



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

ITEM# 2

DATE: 7/3/03



MEMORANDUM

DATE: June 27, 2003

TO: Montgomery County Planning Board

VIA: Joseph R. Davis, *JRD* Chief, Development Review Division

FROM: Richard A. Weaver, Senior Planner *RAW*
Development Review Division

REVIEW TYPE: Preliminary Plan of Subdivision for 450 multi-family units, 150 one-family attached units, and 850,000 square feet of Commercial Office/Retail uses

APPLYING FOR: Preliminary Plan Review

PROJECT NAME: Fortune Parc (Wheel of Fortune)

CASE NO. 1-03029

REVIEW BASIS: Pursuant to Chapter 59, the Zoning Ordinance and Chapter 50, the Subdivision Regulations

ZONE: I-3 and O-M

LOCATION: Northeast Quadrant of the Montrose Road and Seven Locks Road

MASTER PLAN: Potomac Subregion

APPLICANT: Fortune Parc Development Partners, L.L.C.

ATTORNEY: Linowes and Blocher

HEARING DATE: July 3, 2003

Staff Recommendation: Approval, Including Abandonment of an Unimproved Public Right-of-Way (49-67A) and Subject to the Following Conditions:

- 1) Approval under this preliminary plan is limited to the following:
 - a. Non residential development not to exceed 850,000 square feet consisting of the following:
 - 820,000 – 835,000 square feet of general office
 - 15,000 – 30,0000 square feet of general retail
 - 15,000 square feet of high turnover sit-down restaurant or an equivalent increase in square feet of general office and/or general retail uses based on the peak-hour trips generated by the restaurant
 - b. Residential development consisting of the following:
 - 450 garden apartment units
 - 150 single-family attached units
- 2) To satisfy Local Area Transportation Review (LATR), construct the following intersection improvements in accordance with Montgomery County Department of Public Works and Transportation (DPWT) standards:
 - a. Construct a northbound right-turn lane on Seven Locks Road at the intersection with Tuckerman Lane.
 - b. Reconfigure the southbound approach lanes on Tower Oaks Boulevard at the intersection with Montrose Road as follows:
 - From: one right-turn lane and two left-turn lanes
 - To: one exclusive right-turn lane, a combination left-turn and right-turn lane, and one exclusive left-turn lane
- 3) To provide safe and efficient site access from Seven Locks Road:
 - a. Design and install a traffic signal at the proposed Site Access Road with Seven Locks Road including pedestrian signals and crosswalks subject to and in accordance with the requirements of DPWT.
 - b. Construct on Seven Locks Road at the proposed intersection with the Site Access Road the following:
 - c. Add a southbound left-turn lane on Seven Locks Road
 - d. Convert the right-most northbound lane from a through lane to a combination through and right-turn lane on Seven Locks Road

- 4) Coordinate with the City of Rockville regarding the following within their Corporate limit:
 - a. Provide a third public access point from the terminus of Fortune Terrace for the Fortune Parc site.
 - b. Upgrade Fortune Terrace as a primary industrial road from a 30-foot to a 36-foot cross-section.
 - c. Provide an eight-foot asphalt path on the north side of Fortune Terrace.
 - d. Conduct a traffic signal warrant study and install a traffic signal at the intersection of Seven Locks Road and Twin Oaks Drive, if warranted and subject to City of Rockville's requirements and approval.
- 5) Submit a study on the feasibility of operating a private shuttle bus service or other transit connection from the site to the nearest Metrorail Station prior to Site Plan approval in accordance with the Potomac Master Plan (appropriate Adopted Master Plan pages attached).
- 6) Designate the two internal "main streets" within Fortune Parc as public roadways for access and maintenance purposes. An east-west "main street" provides access from Seven Locks Road through the site and connects to a north-south "main street". The north-south "main street" provides access from Montrose Road through the site to Fortune Terrace.
- 7) Satisfy the I-3 Trip Mitigation Guidelines for office development by entering into a Traffic Mitigation Agreement (TMA) with the Planning Board and DPWT at Site Plan. The trip mitigation goal for I-3 zoned land in the Potomac Policy Area (as a "Group II" policy area) is to reduce the peak-hour trips by six percent where the peak-hour trips are determined using standard trip-generation rates for the proposed land uses on the site. A draft TMA has been submitted to Transportation Planning staff and is being reviewed with DPWT staff. The TMA must be executed prior to release of any building permits.
- 8) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
- 9) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Potomac Master Plan unless otherwise designated on the preliminary plan.
- 10) All road right-of ways shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Potomac Master Plan, and to the design standards imposed by all applicable road codes. Only those roads (or portions

thereof) expressly designated on the preliminary plan, "To Be Constructed By _____" are excluded from this condition.

- 11) Final approval of a Planning Board resolution for abandonment of a portion of the unimproved right-of-way prior to recordation of plat(s)
- 12) Record plat to reflect a Category I easement over all areas of forest conservation
- 13) Record plat to reflect common ingress/egress and utility easements over all shared roadways and driveways
- 14) Prior to recordation of the property, the applicant and technical staff will be able to make a final determination of the total number and configuration of lots on the property. These lot(s) shall be reflected on the final plat(s) and recorded among the land records
- 15) Prior to site plan approval, applicant to work with M-NCPPC staff to provide, at Applicant's expense, a Public Use Trail Easement and natural surface trail therein from the Fortune Parc subdivision sidewalk system, extending south under Montrose Road and providing a suitable pedestrian connection to the Cabin John Regional Park trail system. Said trail to be sufficiently aligned and constructed, if reasonably possible, to be handicapped accessible and to include any necessary crossings of Bogley Branch or its tributaries. Easement and trail to be clearly identified and signed
- 16) Compliance with the conditions of approval of the MCDPS stormwater management letter dated, March 11, 2003
- 17) Compliance with conditions of approval of MCDPWT letter dated, June 23, 2003, unless otherwise amended
- 18) Prior to site plan submission, the applicant shall obtain DPWT approval for public "Street A" and "Street B" roadway cross-section, structural design, right-of-way widths, any non-standard design features, and intersection configuration
- 19) No clearing, grading or recording of plats prior to site plan enforcement agreement approval
- 20) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan
- 21) Final number of MPDU's/TDR's (maximum of 150 TDR's) as per condition #14 above to be determined at the time of site plan
- 22) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff

23) This preliminary plan will remain valid for 145 months from the date of mailing of the Planning Board opinion. Record plats for this project may be recorded in phases based on the following schedule:

Phase I (expires 37 months ((3 years)) from the date of mailing of the Planning Board Opinion): 120,000 square feet of commercial development OR 150 dwelling units

Phase II (expires 73 months ((6 years)) from the date of mailing of the Planning Board Opinion): 120,000 square feet of commercial development OR 150 dwelling units

Phase III (expires 109 months ((9 years)) from the date of mailing of the Planning Board Opinion): 120,000 square feet of commercial development OR 150 dwelling units

Phase IV (expires 145 months ((12 years)) from the date of mailing of the Planning Board Opinion): All remaining development

24) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for one hundred forty five (145) months from the date of mailing of the Planning Board opinion

25) Other necessary easements

BACKGROUND:

This site was recommended in the Master Plan for the I-3 Optional Method. This new zoning option, which has been adopted by the Council, requires site plan review and adherence to all numerical and other guidelines in the Master Plan. As shown in the following analysis, the Preliminary Plan conforms to both the zone and the Master Plan. Although the submission is quite detailed, this analysis does not pertain to site plan issues. However, reference is made to issues that should be addressed at the site plan stage.

SITE DESCRIPTION:

The subject site is 54.8 acres in size with 52.93 acres within the I-3 zone and 1.9 acres within the O-M zone. The majority of the property is located north of Montrose Road and less than 2 acres of the site is located south of Montrose Road. The northern portion of the site extends west to Seven Locks Road and north to the Rockville city limits.

Approximately 41 acres of the site is considered forest. The remainder of the property consists of abandoned fields undergoing succession, unimproved access roads, and a former home site. Tulip trees, oaks, and maples are the dominant overstory species

identified on the majority of the site. The western portion of the site consists of steep slopes and a mature oak and hickory forest.

PROJECT DESCRIPTION:

The proposed project consists of 150 townhouse units, 450 multi-family residential units, and 850,000 square feet of office/retail space. The plan proposes placing the office and retail structures along the I-270 frontage on the eastern portion of the site. The multi-family units and the one-family attached units comprise the remaining two thirds of the property. Two public streets, as per the master plan, bisect the site and provide access to Montrose Road, Seven Locks Road, with the potential of access to Fortune Terrace to the north within the City of Rockville.

CONFORMANCE WITH THE ZONING ORDINANCE:

The proposed application is for the I-3 Optional Method, which “permits a mixed-use development in the I-3 Zone at locations that have convenient access to transit and are recommended in the Master Plan”. The site is recommended in the Master Plan for the optional method and transit facilities are proposed on the site. This proposal for a mixed-use development meets the requirement in the optional method that “commercial uses that maintain an employment emphasis must be mixed with residential uses.” The zone further requires that development be in accordance with the density, numerical limitations, and other guidelines contained in the applicable master plan approved by the District Council. This conformance is also discussed in this memo.

Purpose of the Zone

The purpose of the I-3 Mixed-Use Option is to promote mixed-use, transit and pedestrian-oriented centers, which include housing and a commercial component with an employment emphasis. It is also the purpose to promote development that follows sound environmental principles and maximizes preservation of natural features. The purpose clause includes the following specific principles:

a. Development Pattern

The zone requires “a compatible mix of uses including employment, housing, and retail configured to define and animate the streets and to create a strong sense of place in the manner of traditional towns and urban neighborhoods.”

The proposed plan includes a compatible mix of these uses generally configured in accordance with the Master Plan guidelines. The street system includes private and public streets, which, for the most part, are designed to promote walking. The details of the site configuration and street design should be considered at site plan.

b. Environment

The zone calls for a “compact, environmentally sensitive development that preserves natural features”.

The proposed development includes a significant tree save area and minimizes the use of large paved parking areas.

c. Residential Neighborhoods

The zone calls for “high quality residential neighborhoods consisting of a mix of unit types with open spaces and community facilities that are centrally located and easily accessible”.

The residential area in the proposed development consists of two distinct sections: townhouses and apartments. Both sections provide diversity in unit types: the townhouse section includes units of different sizes and configurations. The apartment section includes 4-story buildings as well as a high rise. Central open spaces are proposed for all sections. The adequacy of the open spaces and community facilities should be addressed at site plan.

d. Interconnectivity

The zone calls for “an interconnected street system, which consists of short blocks and is designed to promote pedestrian, bicycle and transit use as attractive, practical alternatives to automobile use for daily activities such as shopping and commuting”.

The interconnectivity aspects of the street system as well as block sizes should be addressed at site plan, with particular attention to the apartments and offices area.

e. Connections to the center

The zone calls for “the efficient use of the center and its transit facilities by providing pedestrian and bicycle linkages to adjacent areas and convenient access to transit”.

Linkages to the surrounding areas are shown in this plan and should be reviewed in detail at site plan.

Density

The Zone states the following limitations to the density:

- a. “That the overall density does not exceed any density limits provided in the approved master plan; and
- b. That the overall density does not generate a greater number of peak hour automobile trips than the total number of peak hour automobile trips that would be generated by general office development of the gross tract at a 0.5 floor area ratio.

- c. The maximum non-residential density is 0.6 FAR. In order to maintain an appropriate mixed-use character, the following minimum or maximum percentages, as applicable, of the total non-residential gross floor area proposed are required: Retail/service - 20% maximum and Employment - 60% minimum
- d. The base residential density must not exceed eight (8) units per acre for the gross tract area. The base density may be increased to accommodate Moderately Priced Dwelling Units (MPDUs) in accordance with Chapter 25A of this Code, as amended, and to accommodate the provision of up to 150 Transferable Development Rights (TDRs), provided that the final density does not exceed 12.5 units per acre for the gross tract area and does not exceed the recommended total density in the applicable master plan.”

This application meets all the density limitations. The site area is 54.8 acres. The proposed residential density of 600 dwelling units, or 11.1 du/acre, is in conformance with both the master plan and the zone. The final number of TDRs and MPDUs will be calculated at site plan based on the final number of units. The commercial development will consist of 850,000 square feet of development or 0.356 FAR, which is in conformance with both the master plan and the zone. The proposed retail, at 30,000 square feet maximum, would constitute only 3.5% of the commercial development. The number of peak hour trips generated by this development will be substantially lower than an office development with 0.5 FAR.

CONFORMANCE WITH THE MASTER PLAN

The Approved and Adopted 2002 Potomac Subregion Master Plan includes recommendations as well as Land Use and Design Guidelines. The guidelines consist of (1) the Plan’s general design principles and (2) site-specific guidelines. The following section analyzes conformance to the Master Plan as it relates to Preliminary Plan issues. At site plan, conformance with additional guidelines should be reviewed.

Land Use

The Master Plan recommends a mixed-use center on the site: “Create a mixed-use center that provides employment, housing, and retail opportunities configured to minimize environmental impact.”

The proposed application is for a mixed-use center that combines all the recommended uses while preserving a significant forest area.

Densities

The Master Plan specifies density limits for each of the recommended uses as follows: “Including the adjacent Lot 40, the allowable density on the site will not exceed 850,000 square feet (0.39 FAR) of commercial space or, without Lot 40, 800,000 square feet; office, street retail, and hotel, 300 apartments, and 150 single family homes. An additional 150 dwelling units may be provided as part of a TDR program. The final

combination of densities must not exceed trip generation rates equal to an office project at 0.5 FAR.”

The proposed application, which includes Lot 40, is for 850,000 square feet of commercial development and 600 dwelling units. The commercial development includes 820,000 – 835,000 square feet of office and 15,000- 30,000 square feet of ground level retail. The residential development includes 150 single family attached units and 450 apartments. The traffic study indicates that trip generation rates will be substantially lower than those produced by an office project with 0.5 FAR.

Site Configuration

The Master Plan specifies the location of the recommended land uses as follows:

“Locate a residential neighborhood with a variety of housing types and adequate community and recreation facilities on the site’s west side.” And, “Locate offices on the site’s east side, between the “Main Street” and I-270, with buildings defining the street and structured parking to the rear. Buildings should be limited to eight stories unless the Planning Board finds during development review that additional height would be compatible with surrounding development. Buildings should include ground floor retail where appropriate.”

The general location of uses is consistent with the Master Plan recommendations. Street “B”, which functions as a Main Street, runs parallel to I-270 and connects Montrose Road with Fortune Terrace. The office buildings and their related parking structures are located east of street “B”, thus benefiting from high visibility on I-270. Retail will be provided at the ground level of office buildings along street ”B”. Housing is located west of Street “B” with the apartments buildings along the street for a balanced street section. The single family attached units are generally located between the apartments and Seven Locks Road. This configuration results in a gradual reduction of densities and massing toward the single family detached neighborhoods west of Seven Locks Road. In addition, the office structures protect the residential neighborhood from noise generated by I-270. Additional details of height and massing will be reviewed at site plan.

Street Pattern

The Master Plan specifies two public streets within this site as follows:

“Create a public “Main Street” through the site that connects to existing office development on Montrose Road and with commercial development at Fortune Terrace. This axial street should contain buildings with ground floor retail uses where appropriate, including restaurants and sidewalk cafes that animate the street.” And, “Provide a public street to connect “Main Street” to Seven Locks Road.”

Two public streets are shown, as described in the Master Plan. Street “B” or “Main Street”, which conforms to Business Street standards with a seventy-foot right-of-way, will run parallel to I-270 and connect Montrose Road to Fortune Terrace. A second public street, Street “A”, will connect Seven Locks Road to Main Street, thus providing a

second point of access to the site. This street will also conform to “Business Street” standards with a proposed right-of-way of 80 feet (to include a median) changing to 70 feet (without a median). At site plan, consideration should be given to providing a consistent right-of way and building line through this relatively short corridor.

Environment

The Master Plan recommends preservation of “the mature upland forest on the southwest portion of the site and, to the maximum extent possible, the steep slopes along Seven Locks Road.”

Trip Mitigation

The Master Plan includes specific recommendations for promoting transit use, as “convenient access to transit” is required in the Zone. “A shuttle service or other transit connection should be provided to Metro when development supports the service as determined at time of development plan approvals. Additional trip mitigation measures such as the provision of a park-and-ride facility, or financial contribution to such a facility, should be considered at site plan.”

The applicants are proposing a Transit Center for Ride-On buses rather than a shuttle service. The assumption is that existing Ride-On buses would circulate through the site, subject to DPWT ‘s approval. This strategy should be carefully considered for its effectiveness as (1) it would make the Ride-On route more circuitous and time consuming for other users and (2) might thus provide a less attractive mode of transport for Fortune Parc and vicinity residents and employees. A direct shuttle route to and from White Flint Metro should be considered given the efficiency created by the employment and housing mix, which would generate potential trips in both directions.

Design Principles

The Master Plan includes several Design Principles. These principles promote cohesive communities that are pedestrian and bike friendly and include:

- An environmentally sustainable development that minimize imperviousness and incorporate innovative techniques for storm water management;
- A grid of intersecting streets consisting of short blocks;
- Pedestrian friendly streets defined by buildings, animated by ground level uses, and streetscape;
- Visible and active open spaces and community facilities;
- Incentives to minimize car trips; and
- Links to adjacent developments.

These design principles should be carefully addressed at site plan.

TRANSPORTATION

Transportation Planning staff reviewed the adequate public facilities test for Preliminary Plan No. 1-03029, Fortune Parc, as a mixed use and optional method development in the I-3 zone:

- A traffic study was reviewed to satisfy Local Area Transportation Review (LATR) -- as a result two intersection improvements were required. In the Potomac Policy Area, LATR is required when the site-generated traffic contributes any of the seven intersections identified in the AGP -- the two intersections were Seven Locks Road/Montrose Road and Tuckerman Road/Seven Locks Road.
- For Policy Area Transportation Review, the transportation staging ceilings are not applied under the *FY 2003 AGP* because development in the Potomac Policy Area is controlled by zoning and water and sewer constraints.
- The Zoning Ordinance for optional method development was satisfied because the site-generated trips for the proposed mixed-use development was fewer than an office development sized equivalently to 0.5 FAR.
- For safe and efficient site access, a traffic signal warrant was performed to the warrant installation of a traffic signal (besides construction of turning lanes) at the access point/Seven Locks Road. For second access point from Montrose Road, a weaving analysis was performed to determine the adequacy of the weaving section distance and design between the I-270 southbound off-ramp and the proposed site access. For a proposed third access point within City of Rockville's corporate limit, coordination with the City is needed for an access point from the terminus of Fortune Terrace.
- A gap analysis was performed at Twin Oaks Drive (i.e., serving the Potomac Springs community)/Seven Locks Road -- that the City is requesting a traffic signal warrant study for installation of signal if warranted.
- The east-west and north-south "main streets" are designated as public roadways for access and maintenance purposes.
- To satisfy the Potomac Master Plan, a feasibility study will submitted for a private shuttle bus service or other transit connection from the site to the nearest Metrorail Station.
- As an office development in the I-3 zone, a Traffic Mitigation Agreement is required to reduce the peak-hour trips by 6% where the peak-hour trips are determined using standard trip-generation rates.

See the attached Transportation Planning memorandum for details of the transportation review.

ENVIRONMENT

Environmental Buffers

Runoff from the property flows into Cabin John Creek, a Use I-P stream. An environmental buffer is located on the portion of the property south of Montrose Road. There are no streams, wetlands, floodplains, or environmental buffers on the subject property north of Montrose Road. However, there are steep slopes running parallel to Seven Locks Road. The existing on ramp to I-270 is within the environmental buffer on the south side of Montrose Road. No additional impervious surfaces are proposed for the environmental buffer as part of the preliminary plan of subdivision.

Forest Conservation

The property consists of approximately 41 acres of forest and the preliminary plan of subdivision is subject to the forest conservation law. Section 22A-12(b) of the Montgomery County code states that the primary objective of the forest conservation plan should be to retain existing forest and trees and avoid reforestation. Subsection (2) of 22A-12(b) identifies that the areas to be protected in forest conservation plans to include, but not limited to: environmental buffers; steep slopes; critical habitats; rare, threatened and endangered species; and areas which have been designated as priority save areas in a master plan or functional plan.

The applicant is proposing retention of existing forest and additional forest plantings within environmental buffer; preservation of the mature upland forest on the southwest portion of the site; and retention of the forest along the steep slopes parallel to Seven Locks Road. By preserving the forest in the steep slopes along Seven Locks Road, the preliminary forest conservation plan preserves a number of rare, threatened and endangered American chestnut trees. The protected forested buffer surrounding the American Chestnut trees exceeds the 100-foot recommended buffer established by the Maryland Department of Natural Resources.

The applicant is proposing to remove 33.07 acres of forest and preserve 7.59 acres of forest. The applicant has an additional 10.62-acre forest planting requirement, which will be met through a combination of on-site landscape planting and off-site forest plantings. The applicant is proposing to provide a landscape buffer parallel to I-270. The buffer will consist of native plants and include canopy trees. The buffer size and plant densities should be sufficient to screen the exposed parking areas and the lower levels of the office/commercial buildings from I-270. The off-site planting areas will be determined and approved as part of the final forest conservation plan, which will be approved with subsequent site plans.

Since part of the site includes single-family residences and an optional method of development is proposed the preliminary plan of subdivision must meet the forest conservation threshold on-site to satisfy section 22A-12(f) of the Montgomery County code. The preliminary forest conservation plan indicates that for the residential portion

of the site, the preliminary plan of subdivision will meet the forest conservation threshold onsite. This will be accomplished by preserving the mature upland forest and the forest along steep slopes parallel to Seven Locks Road.

Stormwater Management

The stormwater management concept consists of off-site channel measures via upgrading the existing State Highway Administration's stormwater management facility; on-site quality control via biofiltration; surface sand filters and onsite recharge. The Department of Permitting Services approved the stormwater concept on March 11, 2003.

CONCLUSIONS: SITE PLAN ISSUES

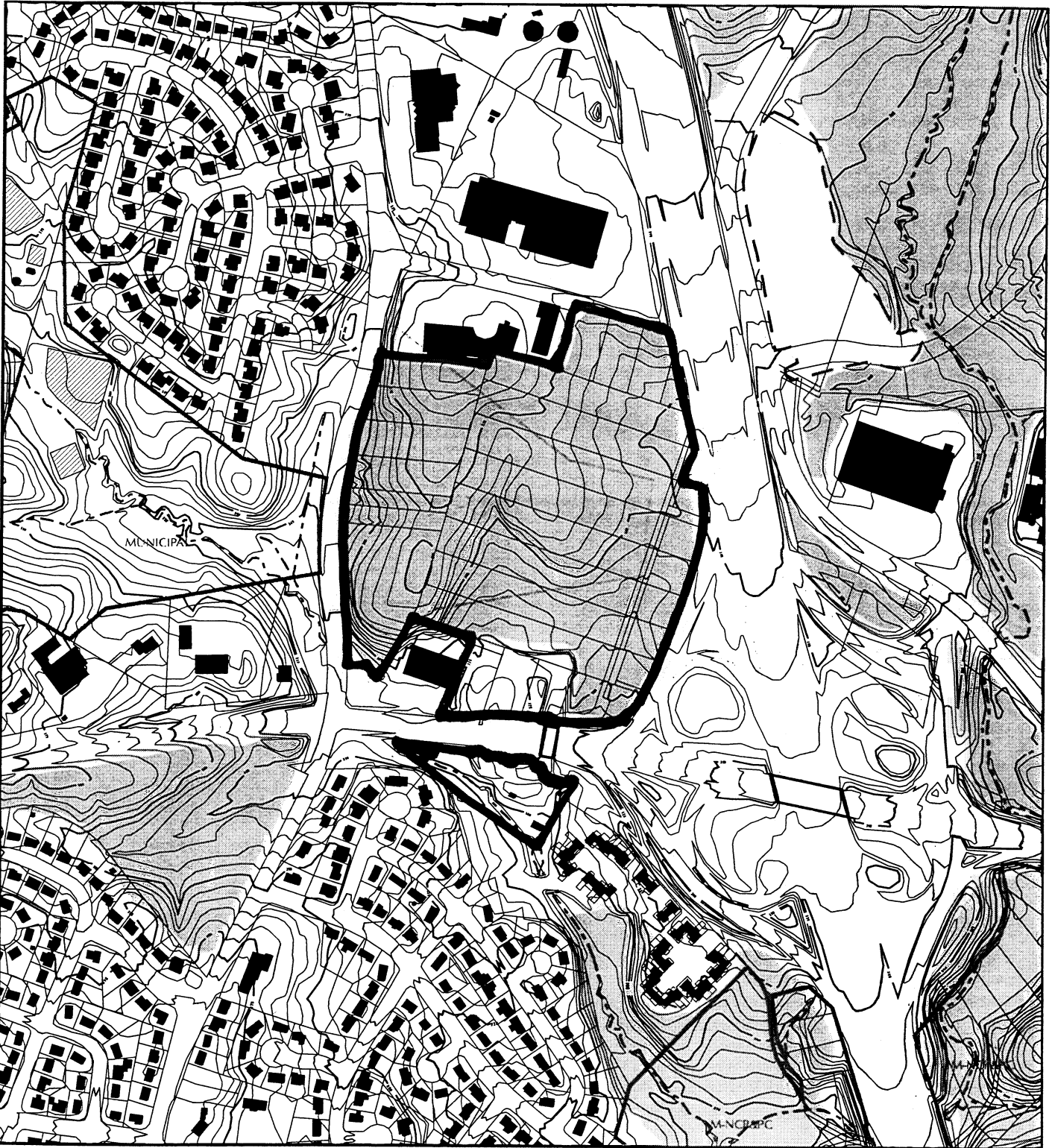
Staff concludes that the preliminary plan as reviewed conforms to all applicable sections of the Montgomery County Zoning Ordinance and the Potomac Subregion Master Plan. The proposed site consists of three sections: the one-family, the apartments, and the offices. These three sections should be integrated into a cohesive village center by an interconnected street system and public open spaces. These interconnectivity aspects should be reviewed at site plan, maintaining short blocks, aligning streets and driveway entrances, and providing direct pedestrian routes. These issues also pertain to the apartment and office sections. The apartment section would require some additional refinements at site plan with respect to scale and massing of the apartment buildings, and access to community facilities. Staff recommends approval of the preliminary plan application with the conditions cited above.

Attachments

Contributing Staff:

Jean Kaufman, CBP
Mark Pfefferle, EP
Ed Axler, TP

VICINITY MAP FOR
FORTUNE PARC (1-03029)



Map compiled on June 10, 2003 at 9:39 AM | Site located on base sheet no - 216NW08

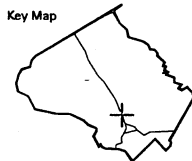
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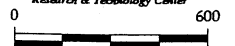
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