

MEMORANDUM

DATE: April 21, 2006
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief *RK*
Michael Ma, Supervisor
Development Review Division
FROM: Kathleen Mitchell *KAM*
Robert A. Kronenberg, RLAP *RLAP*
Planning Department Staff
(301) 495-2187



REVIEW TYPE: Site Plan Amendment
APPLYING FOR: Approval of 450 multiple-family dwelling units in two 10-story and one 8-story buildings, including 61 MPDUs, 820,000 square feet of office use, and 30,000 square feet of retail use in the I-3 zone on 20.28 acres.
PROJECT NAME: Fortune Parc
CASE #: 82004015A (formerly 8-04015A)
REVIEW BASIS: Site Plan Review required in the I-3 zone [59-C-5.437] as set forth in Section 59-D-3. Section 59-C-1.61 for development including Moderately Priced Dwelling Units
ZONE: I-3
LOCATION: Northwest intersection of Montrose Road and Interstate 270 on Montrose Road and Seven Locks Road
MASTER PLAN: Potomac Master Plan
APPLICANT: Fortune Parc Development Partners
FILING DATE: April 7, 2005
HEARING DATE: May 4, 2006

STAFF RECOMMENDATION FOR SITE PLAN: Approval of 450 multiple-family dwelling units in two 10-story and one 8-story buildings, including 61 MPDUs, 820,000 square feet of office use, and 30,000 square feet of retail use in the I-3 zone on 20.28 acres. All site

development elements as shown on the Fortune Parc site and landscape plans stamped by the M-NCPPC on March 27, 2006, shall be required except as modified by the following conditions:

1. Preliminary Plan Conformance
The applicant shall comply with all of the previous conditions of Preliminary Plan 120030290 (formerly 1-03029) [Appendix B].
2. Site Plan Conformance
The Applicant shall comply with the previous conditions of approval for Site Plan 820040150 (formerly 8-04015) [Appendix B], except as modified by this amendment.
3. Stormwater Management
Conditions of Montgomery County Department of Permitting Services (DPS) stormwater management concept approval for Phase II dated September 17, 2004, and conditions of the Maryland Department of the Environment letter of approval dated October 8, 2003.
4. Development Program
Applicant shall construct the proposed development in accordance with the Development Program. Prior to approval of certified site plans, the approved Development Program under Site Plan 820040150 (formerly 8-04015) shall be revised to include the additional program elements as follows:
 - a. The recreation amenities proposed for the courtyards and in interior spaces within the residential buildings shall be completed prior to issuance of the first use and occupancy permit for individual buildings. A copy of the use and occupancy permit shall be provided to site plan enforcement staff.
 - b. The open space and associated landscaping and pathways between Buildings 4 and 5 shall be completed prior to issuance of the first use and occupancy permit for Building 4 or Building 5, whichever is to be constructed last.
 - c. Streetscape improvements including paving, lighting, and tree planting shall be installed as site construction is completed, but no later than six months after issuance of the first use and occupancy permit for buildings with frontage on the applicable street. A copy of the use and occupancy permit shall be provided to site plan enforcement staff.
5. Certified Site Plan
Prior to approval of certified site and landscape/lighting plans, the following revisions shall be included and/or information provided, subject to staff review and approval:
 - a. Development program, inspection schedule, and Site Plan Opinion.
 - b. Details and layout of the recreation facilities.
 - c. Revised Site Plan Enforcement Agreement.

Summary of the Proposed Amendment to the Original Site Plan

The original site plan application (820040150) was approved by the Planning Board on March 18, 2004. An opinion was issued on May 19, 2004. The signature set was approved on August 8, 2004. The original approval was for 450 multi-family dwelling units, including 61 MPDUs, 820,000 square feet of office use and 30,000 square feet of retail use in the I-3 Zone on 20.28 acres. The 450 units were allocated in three buildings: one 9-story condominium building in the northwestern corner of the site, which is currently under construction, and two 4-story apartment buildings. A maximum height of 100 feet was approved for the condominium buildings.

The amendment requests a substitution of the two 4-story apartment buildings, with one 10-story and one eight-story condominium buildings in approximately the same approved location. The amendment also includes a proposal to change the height of the 9-story building to 10-stories. The maximum 100 height remains the same. The proposal will make the two ten-story buildings the same number of floors. The total number of units remains 450 multi-family dwellings; however, the unit mix has changed, effectively changing the parking requirement. The previous plan provided parking above grade and internal to the building envelope. The amended plan proposes below grade parking. Consistent with the revisions, the parking garage offers an additional 151 parking spaces.

The clubhouse and leasing office, located between the two original buildings has been deleted. The leasing office is no longer needed and the clubhouse facilities have been incorporated within each condominium building. The removal of the clubhouse provides additional space for the public pathway link from the townhouses to the public roads and transit center.

Development Issues

Proposed Height Increase

The site plan that was originally approved included a somewhat monolithic, four-story garden apartment building with 450 apartment units that stretched parallel to I-270 from Montrose Road to the northern edge of the property. Parking was provided at street level and/or in above ground structures. The amended site plan concentrates the density into three, double-winged buildings, which are higher but have smaller footprints. Parking is provided in underground structures. The units will be condominiums (for sale) rather than rental garden apartments.

The developer notified the surrounding property owners, civic and homeowners associations in the area and other parties of interest and met with several of the groups to present the proposed changes. The issue is complicated by the fact that the nearest and potentially most impacted properties will be the townhouses that are part of the same development but are being built by another developer, Eakin/Youngentob. These townhomes have been under construction and many have been sold during the course of this application review. Sales were brisk and occupancy has been steady. The purchasers and/or new residents of those townhomes have been made aware of the plans, by both Eakin/Youngentob and Foulger Pratt, the Applicant, while going through the purchase process. The

few responses for the record from individual property owners in the townhomes have been in support of the amendment.

However, the manner in which the information was provided to this group of contract purchasers/new residents has been called into question by representatives of the Potomac Civic Association (“PCA”), which is on record as opposing the height increase being proposed. PCA represents the homeowners in the Potomac Springs subdivision, a well-established neighborhood of single-family homes located directly across Seven Locks Road from the Fortune Parc site. PCA has communicated that the eight and ten story buildings are incompatible with surrounding development, which includes their two story single family homes and the four story (50 foot) townhomes being built by Eakin/Youngentob as well as commercial retail and office development on Montrose Road and on the west side of I-270, none of which is 10 stories in height.

Treasure Oak Civic Association also opposes the changes from four to ten story buildings, which they feel are incompatible. The other Civic Associations and Homeowners Associations notified of the amendment have either supported the proposal or remain silent on the issue. It is true that this development proposal represents the first high rise residential development in an area which has been almost exclusively limited to suburban-style, one family, detached homes; however, it is located on a site overlooking I-270, a major twelve lane interstate highway and the original plan included one high-rise building which was deemed compatible. Development along the I-270 Corridor from Bethesda to the Frederick County line varies significantly in type, density and height. One family detached homes back right up to I-270 in some areas. Commercial development has been characterized by two to four story R&D-type development in the past but is quickly evolving to the higher and more dense office, hotels and residential development recommended in the County’s Master Plans.

Nonetheless, the residential neighborhoods that surround the site on the south, west and northwest sides have significantly lower densities and heights. From a planning standpoint, the site is the transitional land area between the neighborhoods and an expansive interstate highway (I-270) at its intersection with a planned major east-west connector (Montrose Parkway). It can buffer the established communities from the impacts of those expanding roadways and the higher density development already on the other side of I-270. The retail and commercial portion, approved with the original plans, also includes tall buildings stepping down to row houses, creating a transition to the one-family detached and townhouse developments.

It is the staff opinion that the current proposal, which represents a decrease in height from ten stories to eight stories for the building closest to Montrose Road, stepping up to the ten story buildings north of them, adequately addresses compatibility with surrounding properties while still providing the transitional buffer needed to mitigate the impact of future growth along the I-270 Corridor.

PROJECT DESCRIPTION: Surrounding Vicinity

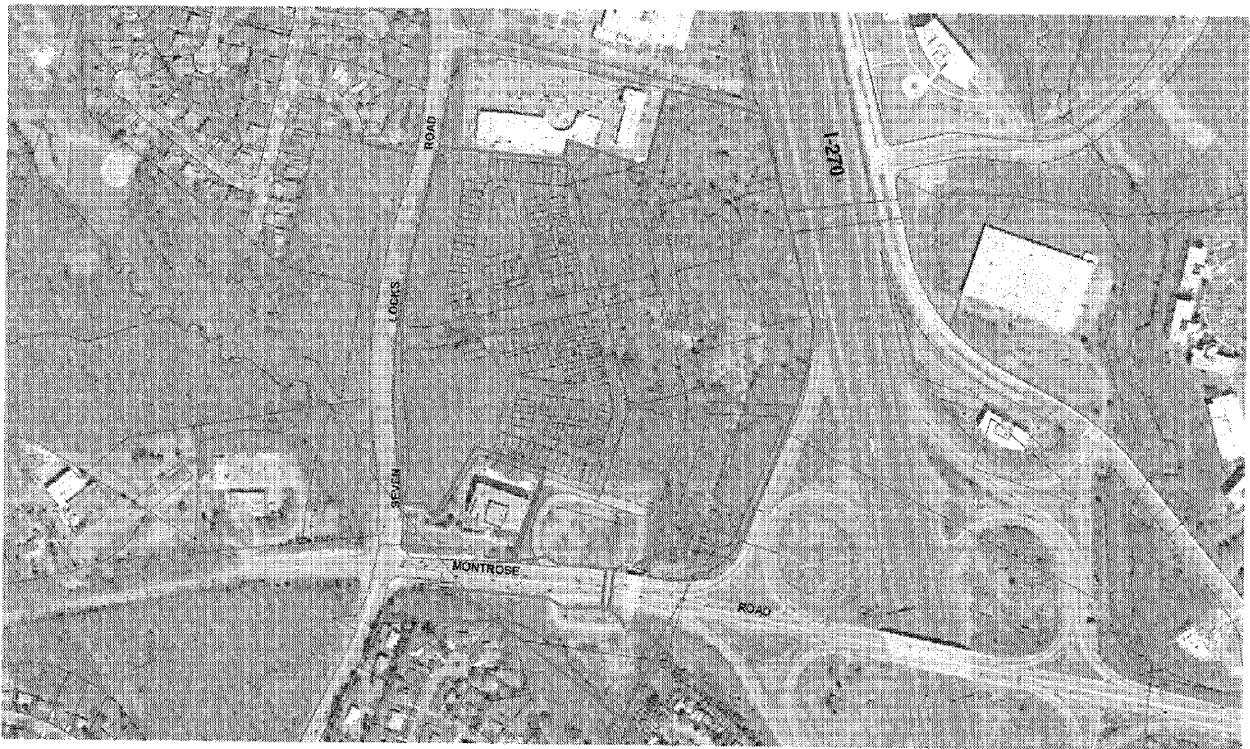
The site is located at the intersection of I-270 and Montrose Road directly abutting the east side of Seven` Locks Road in Rockville, Maryland. This application is Phase II of a two-phase project for the site, situated on the eastern boundary directly adjacent to the I-270 ramp. The City of Rockville boundaries are located directly to the north of the property and along the western frontage of Seven Locks Road. Seven Locks plaza is a commercial shopping center within the city limits of Rockville at the northwest corner of the subject property fronting on Seven Locks Road and Fortune Terrace, which terminates at the northern property line of the subject site. Directly east across Seven Locks Road is the residential community of Potomac Woods East and Potomac Woods Park, also located in the City of Rockville. The properties at the intersection of Seven Locks Road and Montrose Road are commercial offices zoned O-M. The two properties directly south of the subject property are part of a construction company [Lot 60, Block C Wheel of Fortune, Plat Book 552, page 6] and [Lot 40, Wheel of Fortune, Site Plan # 8-97027]. The office across Seven Locks [Plat Book 500, page 97] is the Potomac Racquet Club.

The property south of Montrose Road consists of two subdivisions; Wilerburn Acres [Plat Book , page] and Watkins’s Glen [Plat Book , Page]. The communities are separated by the Bogley Branch south of Montrose Road and bounded by I-270 to the east and Seven Locks Road to the west.



PROJECT DESCRIPTION: Site Description

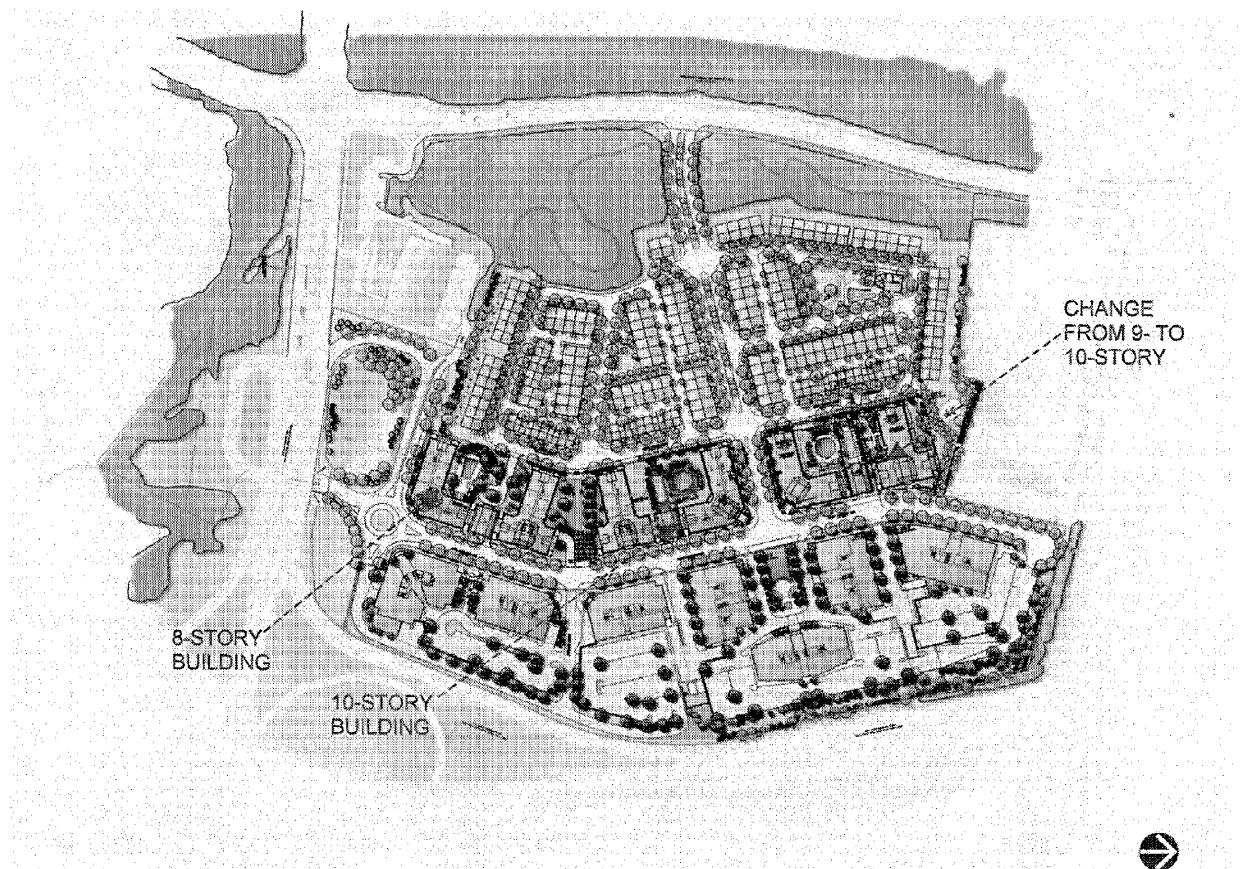
This 20.43 acre tract is considered as phase II of the overall 54.84 acre site situated at the intersection of I-270, Montrose Road and Seven Locks Road in Rockville, Maryland. Phase I of the overall site, consisting of 150 townhouses, is currently under construction. Cadbury Avenue, which provides access into the site from Seven Locks Road has been constructed up to the intersection with Park Potomac Avenue. The condominium building construction has begun on Phase II, with the southern condominium building and grading activities up to the intersection with Montrose Road. Clearing activities have occurred to accommodate the construction of Park Potomac Avenue.



PROJECT DESCRIPTION: Proposal

The applicant proposes to amend the Phase II development of Fortune Parc, specifically to change the garden apartments units to condominiums. The amendment requests a substitution of the two 4-story apartment buildings, for one 10-story and one eight-story condominium buildings near the same approved location. The amendment also includes a proposal to change the height of the 9-story condominium building to 10-stories with the height in feet remaining the same. The total number of units remains 450 multi-family dwellings; however, the unit mix has changed, effectively changing the parking requirement. The previously approved site plan provided parking above grade and internal to the building envelope. The amended plan proposes below grade parking over the building envelope. Consistent with the revisions, the parking garage offers an additional 151 parking spaces between the two buildings.

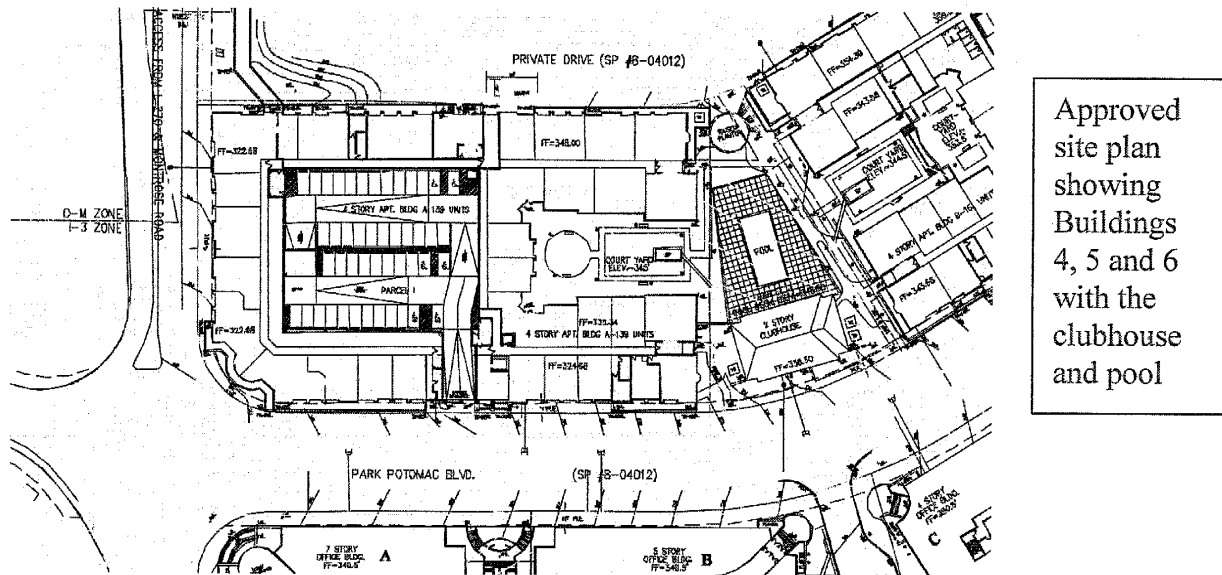
The clubhouse and leasing office, located between the two original buildings has been deleted and incorporated within each new condominium building. The removal of the clubhouse provides additional space for the public pathway link from the townhouses to the public roads and transit center.



The combined 850,000 square feet of office and retail will remain in the same location. The sixty-one Moderately Priced Dwelling Units and 51 transferable density rights (TDRs) attributed to the

Phase II development will still be required with this amendment.

The primary access for the apartment units is directly off of Park Potomac Avenue, the main street through the property and connecting to Montrose Road and from Ansin Drive, the private street in the rear of the buildings that separate the townhouses. The two public roads, Park Potomac Avenue and Cadbury Avenue and their associated improvements, were approved for construction as part of the site plan for Phase I. Access points to the subsurface garages for buildings 1-4 at the intersection with Cadbury Avenue and Park Potomac Boulevard are from Ansin Drive, the private street on the west side of the buildings. Buildings 5 and 6 provide access to the garage from Park Potomac Boulevard and a drop-off to the lobby area in the rear from Ansin Drive.



The applicant has submitted a draft traffic mitigation agreement, consistent with the original approval, that will provide a transit center and “super” bus shelter with “real-time” transit information, as well as purchase of a new Ride-On bus and future operating costs for the Ride-On within the site, as approved by DPWT-Transit Services Division. Elements of the “super” bus shelter include lighting, heating and the “real-time” transit information for riders.

Green area and open space has increased by 5,000 square feet primarily due to the elimination of the clubhouse and associated amenities for the apartments buildings. The additional green space is due in part to the deletion of the clubhouse and community pool that was originally designed to accommodate the leasing office for the apartments. A lobby is now located within each condominium to accommodate sales and daily activities.

The proposed development provides all of their recreational facilities on the site. A multi-age play area, a separate swimming pool for each condominium, seating areas and a series of lawn areas within each courtyard is provided for the multi-family buildings.

PRIOR APPROVALS

Preliminary Plan

Preliminary Plan 1-03029 was approved on July 7, 2003 for a total of 600 dwelling units on 54.94 acres of land. A maximum number of 150 TDR's was conditioned as part of this approval.

Site Plan

Site Plan 8-04012 was approved on February 12, 2004 by the Planning Board for 150 one-family detached units, including a total of 75 MPDUs and 102 TDRs on the overall site.

An amendment to 82004012A has been submitted for changes to the footprint of the clubhouse and minor changes to lot lines. This amendment is currently under review.

Site Plan 8-04015 was approved on February 12, 2004 by the Planning Board for 450 multi-family dwelling units (condominiums), including 61 MPDUs, 820,000 square feet of office use and 30,000 square feet of retail use in the I-3 Zone on 20.28 acres.

DISCUSSION OF ISSUES

ANALYSIS: Conformance to Master Plan

The subject property is located in the 2001 Potomac Subregion Master Plan and is specifically discussed with an emphasis on a mixed-use commercial and residential development. The collective properties of Fortune Parc were zoned R-200 with recommendations to rezone the property to I-3 to take advantage of the higher density yields.

The Master Plan recommendations include:

- ❑ Create an option in the I-3 Zone adding housing and retail uses to create a mixed-use development with a commercial component having a employment emphasis, when recommended by the applicable master plan. A TDR's program should be part of this option. Housing the elderly should be a permitted use.
- ❑ Create a mixed-use center that provides employment, housing, and retail opportunities configured to minimize environmental impact.
- ❑ Including the adjacent Lot 40, the allowable density will not exceed 850,000 square feet (0.39 FAR) of commercial space; 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's program. The final combination of densities trip generation rates equal to an office project at 0.50 FAR.
- ❑ Include the property in the Washington Suburban Sanitary District (WSSD).
- ❑ This development must provide a private shuttle service or other transit connections to Metrorail Stations.

Other land use and design guidelines that were incorporated into the development of the Master Plan and this site included:

- ❑ Development on this site shall meet this Plan's general design principles.
- ❑ Preserve the mature upland forest on the southwest portion of the site and, to the maximum extent possible, the steep slopes along Seven Locks Road.
- ❑ Create a public "Main Street" through the site that connects to existing office development on Montrose e Road and with commercial development at Fortune Terrace. This axial street should be lined with retail uses, including restaurants and sidewalk cafes that animate the street.
- ❑ Provide a public street to connect "Main Street" to Seven Locks Road.
- ❑ Locate a residential neighborhood with a variety of housing types and adequate community and recreation facilities on the site's west side.
- ❑ 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.

ANALYSIS: Conformance to Development Standards

PROJECT DATA TABLE

Zoning: I-3
Proposed Use: Multi-family dwelling units, Commercial office and retail
 Optional Method of Development
Total Site Area: 20.28 acres
 Total Tract Area of Fortune Parc: 54.84 acres
 (Site Plans 8-04012 and 8-04015)

	<u>Zoning Ordinance Development Standard</u>	<u>Approval for 820040150</u>	<u>Proposed Change for 82004015A</u>
Permitted Density:			
Residential	600* d.u.'s	450 d.u.'s	No change
Commercial Office	820,000 sf	820,000 sf	No change
Commercial Retail	30,000 sf	30,000 sf	No change
Coverage Limitations: (%)			
Green Space (%)	35% (806,955 sf)	26.4 (269,000 sf)	27.4** (277,000 sf)
Off-Street Parking	no more Than 45%	21%	
Internal Green Space:	5%	6%	No Change
Maximum Building Height:	100	100	100
Maximum No. of Floors:			
Apartments (Bldgs 3-6) (Change to Condominium)	not specified	4-story	8/10-story
Condominium (Bldgs 1-2)	not specified	9-story	10-story
From abutting residentially Zoned Property recommended For one-family development	100	Not applicable	Not applicable
From abutting residentially Zoned Property recommended For other than one-family development	30	Not applicable	Not applicable
Limited Access Freeway	100/50	85/35***	No change
Major Highway (Montrose)	50	50	
Multi-family Residential			
1 Bedroom (1.25 spaces per unit @43 units)	192 spaces	192 spaces	54 spaces

	<u>Zoning Ordinance</u> <u>Development Standard</u>	<u>Approval for</u> <u>820040150</u>	<u>Proposed Change</u> <u>for 82004015A</u>
<i>Original Approval was for 153 1BR units</i>			
2 Bedroom (1.50 spaces per unit @329 units)	368 spaces	368 spaces	494spaces
<i>Original Approval was for 245 2BR units</i>			
3 Bedroom (2 spaces per unit @78 units)	<u>104 spaces</u>	104 spaces	156 spaces
<i>Original Approval was for 52 3BR units</i>			
Total Residential Parking Required:	663 spaces	663 spaces	704 spaces
Total Residential Parking Provided:		789 spaces	940 spaces
Non-Residential			
Office (820,000 gsf @2.9/1000)	2378		
Non FAR office (53,800 gsf @2.9/1000)	156		
Retail (30,000 gsf @5/1000)	150		
Total non-residential	2684	3030	No change

Site Plan 8-04012 provided 59% green space. The total combined green space equals 46% or 1,042,000 square feet.

MPDU/TDR CALCULATIONS

Base Density (8 d.u.'s/ac x 52.9 ac)	423 dwelling units
MPDUs Required (600 @12.5%=75)	75 dwelling units
MPDUS Provided in Phase II (#8-04015)	61 MPDUs
MPDUS Provided in Phase I (#8-04012)	14 MPDUs
TDRs Required (600 Max. # d.u.'s – 423 – 75 MPDUs)	102 TDRs

RECREATION CALCULATIONS

	<u>Tots</u>	<u>children</u>	<u>teens</u>	<u>adults</u>	<u>seniors</u>
<i>Demand Points (Required per 100 d.u's)</i>					
Condominiums (450) (High-Rise)	<u>18.00</u>	<u>18.00</u>	<u>18.00</u>	<u>346.50</u>	<u>207.00</u>
Total Demands Pts.	18.00	18.00	18.00	346.50	207.00
<i>Supply Points</i>					
<u>On-Site Facilities:</u>					
Pedestrian system	1.80	3.60	3.60	155.93	93.15
Swimming Pool	0.99	3.69	3.69	30.80	31.05
Indoor Community sp	1.80	2.70	5.40	36.96	82.80
Multi-age Playground	9.00	11.00	3.00	7.00	1.00
PicnicSitting Areas (6)	<u>6.00</u>	<u>6.00</u>	<u>9.00</u>	<u>30.00</u>	<u>10.00</u>
Total On-Site Supply	19.59	26.99	24.69	383.50	220.00
Percent of Requirements	108%	150%	137%	111%	106%

*No credit is being taken for off-site facilities.

FINDINGS for Site Plan Review:

1. *The site plan is consistent with an approved Development Plan or a project plan for the optional method of development, if required.*

An approved development plan or project plan was not required for the subject development.

2. *The site plan meets all of the requirements of the zone in which it is located.*

See Project Data Table above. The maximum height permitted in the I-3 Zone for optional method projects is 100 feet, as approved in site plan 820040150.

3. *The locations of the buildings and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.*

- a. Location of Buildings and Structures

The location of the buildings is adequate and efficient to the surrounding road network and urban setting. Originally, the 4-story buildings were designed to provide frontage on the public and private roads with vehicular access from the private alleys.

The orientation of the original buildings formed interior U-shaped courtyards with focal elements surrounding the pool and clubhouse. The original 9-story condominium building has units facing the public streets and interior courtyard, while the northern units will look out onto green space associated with the multi-age play area from phase I. The proposed 10-story (maximum 100 feet) building has been designed to provide a similar U-shaped orientation toward the townhouse development to the west. The revised building design provides a similar repetition of massing along the public road and opens the amenity area of the courtyard toward the townhouses. The building design provides three levels of below-grade parking as opposed to the original layout that provided structured parking that backed up to the internal units. The clubhouse and leasing office was removed from the original plan.

A residential lobby has been incorporated at the entrance to each building along Park Potomac Drive.

The commercial buildings all relate to the public road with surface parking and structured parking in the rear. Buildings D, E and F all congregate at the intersection of Street A and B encompassing an open plaza and green area. The location, design, and overall layout of the commercial buildings did not change with this amendment.

A total of 61 Moderately Priced Dwelling Units (MPDUs) have been selectively integrated into the framework of the market rate units for all three residential buildings. This provides for a mix of design and unit type within each block. The

remaining 14 MPDUs were approved as part of Phase I (Site Plan 8-04015) within the townhouse layout for a total of 75 MPDUs required for the overall Fortune Parc subdivision.

b. Open Spaces

Open space for this project is generously laid out and conforms directly to the recommendations outlined in the Potomac Subregion Master Plan (2001).

The overall site for Fortune Parc (Preliminary Plan # 1-03029 [120030290]) that encompassed the townhouse development (Site Plan #8-04012 [820040120]) and the subject property required 35 percent of green space for the I-3 development standards. The subject site is providing less than the required 35 percent; however, the two sites combined exceed the green space requirement by nearly ten percent. The subject site is increasing the original green space total from 26.4 percent (269,000 sf) to 27.4 percent (274,000 sf) primarily between the two proposed condominium buildings. The open space associated with the commercial development has not changed.

Stormwater management consists of off-site channel protection measures via upgrading of the existing State Highway Administration pond and on-site water quality control via biofiltration, surface sand filters and stormfilters. On-site recharge is provided through storage beneath the sand filters and biofiltration.

c. Landscaping and Lighting

The landscaping proposed is adequate and efficient.

The streetscape for Park Potomac Avenue and Cadbury Avenue is consistent with the original approval in terms of shade trees, lighting, tree spacing, and paving materials. The front of the buildings facing the street contain foundation and ornamental planting to highlight the separation between the public and private realm.

Each condominium includes a courtyard framed by the U-shaped building that provides a swimming pool, seating areas, pergolas and arbors as well as accent planting that surrounds the open lawn areas. The courtyards are located on top of the parking garage structures. The area where the clubhouse was located still contains a pedestrian connection from Ansin Circle Drive to Park Potomac Boulevard with additional green space including shade trees and ornamental planting.

The screening provided along the property boundaries to buffer the parking structures from I-270 has not changed with this amendment.

d. Recreation

The proposed development provides all of their recreational facilities on the site. A multi-age play area, seating areas and a series of pedestrian walkways are being provided throughout the site for the entire community. The clubhouse and community swimming pool originally located between the two apartment buildings has been deleted. An amenity plaza and courtyard is being provided for each condominium building that includes a swimming pool, seating areas and open lawn areas.

e. Vehicular and Pedestrian Circulation

Vehicular and pedestrian circulation is adequate, safe, and efficient, providing pedestrian connections and crossings from the street. The internal public roads (Cadbury Avenue and Park Potomac Boulevard) have been permitted for construction by the Department of Permitting Services and are currently under construction.

Park Potomac Boulevard includes 6-foot-wide paved walkways from the back of the tree panels while the east side of the public road has a minimum of 8-foot-wide paved walkways from the rear of the tree panels. The pedestrian connection between buildings 4 and 5, originally where the clubhouse was located, still provides a direct link from the townhouse development on Ansin Circle to Park Potomac Boulevard and the transit center. Pedestrian access was established via the public road network to the Seven Locks shopping center, Montrose Road and Seven Locks Road through site plan 820040120.

Vehicular access to the office buildings and parking garages abutting the I-270 off-ramp to serve the commercial component has not changed with this amendment. The condominium buildings (Buildings 1-4) at the intersection of Park Potomac Boulevard and Cadbury Avenue will access the subsurface garages from Ansin Circle Drive, a private street to the west of the buildings that also serves the townhouses. Condominium buildings 5 and 6 access the subsurface garage from Park Potomac Boulevard, opposite the private drive serving the commercial buildings and the future transit center.

The applicant has submitted a draft traffic mitigation agreement that will provide a transit center and “super” bus shelter with “real-time” transit information, as well as purchasing of a new Ride-On bus and future operating costs for the Ride-On within the site, as approved by DPWT-Transit Services Division. Elements of the “super” bus shelter include lighting, heating and the “real-time” transit information for riders. The traffic mitigation components were approved as part of the original site plan approval. The agreement must be executed prior to the release of the first commercial building permit, consistent with the opinion for site plan 820040150.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

Each proposed structure and use is compatible with existing uses and adjacent development. The amendment to the proposed condominium buildings is consistent with the standards for height in the I-3 Zone for optional method projects. The change from 4 story apartments and 9-story condominium building to 10 stories is compatible with the surrounding mix of 5-8 story commercial buildings and 4-story townhouses. The maximum height for the high-rise residential buildings, including the original 9-story condominium building, was approved for 100 under the original site plan approval. The maximum height for the townhouses was approved for 50 feet under site plan 820040120. The change in orientation of the buildings provides a better relationship to the adjacent townhouses and offers viewsheds of the amenity spaces within the configuration of the buildings from the streets.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

Forest conservation requirements are being met on site through the retention of 7.03 acres of existing forest along the frontage of Seven Locks Road and the stream valley area on the south side of Montrose Road. The applicant has a planting requirement of 9.69 acres, which will be met through a combination of on-site landscaping and off-site forest plantings. The existing forested areas to be retained will be placed in a Category I forest conservation easement.

The proposed amendment does not change the limits of disturbance of the approved forest conservation plan. The overall forest conservation plan incorporates site plans (820040120 and 820040150).

APPENDICES

- A. Letter from civic associations and citizens
- B. Preliminary Plan and Site Plan Opinions
- C. Memorandums from other agencies