Address 4600 Wedgewood Blvd. Suite No. _____

City Frederick State Maryland Zip Code 21703

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

DEVELOPER

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

Primary Contact Brian Morris

Street Address 4600 Wedgewood Blvd. Suite No. _____

City Frederick State Maryland Zip Code 21703

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

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

TRIBUTARY: Long Draught Branch Multiple Muddy Branch Whetstone Run

Currently the site is in Montgomery County and not Stream Segment Map in Environmental Manual Appendix I.

PROJECT INFORMATION

Impacted Area (Square Feet)	<u>3,101</u>	Number of Single Family Waivers	<u>n/a</u>
Impacted Stream Length	<u>n/a</u>	Number of Multi-Family Waivers	<u>n/a</u>
Number of Lots Impacted	<u>one</u>	Number of Non-Residential Waivers	<u>one</u>

SENSITIVE AREAS IMPACTED (*Check all that apply*)

- Critical Habitat
- Cultural Resources
- Erodible/Unsuitable Soils
- Forest
- Wetlands
- Headwaters
- Specimen Tree
- Streams/Floodplains
- Stream Buffers
- Wetland Buffers
- Rare/Threatened/Endangered/Watch List Species
- Other (*please specify*) _____

BRIEFLY DESCRIBE THE NATURE OF THE WAIVER

A waiver is requested for permanent impacts to the stream buffer for a SWM outfall and a small area of grading, and temporary impa

SUBMISSION REQUIREMENTS

An application for an environmental waiver must be submitted to the City Council for review prior to site plan approval. If staff concur that a waiver would cause a minor impact, the applicant may submit a letter to the City Council requesting that the Council delegate the authority to the Planning Commission to review and grant the waiver during the site plan review process.

- A written statement describing the waiver request
(refer to waiver criteria identified in Section 38 of the Environmental Standards for Development Regulation)
[See the included Environmental Standards Waiver Request letter.](#)
- A description of all proposed mitigation and compensation measures including type, size, location and benefits associated with the enhancements
[See Section d. under Reasons for Granting the Waiver in the included Environmental Standards Waiver Request letter.](#)
- All appropriate plans, e.g. NRI/FSD, Site Plan, etc. Three (3) hard copies folded to 8 1/2"x11", one (1) digital copy DWF (preferred) or PDF
- Supporting documentation, e.g. photographs, elevations, environmental studies, etc.
- Fee \$1,050 for waiver



October 28, 2020

Rob Robinson
City of Gaithersburg Environmental Planning
City Hall
31 South Summit Avenue
Gaithersburg, Maryland 20877

**Re: 700 North Frederick Avenue
Environmental Standards Waiver Request for Stream Valley Buffer Impacts**

Dear Mr. Robinson:

On behalf of our client, MFV 700 NFA, LLC & DNIP4 700 NFA, LLC (the “Applicant”), and pursuant to Section 22-12 of the Gaithersburg City Code (the “Code”), as well as Sections 5-1607 and 5-1611 of the Natural Resources Article of the Maryland Code, we respectfully submit this waiver from the *Environmental Standards for Development Regulation* request to allow permanent impacts to approximately 1,439 square feet (s.f.) of stream buffer for a storm drain outfall, 197 s.f. of impacts to stream buffer due to adjacent grading, and 1,465 s.f. of temporary impact to 100-Year Floodplain and stream buffer, 1,326 s.f. of temporary impact to City of Gaithersburg’s 50-foot wetland buffer, and 470 s.f. of 25-foot Maryland State wetland buffer for the purpose of removal of the existing paved pedestrian pathway. The 100-Year Floodplain and MDE/USACE-regulated wetland buffer temporary impacts are for the required removal of an existing pathway that could not be feasibly connected to another path to the site due to grade restrictions. The impacts to state and federally regulated features are considered minor and temporary, and an exemption for a permit requirement (Letter of Authorization) is being requested through a joint application to the Maryland Department of the Environment and the U.S. Army Corps of Civil Engineers (MDE/USACE) for the path removal. The proposed permanent impacts to City of Gaithersburg stream buffer from storm drain outfall and a small amount of grading were minimized, with no mitigation recommended; however, the path removal area, the entire stream buffer outside of the storm drain outfall, and a significant area immediately outside of the stream buffer will be planted where not forested and placed into a Category I Forest Conservation easement. The improved benefits to stream valley protection and water quality from afforestation and implementation of storm water management on the site will substantially outweigh the impacts to stream buffer. Over 40% of green area is provided in excess of the required 25% per the master plan in Phase 1 due to afforestation in the required linear park and sensitive environmental areas on the south west portion of the site. As noted in greater detail below, strict enforcement and not granting the waiver would provide undue hardship by further reducing the developable area of the site.

Introduction

The project associated with this waiver request is Applicant’s redevelopment of 700 North Frederick Avenue (the “Property”) in the City of Gaithersburg with up to 460,600 square feet in Phase 1, of commercial/employment/industrial uses in multiple structures, along with attractive green areas and open spaces (the “Project”). The Phase 1 portion of the Property is currently comprised of approximately 40.34 acres of improved land with commercial structures, surface parking, bio-retention ponds, a walking trail, some forest, and landscaped areas with trees, shrubs, and lawn. The Property is bounded by Interstate 270

VIKA Maryland, LLC

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Tysons, VA ♻️ Germantown, MD ♻️ Washington, DC

www.vika.com

to the southwest, Montgomery Village Avenue (Maryland Route 124) to the southeast, North Frederick Avenue (Maryland Route 355) to the northeast, and a warehouse site addressed 800 North Frederick Avenue to the northwest.

As part of the proposed Project, Applicant seeks a waiver for impacts to some permanent, and some temporary impacts to the City of Gaithersburg-regulated stream valley buffer and 50-foot wetland buffer, state-/federally-regulated 100-Year Floodplain, and state-regulated 25-foot wetland buffer. This waiver request complies with City of Gaithersburg law, which requires Applicant to file for a waiver from the City Code to impact any stream valley buffer. As stated in the *Environmental Standards for Development Regulation* (Regulation No. 01-01):

The City Council shall have the authority to review waiver applications and grant waivers where the Council finds that the public interest benefits of the project outweigh the risks to the environment and there are no other feasible alternatives. In cases where a waiver would cause a minor impact, the applicant may request that the City Council delegate the authority to the Planning Commission to review and grant the waiver during the site plan review process. When delegated the authority, the City Planning Commission shall conduct a separate vote on the waiver of any Environmental Standard rather than simply approving the waiver as part of a site plan approval.

The following table lists the stream buffer, 100-Year Floodplain, and wetland buffer impacts for which Applicant seeks a waiver for impacts.

IMPACT FEATURE	PROPOSED PERMANENT IMPACT (SF/AC)	PROPOSED TEMPORARY IMPACT (SF/AC)	REASON FOR IMPACT	REGULATORY AGENCY
Stream Valley Buffer	1,439 / 0.03	N/A	Storm drain outfall	City of Gaithersburg
Stream Valley Buffer	197 / 0.005	N/A	Grading	City of Gaithersburg
Stream Valley Buffer	N/A	1,465 / 0.03	Path removal	City of Gaithersburg
50' wetland buffer	N/A	1,326 / 0.03	Path removal	City of Gaithersburg
100-Year Floodplain	N/A	1,465 / 0.03	Path removal	MDE/USACE
25' Wetland Buffer	N/A	470 / 0.01	Path removal	MDE

Reasons for Granting Waivers

The Environmental Standards Section 38. *Waivers from Environmental Regulations* states that waivers will be reviewed on a case-by-case basis by either the City Council or the Planning Commission at the minimum necessary accord relief. The basis upon which waivers are granted are listed below along with a discussion following each standard on how these standards will be met.

Waivers may only be granted upon:

- a. *Completion of required approvals, rulings, permits, or waivers from all appropriate State and Federal findings agencies.*

Applicant is in the process of obtaining a Letter of Authorization for exemption from a permit for temporary, minimal impacts to the 100-Year Floodplain and 25-foot state wetland buffer through a joint MDE/USACE application process. A copy of the Letter of Authorization will be forwarded to the City of Gaithersburg.



- b. *A showing of good and sufficient cause and meeting the criteria outlined in Article III of this regulation.*

Applicant's Project seeks to replace the Project's obsolete and single-user office park campus with the Project, which will provide an employment hub containing multiple commercial/employment/industrial uses with attractive landscaped open spaces at a highly visible intersection. The Project will provide area residents with significant job opportunities, bring considerable economic investment to the Frederick Avenue corridor, and offer uses that complement nearby commercial and residential areas and that are consistent with the current character of the Northern Employment District. Such redevelopment will advance long-standing City planning recommendations for the Property from the 1997 Master Plan, which are carried forward in the 2001 Corridor Plan and the Land Use Element of the 2009 Master Plan.

In addition to advancing the City's master planning vision for the Property, the Project has been intentionally designed to minimize stream buffer impacts, preserve forest, and redevelop previously improved areas. Grading and other design considerations were reviewed to minimize stream buffer impacts to the extent practicable.

In addition to the Section 38 regulations, all of the Recommended Standards for Stream Buffers listed in Article III, Section 25 of the Environmental Standards for Development will be met. Only storm drain outfall, a minimal amount of necessary grading impact, and temporary impact for path removal are proposed in the stream buffer. Applicant addresses the factors below for consideration of granting this waiver according to Article III Section 25.1.b.:

1. Reasonable alternatives for avoidance of the buffer are not available

These activity footprints were minimized to the extent possible and are found to be necessary and unavoidable for this development. The maximum allowable stormflow will be directed to the existing stormwater pond at the northwest of the site; the remainder of the stormflow will be treated with onsite stormwater structures, and the storm drain outfall location extending into the stream buffer was unavoidable due to the required grade tie-out to minimize erosive velocity. As part of the grading required at the west end of the site the approximately 197 s.f. of grading into the stream buffer was unavoidable. Alternatives were considered to avoid removal of the existing pedestrian path; a portion of the southern end of the path will be unavoidably removed due to site construction and grading; reconstruction of access to the remaining portion within the stream buffer is not feasible due to grade constraints. Therefore, removal of the entire path is proposed because the undisturbed portion of the path is not allowed to remain without a connecting access path.

2. Encroachment into the buffer has been minimized.

The storm drain outfall extension into the stream buffer was terminated at the shortest distance possible while meeting grade requirements. The grading into the stream buffer was minimized to the extent possible. The path removal L.O.D. width was minimized to two feet on either side of the path, with removal of the path to be accomplished with light-duty machinery and manual removal to minimize ground disturbance.

3. Existing sensitive areas have been avoided (forest, headwaters, and wetlands and their designated buffers, floodplains, steep slopes, and habitat for rare, threatened, and endangered species and their associated protection buffers).

Existing sensitive areas have been avoided for the permanent impacts from a small area of grading and storm drain outfall except for the stream buffer. No floodplain, wetland, wetland buffer, stream, RTE species or habitats will be impacted from these activities. Only



temporary and minimal impacts for removal of the existing pedestrian path are proposed to stream buffer, 100-Year Floodplain, and wetland buffer.

4. The proposed use is consistent with the preferred use of the buffer (e.g., pervious areas such as tie-outs to existing grades, slope stabilizing BMPs, etc.).

The storm drain outfall is required infrastructure for the purpose of implementing stormwater management onsite to protect stream water quality, and the necessary tie-out of the storm drain structure to the required elevation in the stream buffer is consistent with the preferred use of the buffer. The small areas of grading within the buffer and removal of the existing path will be planted with trees and placed in a Forest Conservation easement, and therefore consistent with the preferred use of the buffer.

5. The plan design provides compensation for the loss of buffers.

After removal of the path, forest plantings will be installed, and the path area will be included in a Category I Forest Conservation easement. No mitigation is proposed expressly for encroachment into the stream buffer for grading and storm drain outfall installation, or temporary impacts for the path removal; however, the proposed afforestation and naturalized forest understory within and immediately adjacent to the existing stream buffer will expand the currently forested area and more than compensate for the loss of buffer function, significantly enhancing the existing stream buffer function overall. The additional forested area will be much larger than the stream buffer impact for the storm drain outfall and grading. The path removal impacts will be temporary with the previously described methods to minimize ground disturbance within the stream buffer, 100-Year Floodplain, and wetland buffers. This area will also be planted and allowed to naturalize within a Forest Conservation easement.

c. A determination that failure to grant a waiver would result in unnecessary or undue hardship to the applicant.

Failure to grant a waiver would result in unnecessary or undue hardship to Applicant. The land that abuts the Property to the northwest (800 North Frederick Avenue) has been improved with a FedEx transit warehouse facility. Furthermore, sites within the Property's vicinity, including those along the Frederick Avenue and Montgomery Village Avenue corridors, have been considerably improved with a wide variety of commercial development. This includes warehouses, offices, retail, personal services, restaurants, hotels, and car dealerships. The Project seeks to provide employment and accompanying retail commercial uses on the Property consistent with the existing character of the surrounding neighborhood and in close proximity to established residential communities and retail/commercial development, offer compatible buildings and uses, and advance the intent of the Property's MXD zoning.

Strict enforcement of the City Code will unfairly prevent the redevelopment of the Property to the same extent as similarly situated properties along Frederick Avenue, Montgomery Avenue, and Interstate 270. Approval of the waiver will allow Applicant to create an employment hub with a flexible range of jobs, as well as synergistic retail commercial uses, all of which is consistent with the rights enjoyed by nearby property owners. This includes the ability to improve the Property in a manner comparable to the present composition of the adjacent commercial corridors, as well as in harmony with the City's long-established planning goals.



The required grading and storm drain outfall at the west end of the development were minimized to the extent practical while meeting the design standards required. The storm drain outfall was required to extend into the stream buffer in order to meet elevation requirements and minimize erosive velocity. All of the 2.86 acres of required Forest Conservation plantings for the entire site (including Phase 1) are proposed to be met onsite in Forest Conservation easements along Route 355 and the western end of the site, providing a forested buffer extending well-beyond the delineated stream buffer. For the Phase 1 development, the Green Area provided covers 41.55% of the Phase 1 portion of the site, which is in excess of the required 25%. Per the master plan, Green Areas provided are from afforestation in the required linear park along Route 355, and sensitive environmental areas on the western portion of the site. Strict enforcement and not granting the waiver would provide unnecessary hardship for Applicant by further reducing the developable area of the site.

- d. *A determination that the granting of the waiver will not result in increased flood heights, additional threats to public safety, extraordinary public expenses, or the creation of nuisances.*

The granting of the waiver will not result in increased flood heights, additional threats to public safety, extraordinary public expenses, or the creation of nuisances. A floodplain study has been approved for this development which modeled the run-off from the entire site as entering at the high end of the on-site stream. This proposed storm drain out fall will in reality convey less than 50% of the site run-off to the stream at the proposed outfall. The remaining site run-off will outfall to the existing pond in the northwest corner of the site. It was determined to be infeasible to route all the site run-off to the existing pond because the proposed development increases the impervious area for the site and would result in a run-off volume that exceeds the design volume of the pond.

- e. *A determination that there are no conflicts with existing local and State laws or ordinances.*

No conflicts with existing local and State laws or ordinances have been determined. The required permit exemption (Letter of Authorization) for impacts to Maryland and USACE regulated features are in the process of being obtained through the MDE/USACE joint permit process. After State and federal requirements are met, the granting of the Environmental Standards waiver by the City of Gaithersburg would comply with State and federal requirements. The granting of Applicant's waiver request will not result in a violation or State water quality standards, nor will a measurable degradation in water quality occur as a result. On the contrary, the Project will implement measures to improve water quality. A significant area within and adjacent to the stream buffer (SB) will be placed into a Category I Forest Conservation Easement and allow for an increase in the width of forested area buffering the onsite stream. In addition, a Category II Forest Conservation Easement is proposed along the Route 355 road frontage in order to allow for afforestation of this area in a manner that would be consistent to include public pathways. The Project also integrates current state-of-the-art stormwater management practices, which will improve upon the Property's previous stormwater management system and enhance water quality.

Thank you for your consideration of Applicant's Environmental Standards waiver request. The supporting information provided in this letter establishes that denial of the waiver would result in



unnecessary hardship or practical difficulty, as well as demonstrates Applicant's extensive efforts to minimize impacts. Please contact me with any questions, or if you require additional information.

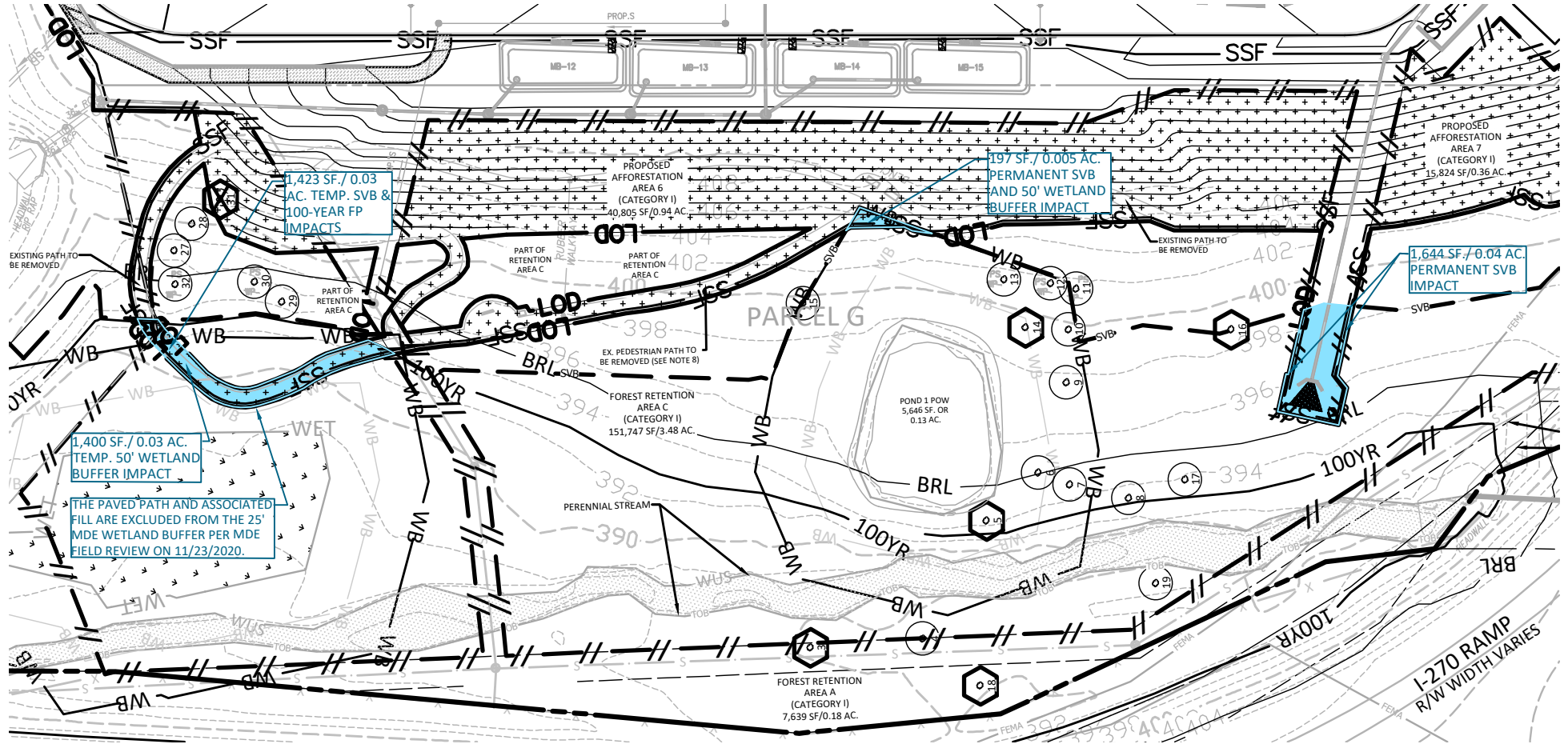
Sincerely,

Marion Bundens
Senior Environmental Planner
VIKA Maryland, LLC



LEGEND

- SUBJECT PROPERTY
- ADJACENT PROPERTY/LOT LINES
- EXISTING 10' CONTOUR
- EXISTING 2' CONTOUR
- 550 PROPOSED 10' CONTOUR
- 548 PROPOSED 2' CONTOUR
- LOD LIMITS OF DISTURBANCE
- SVB STREAM VALLEY BUFFER
- PROPOSED AFFORESTATION/REFORESTATION (CATEGORY I)
- EXISTING SIGNIFICANT TREE
- EXISTING SPECIMEN TREE
- PROPOSED CATEGORY I FOREST CONSERVATION EASEMENT
- PROPOSED CATEGORY II FOREST CONSERVATION EASEMENT
- SSF SEC SUPER SILT FENCE



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VIKA MARYLAND, LLC
 20251 Century Blvd., Suite 400
 Germantown, MD 20874
 301.916.4100 | vika.com
Our Site Set on the Future.

DRAWN BY:	SG
DESIGNED BY:	MB
DATE ISSUED:	10/27/2020
PROJECT No.	VM50240
SHEET No.	

LOCATION DESCRIPTION

700 North Frederick Avenue, NW corner of Montgomery Village Avenue and 355.

PROJECT DESCRIPTION

MXD redevelopment of site for phase 1 472,700 SF of commercial (per Sketch Plan SK-8180-2019).

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) 33.81 ACRES

Total Disturbed Area (Acres) 33.81 ACRES

See Sediment and Erosion Control Checklist for Submittal Requirements



September 11, 2020

Rob Robinson
City of Gaithersburg Environmental Planning
City Hall
31 South Summit Avenue
Gaithersburg, Maryland 20877

Re: 700 North Frederick Avenue
Variance Request for Specimen Tree Removal/Impact

Dear Mr. Robinson:

On behalf of our client, MFV 700 NFA, LLC & DNIP4 700 NFA, LLC (the “Applicant”), and pursuant to Section 22-12 of the Gaithersburg City Code (the “Code”), as well as Sections 5-1607 and 5-1611 of the Natural Resources Article of the Maryland Code, we respectfully request a variance to allow impacts to or removal of nine (9) specimen trees identified below. These trees are also shown on approved Natural Resources Inventory/Forest Stand Delineation ENV-8133-2019, as well as the proposed Preliminary Forest Conservation Plan for the above-referenced project. As noted in greater detail below, it is appropriate to grant a variance in this matter because strict enforcement would result in unnecessary hardship or practical difficulty to Applicant.

Introduction

The project associated with this variance request is Applicant’s redevelopment of 700 North Frederick Avenue (the “Property”) in the City of Gaithersburg with up to 472,000 square feet of commercial/employment/industrial uses in multiple structures, along with attractive green areas and open spaces (the “Project”). The Phase 1 portion of the Property is currently comprised of approximately 40.34 acres of improved land with commercial structures, surface parking, bio-retention ponds, a walking trail, some forest, and landscaped areas with trees, shrubs, and lawn. The Property is bounded by Interstate 270 to the southwest, Montgomery Village Avenue (Maryland Route 124) to the southeast, North Frederick Avenue (Maryland Route 355) to the northeast, and a warehouse site addressed 800 North Frederick Avenue to the northwest.

As part of the proposed Project, Applicant seeks a variance for impacts to the Critical Root Zone (“CRZ”) or removal of nine (9) specimen trees on the Property. This variance request complies with City of Gaithersburg and Maryland state law, which require Applicant to file for a variance from the City Code to remove or impact any Specimen Tree (tree 30” or greater in Diameter at Breast Height [DBH] or tree with a DBH equal to or greater than 75% of the current State Champion of its species as designated by MDNR); trees that are part of an historic site or associated with an historic structure; any tree designated by the State or County as a national, State, or County champion tree; or any tree, shrub or plant identified on the



Rare, Threatened, or Endangered (RTE) species list provided by the U.S. Fish and Wildlife Service or the Maryland Department of Natural Resources.

The following table lists the nine (9) specimen trees for which Applicant seeks a variance to remove or impact the CRZ:

TREE NO.	BOTANICAL NAME	COMMON NAME	D.B.H. (in.)*	CONDITION	RECOMMENDATION
16	<i>Pinus strobus</i>	White Pine	36	Good-Fair	SAVE: 12% CRZ impact.
22	<i>Quercus palustris</i>	Pin Oak	31	Good	REMOVE: 100% CRZ impact.
31	<i>Pinus strobus</i>	White Pine	36	Good	REMOVE: 100% CRZ impact.
50	<i>Quercus palustris</i>	Pin Oak	30.5	Good	REMOVE: 100% CRZ impact.
51	<i>Quercus palustris</i>	Pin Oak	40.5	Good	REMOVE: 100% CRZ impact.
59	<i>Pinus strobus</i>	White Pine	30	Good	REMOVE: 100% CRZ impact.
63	<i>Salix babylonica</i>	Weeping Willow	34	Fair	SAVE: 13% CRZ impact.
64	<i>Salix babylonica</i>	Weeping Willow	41	Poor	REMOVE: 35%+ CRZ impact; TREE IS NEARLY DEAD.
77	<i>Quercus palustris</i>	Pin Oak	35	Good	REMOVE: 100% CRZ impact.

Justification of Variance

Section 22-12(a) of the City Code authorizes the City to approve variances allowing disturbances to certain trees, including specimen trees. An applicant seeking a variance must present its request in writing and the applicable approving authority must make certain findings prior to approval. §§ 21-12(b) & (e) of the City Code. Applicant’s variance request satisfies the required findings as follows:

- (1) *Describe the special conditions peculiar to the property which would cause the unwarranted hardship;*

Applicant’s Project seeks to replace the Project’s obsolete and single-user office park campus with the Project, which will provide an employment hub containing multiple commercial/employment/industrial uses with attractive landscaped open spaces at a highly visible intersection. The Project will provide area residents with significant job opportunities, bring considerable economic investment to the Frederick Avenue Corridor, and offer uses that complement nearby commercial and residential areas and that are consistent with the current character of the Northern Employment District. Such redevelopment will advance long-standing City planning recommendations for the Property from the 1997 Master Plan, which are carried forward in the 2001 Corridor Plan and the Land Use Element of the 2009 Master Plan.

In addition to advancing the City’s master planning vision for the Property, the Project has been intentionally designed to minimize stream buffer impacts, preserve forest, and redevelop previously improved areas. The specimen trees proposed for removal or saved with CRZ impacts are located within landscaped areas on portions of the Property that are currently improved, such as within the vicinity of existing parking lots, or in landscaped areas that will require grading. Grading and other design considerations impacting trees were minimized to the extent practicable. Denial of the variance would cause unwarranted hardship by significantly reducing the area of the Property that could be redeveloped. This would preclude implementation of the Project, considerably undermine the economic viability of any redevelopment of the Property, and prevent achievement of the City’s adopted planning goals.



The Project will require removal of seven (7) specimen trees and CRZ impacts to two (2) specimen trees: Impacts minimization and avoidance to the specimen trees are described as follows:

- **Trees # 22, 50, 51, and 77**
Proposed CRZ Impact: Severe at 100%
Tree Conditions: Good
These trees are proposed for removal due to their locations well inside the proposed Limits of Disturbance (L.O.D.) within or immediately adjacent to the Project's proposed buildings. These trees are in currently landscaped areas. An effort to save these trees would require a significant reduction in usable building space to clear the CRZs and would not be reasonably feasible within the scope of Project's design.
- **Tree # 31**
Proposed CRZ Impact: Severe at 100%
Tree Condition: Good
Tree 31 is proposed for removal due to its location in a proposed grading area that was minimized to the extent practical. This tree is located at the western end of the proposed construction outside of the stream valley buffer.
- **Tree # 59**
Proposed CRZ Impact: Severe at 100%
Tree Condition: Good
Tree 59 proposed for removal is located at the edge of the current parking area and is also within the proposed L.O.D. where required grading is proposed.
- **Tree # 64**
Proposed CRZ Impact: Significant at 35%
Tree Condition: Poor
Tree 64 is proposed for removal due to its very poor condition, as well as significant CRZ impact.
- **Tree # 16**
Proposed CRZ Impact: Moderate at 12%
Tree Condition: Good-Fair
Tree 16 is proposed to be saved but will have CRZ impacts due to a proposed stormwater outfall nearby. Efforts to minimize impacts to this tree were made by relocating the SWM outfall further from the tree than originally designed.
- **Tree # 63**
Proposed CRZ Impact: Moderate at 13%
Tree Condition: Good-Fair
Offsite Tree 63 is recommended to be saved with CRZ impacts from proposed grading adjacent to a proposed parking area and bio-retention facilities. The grading and L.O.D. was minimized in this area to reduce CRZ impacts to this tree.



- (2) *Describe how enforcement of this Chapter will deprive the landowner of rights commonly enjoyed by others in similar areas;*

Denial of the variance would also deprive Applicant of rights commonly enjoyed by others in similar areas. The land that abuts the Property to the northwest (800 North Frederick Avenue) has been improved with a FedEx transit warehouse facility. Furthermore, sites within the Property's vicinity, including those along the Frederick Avenue and Montgomery Village Avenue corridors, have been considerably improved with a wide variety of commercial development. This includes warehouses, offices, retail, personal services, restaurants, hotels, and car dealerships. The Project seeks to provide employment and accompanying retail commercial uses on the Property consistent with the existing character of the surrounding neighborhood and in close proximity to established residential communities and retail/commercial development, offer compatible buildings and uses, and advance the intent of the Property's MXD zoning.

Strict enforcement of the City Code will unfairly prevent the redevelopment of the Property to the same extent as similarly situated properties along Frederick Avenue, Montgomery Avenue, and Interstate 270. Approval of the variance will allow Applicant to create an employment hub with a flexible range of jobs, as well as synergistic retail commercial uses, all of which is consistent with the rights enjoyed by nearby property owners. This includes the ability to improve the Property in a manner comparable to the present composition of the adjacent commercial corridors, as well as in harmony with the City's long-established planning goals.

- (3) *Verify that State water quality standards will not be violated and that a measurable degradation in water quality will not occur as a result of the granting of the variance;*

The granting of Applicant's variance request will not result in a violation of State water quality standards, nor will a measurable degradation in water quality occur as a result. On the contrary, the Project will implement measures to improve water quality. A significant area within and adjacent to the Stream Valley Buffer (SVB) will be placed into a Category I Forest Conservation Easement and allow for an increase in the width of forested area buffering the onsite stream. In addition, a Category II Forest Conservation Easement is proposed along the Route 355 road frontage in order to allow for afforestation of this area in a manner that would be consistent to include public pathways. The Project also integrates current state-of-the-art stormwater management practices, which will improve upon the Property's previous stormwater management system and enhance water quality.

- (4) *Provide any other information appropriate to support the request.*

Approving Applicant's variance request is justified for other reasons as well. The Project proposes both preserving and increasing onsite forest adjacent to the SVB subject to a Category I Forest Conservation Easement. In addition, the Project also includes establishing a Category II Forest Conservation easement area with afforestation along the Property's North Frederick Avenue frontage. The Landscape Plan includes a significant number of additional proposed plantings throughout the property, including shade trees, evergreen trees, ornamental trees, and planting beds, all of which will serve to improve ecological quality. The Project also incorporates open spaces that will enhance the Property's existing conditions. This includes a linear park along the Property's North Frederick Avenue frontage, which will promote additional pedestrian and cyclist



activity in the area, as well as two new employee amenity areas, which will offer opportunities for gathering, collaboration, and relaxation in attractively landscaped areas with seating areas. Additionally, the Project encourages the efficient use of land by offering infill development at a prominent intersection with new employment opportunities and commercial services convenient to nearby businesses, residents, and transportation infrastructure.

Furthermore, the variance does not arise from a condition related to land or building use, either permitted or nonconforming, on a neighboring property.

Thank you for your consideration of Applicant's tree variance request. The supporting information provided in this letter establishes that denial of the variance would result in unnecessary hardship or practical difficulty, as well as demonstrates Applicant's extensive efforts to minimize impacts. Please contact me with any questions, or if you require additional information.

Sincerely,

A handwritten signature in blue ink that reads "Marion E. Bundens". The signature is written in a cursive, flowing style.

Marion E. Bundens
Maryland DNR Qualified Professional
Senior Environmental Planner





A SERVICE DISABLED
VETERAN-OWNED
SMALL BUSINESS

CORPORATE OFFICE
Baltimore, MD

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Baltimore, Maryland 21236
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fax: 410.931.6601
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443.290.4060

FIELD LOCATIONS

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

September 11, 2020

Ms. MiYoung Park
Transportation Planner
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, Maryland 20877

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

Dear Ms. Park:

As requested, we have prepared a trip generation comparison between the existing/previously approved development and the proposed development under Phase 1 for the 700 North Frederick Avenue Project. It was discussed that if the proposed trips were less than 30 Net New Trips from the existing/previously approved development, then a Traffic Impact Analysis would not be required and this development would be exempt from the Adequate Public Facilities Ordinance for Traffic Capacity.

The existing use of the 700 North Frederick Avenue Property is 538,916 Square Feet of General Office while the proposed Phase 1 development is as follows:

Lot 1	5,600 Square Feet of Super Convenience Market with Gas;
Lot 2	10,000 Square Feet of Retail;
Lots 3 and 4	7,100 Square Feet of High Turnover (Sit-Down) Restaurant; and
Lots 5 and 6	*450,000 Square Feet of Industrial Park.

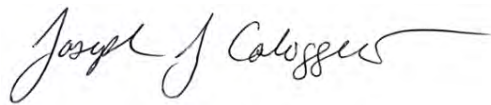
* The Industrial Park Land Use Code is defined in the Institute of Transportation Engineers (ITE) Trip Generation Manual (10th Edition) as a number of industrial or related facilities. It is characterized by a mix of manufacturing, service, and warehouse facilities with a wide variation in the proportion of each type of use from one location to another. Many industrial parks contain highly diversified facilities, some with a large number of small businesses and others with one or two dominant industries. This land use category details the type of development that Matan Companies provides with similar projects.

Please note that some of these uses may change as the development continues to progress and updates to the trip generation will be prepared, as necessary. Future phases of the development will also be subject to a trip generation analysis.

The ITE Trip Generation Manual (10th Edition) and Montgomery County LATR was utilized to determine the number of trips projected to be generated by the existing/previously approved development and the proposed development. Exhibit 1 details the trip generation rates and totals. All trip generation rates are calculated appropriately using the best practices that are recommended by the MDOT-SHA and County Agencies. As shown on Exhibit 1, the proposed development is projected to generate 257 Morning Peak Hour Trips less than the existing/previously approved development Trips. The development is projected to generate 260 Evening Peak Hour Trips less than the existing/previously approved development trips.

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

Sincerely,

A handwritten signature in black ink that reads "Joseph J. Caloggero". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

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

JJC:amr

(F:\2019\2019-0119_700 North Frederick Avenue\DOCS\CORRESP\ANALYST\Trip Gen Ltr_Park_Revised Sept 2020.docx)

TRIP GENERATION FOR SUBJECT SITE

TRIP RATES / FORMULAE

IN/OUT

Super Convenience Market w/Gas (ksf, ITE-960)

Morning Trips = 83.14 x ksf 50/50

Evening Trips = 69.28 x ksf 50/50

High Turnover (Sit-Down) Restaurant (ksf, ITE-932)

Morning Trips = 9.94 x ksf 55/45

Evening Trips = 9.77 x ksf 62/38

Retail, No Major Food Chain (Montgomery County, <50 ksf)

Morning Trips = 25% x Evening Trips 52/48

Evening Trips = ((12.36xKSF))x(1-.05+.002(200-KSF)) 52/48

Industrial Park (ksf, ITE-130)

Morning Trips = 0.40 x ksf 81/19

Evening Trips = 0.40 x ksf 21/79

General Office Building (ksf, ITE-710)

Morning Trips = 0.94 x ksf + 26.49 86/14

Ln(Evening Trips) = 0.95 x Ln(ksf) + 0.36 16/84



ITE Trip Generation, 10th Edition.

EXHIBIT 1
TRIP GENERATION
FOR SUBJECT SITE

TRIP TOTALS

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

Proposed

7,100 sq. ft. High Turnover (Sit-Down) Restaurant		39	32	71	43	26	69
<input type="text" value="Lots 3 & 4"/>	Less Internal Trips	-29	-14	-43	-13	-12	-25
	<u>Pass-by Trips (43%)</u>	<u>-4</u>	<u>-8</u>	<u>-12</u>	<u>-13</u>	<u>-6</u>	<u>-19</u>
	New Trips	6	10	16	17	8	25
10,000 sq. ft. General Retail		9	9	18	36	34	70
<input type="text" value="Lot 2"/>	Less Internal Trips	-1	-1	-2	-5	-3	-8
	<u>Pass-by Trips (26%, 34%)</u>	<u>-2</u>	<u>-2</u>	<u>-4</u>	<u>-11</u>	<u>-11</u>	<u>-22</u>
	New Trips	6	6	12	20	20	40
5,600 sq. ft. Super Convenience Market w/Gas		233	233	466	194	194	388
<input type="text" value="Lot 1"/>	Less Internal Trips	-13	-25	-38	-24	-14	-38
	<u>Pass-by Trips (76%)</u>	<u>-167</u>	<u>-158</u>	<u>-325</u>	<u>-129</u>	<u>-137</u>	<u>-266</u>
	New Trips	53	50	103	41	43	84
450,000 sq. ft. Industrial Park		146	34	180	38	142	180
<input type="text" value="Lots 5 & 6"/>	Less Internal Trips	<u>-16</u>	<u>-19</u>	<u>-35</u>	<u>-6</u>	<u>-19</u>	<u>-25</u>
	New Trips	130	15	145	32	123	155

Total Proposed	Pass-by Trips	173	168	341	153	154	307
	New Trips	195	81	276	110	194	304

Existing

538,916 sq. ft. General Office Building	458	75	533	90	474	564
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Total Difference (Proposed - Existing)	-263	6	-257	20	-280	-260
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ITE Trip Generation, 10th Edition.
ITE-938 Pass-by rate used for ITE-937.

EXHIBIT 1 CONT'D
TRIP GENERATION
FOR SUBJECT SITE

Mixed-Use Trip Generation Calculation

Time Period: AM Peak Hour

Summary Table	Residential		Office		Retail		Hotel		Restaurant		Cinema		TOTAL
	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	
Single-Use Trips	0	0	146	34	242	242	0	0	39	32	0	0	735
Mixed-Use Internal Trips	0	0	16	19	14	26	0	0	29	14	0	0	118
External Trips	0	0	130	15	228	216	0	0	10	18	0	0	617
INTERNAL CAPTURE RATE:												16%	

Internal Trip Capture for Trip Destinations (Demand)

From \ To	Residential		Office		Retail		Hotel		Restaurant		Cinema	
	Rate	Trips	Rate	Trips	Rate	Trips	Rate	Trips	Rate	Trips	Rate	Trips
Residential			3%	4	17%	41			20%	8		
Office					32%	77			23%	9		
Retail	2%	0	4%	6					50%	20		
Hotel			3%	4	4%	10			6%	2		
Restaurant	5%	0	14%	20	8%	19	4%	0				
Cinema												

Internal Trip Capture for Trip Origins (Supply)

From \ To	Residential		Office		Retail		Hotel		Restaurant		Cinema	
	Rate	Trips	Rate	Trips	Rate	Trips	Rate	Trips	Rate	Trips	Rate	Trips
Residential			2%	0	1%	0			20%	0		
Office	1%	0			28%	10			63%	21		
Retail	14%	34	29%	70					13%	31		
Hotel			75%	0	14%	0			9%	0		
Restaurant	4%	1	31%	10	14%	4	3%	1				
Cinema												

Balance (Minimum of Demand and Supply)

From \ To	Residential	Office	Retail	Hotel	Restaurant	Cinema	Total
	Residential						
Office			10		9		19
Retail		6			20		26
Hotel							0
Restaurant		10	4				14
Cinema							0
Total	0	16	14	0	29	0	



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

Mixed-Use Trip Generation Calculation

Time Period: PM Peak Hour

Summary Table	Residential		Office		Retail		Hotel		Restaurant		Cinema		TOTAL
	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	
Single-Use Trips	0	0	38	142	230	228	0	0	43	26	0	0	707
Mixed-Use Internal Trips	0	0	6	19	29	17	0	0	13	12	0	0	96
External Trips	0	0	32	123	201	211	0	0	30	14	0	0	611
INTERNAL CAPTURE RATE:												14%	

Internal Trip Capture for Trip Destinations (Demand)

From \ To	Residential		Office		Retail		Hotel		Restaurant		Cinema	
	Rate	Trips	Rate	Trips	Rate	Trips	Rate	Trips	Rate	Trips	Rate	Trips
Residential			57%	22	10%	23	12%	0	14%	6		
Office	4%	0			8%	18			2%	1	1%	0
Retail	46%	0	31%	12			17%	0	29%	12	26%	0
Hotel					2%	5			5%	2		
Restaurant	16%	0	30%	11	50%	115	71%	0			32%	0
Cinema	4%	0	6%	2	4%	9	1%	0	3%	1		

Internal Trip Capture for Trip Origins (Supply)

From \ To	Residential		Office		Retail		Hotel		Restaurant		Cinema	
	Rate	Trips	Rate	Trips	Rate	Trips	Rate	Trips	Rate	Trips	Rate	Trips
Residential			4%	0	42%	0	3%	0	21%	0		
Office	2%	3			20%	28			4%	6		
Retail	26%	59	2%	5			5%	11	29%	66	4%	9
Hotel	2%	0			16%	0			68%	0		
Restaurant	18%	5	3%	1	41%	11	7%	2			8%	2
Cinema	8%	0	2%	0	21%	0	2%	0	31%	0		

Balance (Minimum of Demand and Supply)

From \ To	Residential	Office	Retail	Hotel	Restaurant	Cinema	Total
	Residential						
Office			18		1		19
Retail		5			12		17
Hotel							0
Restaurant		1	11				12
Cinema							0
Total	0	6	29	0	13	0	



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



A SERVICE DISABLED
VETERAN-OWNED
SMALL BUSINESS

CORPORATE OFFICE
Baltimore, MD

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fax: 410.931.6601
1.800.583.8411

DELMARVA OFFICE
443.290.4060

FIELD LOCATIONS

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

October 19, 2020

Ms. MiYoung Park
Transportation Planner
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, Maryland 20877

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

Dear Ms. Park:

As requested, we have prepared a trip generation comparison between the existing/previously approved development and the proposed development under Phase 1 for the 700 North Frederick Avenue Project. It was discussed that if the proposed trips were less than 30 Net New Trips from the existing/previously approved development, then a Traffic Impact Analysis would not be required and this development would be exempt from the Adequate Public Facilities Ordinance for Traffic Capacity.

The existing use of the 700 North Frederick Avenue Property is 538,916 Square Feet of General Office while the proposed Phase 1 development is as follows:

Lot 1	5,600 Square Feet of Super Convenience Market with Gas;
Lots 4	5,000 Square Feet of Fast Food Restaurant with Drive-Thru; and
Lots 5 and 6	*450,000 Square Feet of Industrial Park.

* The Industrial Park Land Use Code is defined in the Institute of Transportation Engineers (ITE) Trip Generation Manual (10th Edition) as a number of industrial or related facilities. It is characterized by a mix of manufacturing, service, and warehouse facilities with a wide variation in the proportion of each type of use from one location to another. Many industrial parks contain highly diversified facilities, some with a large number of small businesses and others with one or two dominant industries. This land use category details the type of development that Matan Companies provides with similar projects.

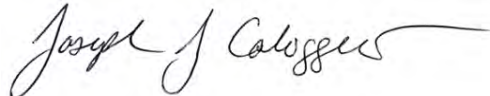
Please note that some of these uses may change as the development continues to progress and updates to the trip generation will be prepared, as necessary. Future phases of the development will also be subject to a trip generation analysis.

The ITE Trip Generation Manual (10th Edition) and Montgomery County LATR was utilized to determine the number of trips projected to be generated by the existing/previously approved development and the proposed development. Exhibit 1 details the trip generation rates and totals. All trip generation rates are

calculated appropriately using the best practices that are recommended by MDOT SHA and County Agencies. As shown on Exhibit 1, the proposed development is projected to generate 253 Morning and 282 Evening Peak Hour Trips less than the existing/previously approved development Trips.

Therefore, the proposed Phase 1 development at 700 North Frederick Avenue is within the available Trip Capacity for this property and is exempt from further Adequate Public Facilities Testing for Traffic Capacity in the City of Gaithersburg. If you have any questions, please let me know. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Joseph J. Caloggero". The signature is written in a cursive style with a long horizontal flourish extending to the right.

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

JJC:amr

(F:\2019\2019-0119_700 North Frederick Avenue\DOCS\CORRESP\ANALYST\Trip Gen Ltr_Park_Revised Oct 2020.docx)

TRIP GENERATION FOR SUBJECT SITE

TRIP RATES / FORMULAE

IN/OUT

Super Convenience Market w/Gas (ksf, ITE-960)

Morning Trips = 83.14 x ksf 50/50

Evening Trips = 69.28 x ksf 50/50

(ITE has no equation for PM; R² is only 0.56 for AM; Rates are used)

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

Morning Trips = 40.19 x ksf 51/49

Evening Trips = 32.67 x ksf 52/48

Industrial Park (ksf, ITE-130)

Morning Trips = 0.40 x ksf 81/19

Evening Trips = 0.40 x ksf 21/79

General Office Building (ksf, ITE-710)

Morning Trips = 0.94 x ksf + 26.49 86/14

Ln(Evening Trips) = 0.95 x Ln(ksf) + 0.36 16/84

(R² is 0.85 for AM and 0.88 for PM)



*ITE Trip Generation, 10th Edition.
Equation is used when R² is greater
than 0.75*

**EXHIBIT 1
TRIP GENERATION
FOR SUBJECT SITE**

TRIP TOTALS

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

Proposed

5,000 sq. ft. Fast Food Rest. w/Drive-Thru		103	98	201	85	78	163
Lot 4	Less Internal Trips	-51	-34	-85	-27	-34	-61
	Pass-by Trips (49%, 50%)	-25	-31	-56	-29	-22	-51
	New Trips	27	33	60	29	22	51
5,600 sq. ft. Super Convenience Market w/Gas		233	233	466	194	194	388
Lot 1	Less Internal Trips	-24	-36	-60	-48	-29	-77
	Pass-by Trips (76%)	-159	-150	-309	-111	-125	-236
	New Trips	50	47	97	35	40	75
450,000 sq. ft. Industrial Park		146	34	180	38	142	180
Lots 5 & 6	Less Internal Trips	-26	-31	-57	-6	-18	-24
	New Trips	120	3	123	32	124	156

Total Proposed	Pass-by Trips	184	181	365	140	147	287
	New Trips	197	83	280	96	186	282

Existing

538,916 sq. ft. General Office Building		458	75	533	90	474	564
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Total Difference (Proposed - Existing)		-261	8	-253	6	-288	-282
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ITE Trip Generation, 10th Edition.

EXHIBIT 1 CONT'D
TRIP GENERATION
FOR SUBJECT SITE

Mixed-Use Trip Generation Calculation

Time Period: AM Peak Hour

Summary Table	Residential		Office		Retail		Hotel		Restaurant		Cinema		TOTAL
	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	
Single-Use Trips	0	0	146	34	233	233	0	0	103	98	0	0	847
Mixed-Use Internal Trips	0	0	26	31	24	36	0	0	51	34	0	0	202
External Trips	0	0	120	3	209	197	0	0	52	64	0	0	645
INTERNAL CAPTURE RATE:												24%	

Internal Trip Capture for Trip Destinations (Demand)

To \ From	Residential		Office		Retail		Hotel		Restaurant		Cinema	
	Rate	Trips	Rate	Trips	Rate	Trips	Rate	Trips	Rate	Trips	Rate	Trips
Residential			3%	4	17%	40			20%	21		
Office					32%	75			23%	24		
Retail	2%	0	4%	6					50%	52		
Hotel			3%	4	4%	9			6%	6		
Restaurant	5%	0	14%	20	8%	19	4%	0				
Cinema												

Internal Trip Capture for Trip Origins (Supply)

To \ From	Residential		Office		Retail		Hotel		Restaurant		Cinema	
	Rate	Trips	Rate	Trips	Rate	Trips	Rate	Trips	Rate	Trips	Rate	Trips
Residential			2%	0	1%	0			20%	0		
Office	1%	0			28%	10			63%	21		
Retail	14%	33	29%	68					13%	30		
Hotel			75%	0	14%	0			9%	0		
Restaurant	4%	4	31%	30	14%	14	3%	3				
Cinema												

Balance (Minimum of Demand and Supply)

To \ From	Residential	Office	Retail	Hotel	Restaurant	Cinema	Total
	Residential						
Office			10		21		31
Retail		6			30		36
Hotel							0
Restaurant		20	14				34
Cinema							0
Total	0	26	24	0	51	0	



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

Mixed-Use Trip Generation Calculation

Time Period: PM Peak Hour

Summary Table	Residential		Office		Retail		Hotel		Restaurant		Cinema		TOTAL
	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	
Single-Use Trips	0	0	38	142	194	194	0	0	85	78	0	0	731
Mixed-Use Internal Trips	0	0	6	18	48	29	0	0	27	34	0	0	162
External Trips	0	0	32	124	146	165	0	0	58	44	0	0	569
INTERNAL CAPTURE RATE:												22%	

Internal Trip Capture for Trip Destinations (Demand)

To \ From	Residential		Office		Retail		Hotel		Restaurant		Cinema	
	Rate	Trips	Rate	Trips	Rate	Trips	Rate	Trips	Rate	Trips	Rate	Trips
Residential			57%	22	10%	19	12%	0	14%	12		
Office	4%	0			8%	16			2%	2	1%	0
Retail	46%	0	31%	12			17%	0	29%	25	26%	0
Hotel					2%	4			5%	4		
Restaurant	16%	0	30%	11	50%	97	71%	0			32%	0
Cinema	4%	0	6%	2	4%	8	1%	0	3%	3		

Internal Trip Capture for Trip Origins (Supply)

To \ From	Residential		Office		Retail		Hotel		Restaurant		Cinema	
	Rate	Trips	Rate	Trips	Rate	Trips	Rate	Trips	Rate	Trips	Rate	Trips
Residential			4%	0	42%	0	3%	0	21%	0		
Office	2%	3			20%	28			4%	6		
Retail	26%	50	2%	4			5%	10	29%	56	4%	8
Hotel	2%	0			16%	0			68%	0		
Restaurant	18%	14	3%	2	41%	32	7%	5			8%	6
Cinema	8%	0	2%	0	21%	0	2%	0	31%	0		

Balance (Minimum of Demand and Supply)

To \ From	Residential	Office	Retail	Hotel	Restaurant	Cinema	Total
	Residential						
Office			16		2		18
Retail		4			25		29
Hotel							0
Restaurant		2	32				34
Cinema							0
Total	0	6	48	0	27	0	



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

Joint Hearing - MCC & PC
SDP-8597-2020
Exhibit #9a

From: [MiYoung Park](#)
To: [Caroline Seiden](#)
Cc: [Gregory Mann](#); [Rob Robinson](#)
Subject: Re: SDP-8597-2020 - 700 N. Frederick 2nd DRT Review
Date: Tuesday, October 27, 2020 8:32:08 AM

Hi Caroline,

Upon review of the trip generation report for 700 N. Frederick Avenue dated October 19, 2020, the proposed trips are less than 30 net new trips compared to the existing trips. In other words, the proposed development is projected to generate less than 253 morning and 282 evening peak hour trips compared to the existing trips. As a result, the applicant is not required to provide a Traffic Impact Analysis.

Sincerely,
MiYoung

November 2, 2020

Mr. Joe Caloggero, P.E., PTOE, PTP
The Traffic Group, Inc.
9990 Franklin Square Drive, Suite H
Baltimore, MD 21236

Dear Mr. Joe Caloggero:

Thank you for the opportunity to review the **Trip Generation** letter prepared by The Traffic Group, dated October 19, 2020 for the **700 North Frederick Avenue Site – 20APMO014XX** in Montgomery County, Maryland. The Maryland Department of Transportation State Highway Administration (MDOT SHA) has completed their review and are pleased to respond.

- The proposed Phase 1 of the development is to provide for a 5,600 square foot super convenience store with gasoline sales, 5,000 square feet of Fast Food Restaurant with Drive-Thru, and 450,000 square feet of industrial park.
- The access to the property is not finalized but is initially proposed at several locations along MD 355 as per the submitted circulation and site plan. For phase 1, access to the site is proposed from the existing signalized entrance and a new proposed right in/right along MD 355.

Based on the information provided, please address the following comments in a point-by-point response:

Traffic Development & Support Division (TSDS) Comments (Provided by Errol Stoute):

It appears that the applicant has addressed TSDS's comments provided in the point by point response letter dated June 30, 2020. We have no additional comments at this time.

Travel Forecasting & Analysis Division (TFAD) Comments (Provided by Scott Holcomb):

1. TFAD agrees with the trip generation proposed in this latest submittal.
2. When compared to the most recent submittal, there are no proposed uses for Parcels 2 and 3. If those two lots are part of the same project and will be forwarded for review at a later time, we recommend that their added trips be added to the trips from Lots 1 and 4-6 for determining if a TIS needs to be submitted for the overall development.

Mr. Joe Caloggero
SHA Tracking No: 20APMO014XX
Page 2 of 3
11/02/2020

District 3 Traffic Comments (Provided by Jack Goode):

Sheet 9.1 – Truck Turning Exhibit WB-67

1. Show the pavement markings along MD 355 to see how far the WB-67 truck turns into the adjacent middle lane. Has it been looked at to enlarge the radius for the right-turning WB-67 trucks?

Sheet 9.3 – Truck Turning Exhibit SU-40

2. Show the pavement markings along MD 355 to see how far the SU-40 truck turns into the adjacent middle lane.
3. There is some overlap of the SU-40 trucks turning in and out of the Parcel A access. Has it been looked at to enlarge the radius for the right-turning SU-40 trucks?

Please provide an Electronic Submission containing the traffic impact study, all supporting documentation, and a point-by-point response addressing the comments noted above to the Access Management Division. For electronic submissions create an account with our new online system <https://mdotsha.force.com/accesspermit>. Please reference the SHA tracking number on any future submissions. Please keep in mind that you can view the reviewer and project status via SHA Access Management Division web page at <http://www.roads.maryland.gov/pages/amd.aspx>. If you have any questions, or require additional information, please contact Mr. Kwesi Woodroffe at 301-513-7347, by using our toll-free number in Maryland only at 1-800-876-4742 (x7347) or via email at kwoodroffe@mdot.maryland.gov or shaamdpermits@mdot.maryland.gov.

Sincerely,



for Erica Rigby
Acting District Engineer

ER/cmh

cc:

Ms. Rola Daher, MDOT SHA – TFAD
Mr. Jack Goode, MODT SHA – District 3 Traffic
Mr. Derek Gunn, MDOT SHA – District 3 Traffic
Mr. Scott Holcomb, MDOT SHA – TFAD
Mr. Robert Owolabi, MDOT SHA – District 3 Traffic
Mt. Rob Robinson, City of Gaithersburg

Mr. Joe Caloggero
SHA Tracking No: 20APMO014XX
Page 3 of 3
11/02/2020

Mr. Errol Stoute, MDOT SHA – TDS
Mr. William Stroud, MDOT SHA – TDS
Mr. Kwesi Woodroffe, MDOT SHA – District 3 Regional Engineer



November 18, 2020

Mayor and City Council of Gaithersburg
31 South Summit Avenue
Gaithersburg, Maryland 20877

Re: SDP-8597-2020 – Parking Justification

Dear Mayor Ashman and Councilmembers:

MFV 700 NFA LLC and DNIP4 700 NFA LLC, owner and applicant (collectively, the “Applicant”) is submitting a parking justification letter to support the minimum and maximum allowed parking for Lot 5 and Lot 6 associated with SDP-8597-2020 (the “SDP Application”).

The Applicant recently filed to redevelop 700 North Frederick Avenue (the “Property”) in Gaithersburg (the “City”) with up to 460,600 square feet of commercial/employment/industrial uses in multiple structures up to six stories in height, along with attractive green areas and open spaces (the “Project”). Within this proposed development program, the Project includes approximately 450,000 square feet of “flex” style buildings which will ultimately be constructed on a speculative basis to accommodate current and future market demands. Allowing flexibility to accommodate both minimum and maximum allowed parking for future tenancy will help the viability and success of the Project and will further bring to fruition the City’s long-term success of this area, as well as this Project will align with the City’s 2001 Frederick Avenue Corridor Master Plan’s goals of the Northern Employment District.

Analysis for Parking Justification

The SDP Application allows for the below potential uses within Lot 5 and Lot 6 which is in accordance with the approved Sketch Plan SK-8180-2019 for the Property.

- Integrated Light Manufacturing
- Repair and Business, Services, including but not limited to carpenter, cabinet, plumbing
- Laboratories
- Research, Experimental and Testing Laboratories
- Manufacture, Compounding, Processing, Assembly, and Ancillary Retail Sales
- Wholesale businesses
- Distribution/Warehouse, excluding self storage
- Offices
- Fitness centers, amusement and recreational facilities
- Child and/or adult day care
- Rental of trucks, ancillary to uses listed above (not to exceed rental of 30 trucks)



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Germantown, MD 20874

P (866) 972-4200
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The Applicant has built over 4 million square feet of similar “flex” style buildings and within the Applicants portfolio of these buildings the above similar uses are consistent with the tenancy mix. Parking has long been a fine balance since approximately 90% of the Applicants portfolio has been speculative. Therefore, Applicant has consistently worked to limit the provision of excessive parking, while providing the flexibility to accommodate additional parking should a user require it. The below chart represents existing similar projects completed by the Applicant within the region and the typical parking requirement for these types of buildings, which is a parking fraction between 1 per 1,000 square feet to 1 per 650 square feet.

Project	# of Tenants / Use	SF	Parking Spaces	Fraction
Wedgewood West Frederick, MD		643,582	990	1/650 sq. ft.
1	Distribution	57,756		
2	Services	6,936		
3	Wholesale	12,965		
4	Wholesale	26,805		
5	Laboratories	77,217		
6	Distribution	110,000		
7	Wholesale	23,125		
8	Wholesale	8,200		
9	Laboratories	192,410		
10	Distribution	108,168		
11	Wholesale	20,000		
Wedgewood 4 Frederick, MD		319,872	407	1/786 sq. ft.
1	Warehouse	11,800		
2	Manufacture	15,165		
3	Distribution	19,085		
4	Laboratories	126,900		
5	Wholesale	19,200		
6	Warehouse	25,425		
7	Processing	25,452		
8	Compounding	19,200		
9	Warehouse	38,400		
10	Warehouse	19,245		
Wedgewood 2 Frederick, MD		377,700	378	1/1000 sq. ft.
1	Manufacture	11,200		
2	Distribution	11,200		
3	Warehouse	11,200		
4	Wholesale	22,100		
5	R&D	22,400		
6	Data Center	44,800		
7	R&D	56,000		
8	Office	12,080		
9	Laboratories	22,400		
10	Wholesale	11,200		
11	Manufacture	31,320		
12	Distribution	22,400		
13	Manufacture	99,400		

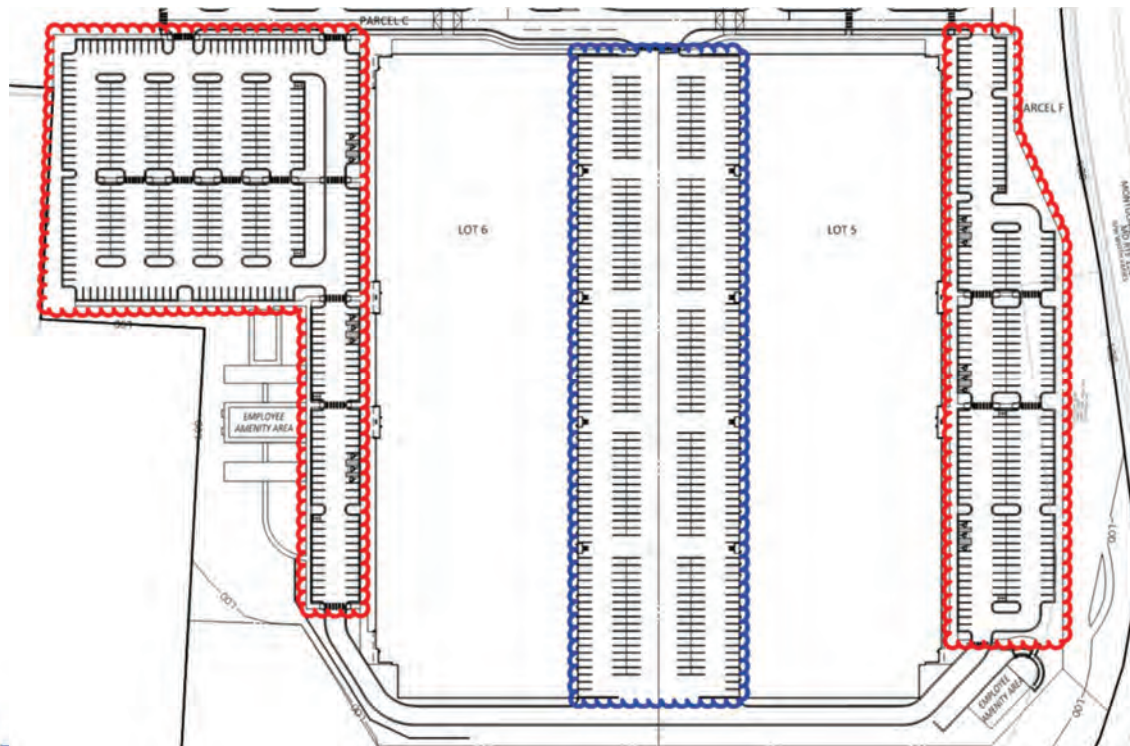


As noted earlier, speculative developments are a fine balance in accommodating not too much parking but having the flexibility to provide more. In the above projects the ability to strip additional parking, should a tenant require it, is available within the loading area. This additional parking can accommodate an overall parking fraction of up to 1 per 503 square feet to 1 per 369 square feet. Again, the flexibility of these buildings is that the additional parking does not create additional impervious area since the loading areas are already asphalt and stormwater management is already accounted for.

With historic information, Applicant has proposed the following minimum and maximum parking requirements to accommodate uses on the SDP Application and as noted previously.

	Sq. Ft.	Minimum Parking	Fraction	Maximum Parking	Fraction
Lot 5	225,000	228	1/987 sq. ft.	448	1/503 sq. ft.
Lot 6	225,000	390	1/577 sq. ft.	610	1/369 sq. ft.
TOTAL	450,000	618	1/728 sq. ft.	1,056	1/426 sq. ft.

The areas clouded in red would be the minimum parking required and the area clouded in blue would allow for the maximum parking allowed to accommodate the wide range of potential uses listed above and provided on the SDP Application for Lot 5 and Lot 6.



Conclusion

Allowing the flexibility of minimum and maximum parking requirements for Lot 5 and Lot 6 will help create a successful speculative Project and further create opportunities for the City as a whole. The Project will be in the best position to implement the City's long-term goals and strategies by replacing existing obsolete structures with expiring tenancy and creating a modern employment hub near existing residences, commercial uses, and transportation hubs. We look forward to working with you on the SDP Application. Therefore, Applicant respectfully request the parking flexibility as described above be approved as part of the SDP Application.

Very truly yours,

MATAN COMPANIES, LLLP

Brian Morris

DocuSigned by:
Brian Morris
7407959CB0E6499...

cc: Barbara A. Sears, Miles and Stockbridge P.C.
Phillip A. Hummel, Miles and Stockbridge P.C.
Josh Sloan, VIKA
Ian Duke, VIKA
Joe Caloggero, The Traffic Group

