



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Item #  
 MCPB 6-21-07

**MEMORANDUM**

DATE: June 11, 2007  
 TO: Montgomery County Planning Board  
 VIA: Rose Krasnow, Chief *RK*  
 Cathy Conlon, Supervisor *CC*  
 Robert Kronenberg, Acting Supervisor *RAK*  
 Development Review Division  
 FROM: Richard A. Weaver, Coordinator *RAW*  
 Development Review Division  
 (301) 495-4544  
 Elza Hisel-McCoy, Assoc. AIA, LEED-AP *EH*  
 Development Review Division  
 (301) 495-2115



REVIEW TYPE: **Preliminary Plan Amendment**  
**Site Plan Amendment**  
 PROJECT NAME: Park Potomac (Formerly Fortune Parc)  
 CASE #: Preliminary Plan Amendment 1-2003029A  
 Site Plan Amendment 8-2004015B  
 APPLYING FOR: Approval to redistribute the non-residential FAR to allow up to an additional 115,000 square feet of restaurant/retail uses to include a grocery store; include a 156-room hotel use within the approved 850,000 GSF of commercial uses; redesign the plaza at Park Potomac Avenue and Cadbury Avenue; revise the design of the streetscape along the retail frontage on the east side of Park Potomac Avenue; modify vehicular access to and from Montrose Road; and reduce the required setback from I-270 for a portion of Building E and the structured parking lot, between stations 541+01.93 and 541+55.95 (a distance of 54.02 feet), from the approved 85 feet to 80 feet for the building and from the approved 35 feet to 28 feet for the parking lot.  
 REVIEW BASIS: Chapter 50, the Montgomery County Subdivision Regulations  
 Div. 59-D-3.7 of Montgomery County Zoning Ordinance.  
 ZONE: I-3  
 LOCATION: Northwest quadrant of the intersection of Montrose Road and I-270  
 MASTER PLAN: Potomac  
 APPLICANT: Fortune Parc Development Partners, LLC, et al  
 FILING DATE: October 19, 2006  
 HEARING DATE: June 21, 2007

**PRELIMINARY PLAN STAFF RECOMMENDATIONS: Approval**, Subject to the Following Condition: Revise condition No.1 of July 25, 2003, Planning Board Opinion to read as follows:

“The applicant must limit the proposed development to the following land uses:

- Townhouses up to 150 units
- High-rise apartments up to 450 units
- General retail uses up to 145,000 square feet.
- General office uses up to 470,000 square feet
- Hotel up to 156 guest rooms.”

All previous conditions of Planning Board Opinion dated July 25, 2003 remain in full force and effect.

**SITE PLAN STAFF RECOMMENDATION:** Staff recommends **Approval**, with Conditions, of Site Plan Amendment No.82004015B to: redistribute the non-residential FAR to allow up to an additional 115,000 square feet of restaurant/retail uses to include a grocery store; include a 156-room hotel use within the approved 850,000 GSF of commercial uses; redesign the plaza at Park Potomac Avenue and Cadbury Avenue; revise the design of the streetscape along the retail frontage on the east side of Park Potomac Avenue; modify vehicular access to and from Montrose Road; and reduce the setbacks along a portion of I-270. The terms and conditions of all applicable prior regulatory approvals and agreements, including the approved Site Plan (820040150) and the previous Site Plan Amendment (82004015A), remain in full force and effect, except as modified by this amendment.

#### Conditions

1. The Applicant will, for the portions of Buildings D, E, F, and G fronting onto Park Potomac Avenue or the plaza, provide a minimum of two full stories, or 35 feet, of building height datum line from the sidewalk in front of that building. For building frontages already taller than two full stories or 35 feet, the applicant will provide a continuous visual expression of that datum
2. Along the portions of Buildings D, E, and F fronting the plaza, the Applicant will provide pedestrian-scaled projecting elements at the ground floor, such as awnings or similar embellishments, to help activate the restaurant and retail frontage.
3. The Applicant will revise the streetscape design along the Park Potomac Avenue frontage of Buildings C and D per the Planning Board’s recommended Streetscape Option [to be determined], subject to DPWT approval. The Applicant understands that failure to obtain DPWT approval for the recommended streetscape alternative will require the Applicant to amend the Site Plan accordingly..

#### Summary

##### Preliminary and Site Plan Approvals

In 2003, the Planning Board approved a Preliminary Plan for the larger “Fortune Parc” site, including 600 dwelling units and up to 850,000 square feet of non-residential uses, as specified in the Master Plan.

These non-residential uses included approximately 820,000 to 835,000 square feet of office space and about 15,000 to 30,000 square feet of retail. The Planning Board approved Site Plan 820040150 with conditions on March 18, 2004, for a maximum of 450 dwelling units and 850,000 square feet of office and retail uses on 20.28 acres. On May 4, 2006, the Board approved Site Plan Amendment 82004015A with conditions to allow replacement of two 4-story garden-style multi-family buildings with two 10-story condominium buildings, and an increase of the maximum number of stories for another condominium building from 9 to 10 stories.

## **Analysis of the Amendment**

### **Background**

The Fortune Parc site was developed in two phases under a single Preliminary Plan and two separate Site Plans. Phase One (Site Plan No.820040120) included 150 townhouse units and was approved on March 19, 2004. The remainder of the site, Phase Two, included four multi-family/condominium buildings, with no retail component, and seven office-plus-retail buildings. These buildings are located on either side of Park Potomac Avenue, which runs the length of the site, parallel to I-270, from Montrose Road to the south to near Fortune Terrace on the north. The Phase Two Site Plan set height, use, and density limits for each of the buildings within the allowed 850,000 square feet. In 2006, the Planning Board approved revised building footprints for two buildings and increased the maximum height for those buildings to 100 feet and 10 stories. The Applicant submitted this second Site Plan Amendment on October 19, 2006.

### **Applicant's Requests**

The Preliminary and Site Plan amendments modify the approved site plan in several ways. These changes are limited to the following:

1. Modify multi-family buildings 1&2 to allow up to 8,557 square feet of ground-floor retail.
2. Modify multi-family buildings 3&4 to allow up to 9,340 square feet of ground-floor retail.
3. Modify multi-family buildings 5&6 to reduce the maximum height of from 100 to 82 feet and allow up to 10,700 square feet of ground-floor retail.
4. Modify mixed-use building A to decrease the maximum amount of gross floor area of retail and commercial uses from 168,000 square feet of office space to 143,703 square feet, including a maximum of 135,000 square feet of office and 8,703 square feet of restaurant/retail uses.
5. Modify mixed-use building B to reduce the maximum building height from 100 to 80 feet and decrease the maximum amount of gross floor area for commercial uses from 100,000 square feet, including 95,000 square feet of office and 5,000 square feet of retail, to 61,000 square feet of office space.
6. Modify mixed-use building C to increase the maximum amount of gross floor area for retail and commercial uses from 89,000 square feet, including 84,000 square feet of office and 5,000 square feet of retail to 108,000 square feet, including a maximum of 101,000 square feet of office and 7,000 square feet of retail uses.
7. Modify mixed-use building D to decrease the maximum amount of gross floor area of retail and commercial uses from 124,100 square feet, including 119,100 square feet of office space and 5,000

square feet of retail, to 117,000 square feet, including a maximum of 96,000 square feet of office, 15,000 square feet of retail, and 6,000 square feet of restaurant/retail uses.

8. Modify mixed-use building E to increase the maximum amount of gross floor area of retail commercial uses from 172,200 square feet, including 167,200 square feet of office and 5,000 square feet of retail, to 184,000 square feet, including a maximum of 177,000 square feet of office and 7,000 square feet of restaurant/retail uses.
9. Modify mixed-use building F to allow a 156-room hotel and increase the maximum amount of gross floor area of retail commercial uses from 111,300 square feet, including 106,300 square feet of office and 5,000 square feet of retail, to 151,700 square feet, including a maximum of 133,000 square feet of hotel, 2,000 square feet of hotel meeting room, 12,000 square feet of retail, and 4,700 square feet of restaurant/retail uses.
10. Modify mixed-use building G to allow a grocery store with a maximum building height of 40 feet and decrease the maximum amount of gross floor area of retail commercial uses from 107,200 square feet, including 102,200 square feet of office and 5,000 square feet of retail, to 56,000 square feet including a maximum of 46,026 square feet of grocery retail and 9,974 square feet of retail uses.
11. Redesign the public plaza on the east side of Park Potomac Avenue across from the intersection with Cadbury Avenue.
12. Redesign the sidewalk on the east side of Park Potomac Avenue between the transit facility and the public plaza.
13. Add an entrance to the site from east-bound Montrose Road through the existing tunnel to the roundabout at Park Potomac Avenue.
14. Add a right-out exit from the site onto west-bound Montrose Road.
15. Extend the median on Cadbury Avenue from Ansin Circle to Park Potomac Avenue.
16. Revise streetscape improvements to reflect new building and driveway configurations.
17. Reduce the required setback from I-270 for a portion of Building E and the structured parking lot, between stations 541+01.93 and 541+55.95 (a distance of 54.02 feet), from the approved 85 feet to 80 feet for the building and from the approved 35 feet to 28 feet for the parking lot.

### Preliminary Plan Review

The application was brought to the Development Review Committee where comments from all appropriate review agencies were received. The applicant has resolved all issues of the agencies involved with the review of preliminary plans, including Montgomery County Department of Permitting Services (MCDPS), Montgomery County Department of Public Works and Transportation (MCDPWT) and the State Highway Administration (SHA). As part of that review the applicant was required to update the existing traffic study to reflect the any potential increases in site traffic generated by the change in uses



contemplated by the plan revision. The study was reviewed and approved by all appropriate agencies including SHA, MCDPWT and the Transportation Planning Section of the County-wide Planning Division. The plan anticipated additional transportation infrastructure revisions, as outlined above, that were also reviewed and approved by these agencies. The revision to condition No. 1 of the original Planning Board Opinion and as recommended by Planning Staff in this report is to address the changes to the traffic volumes generated by this plan. The MCDPWT has also approved all requested road improvements identified by this plan and has forwarded their approval recommendations via letter dated May 29, 2007.

Because the plan proposed changes to the building and road layout a new stormwater management concept was required. MCDPS approved that concept and forwarded a letter dated February 8, 2006. The Montgomery County Fire and Rescue Service worked with the applicant to devise an acceptable plan for fire and rescue apparatus. A copy of the approved Fire Access Plan, dated February 8, 2007, was forwarded to staff and is in the preliminary plan file.

### Preliminary Plan Findings

#### *Subdivision Regulations and Adequate Public Facilities*

The application was reviewed for adequacy of public facilities and was found to comply with all requirements for access, water and sewer, stormwater management, schools and fire and rescue. All relevant agencies required to review the adequacy of these facilities have provided the necessary approvals. Additionally, the proposed lot size, width, shape and orientation are appropriate for the location of the subdivision. The Plan complies with all applicable sections of the Montgomery County Subdivision Regulations.

#### *Zoning Ordinance*

This application has been reviewed for compliance with the Montgomery County Code, Chapter 59, the Zoning Ordinance. The lots were reviewed for compliance with the dimensional requirements specified in the Zoning Ordinance for the I-3 zone using the optional method of development. The lots as proposed will meet all applicable dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in Appendix E of this report.

#### *Master Plan*

The Potomac Master Plan makes specific recommendation on the Park Potomac Property, referred to as "Fortune Parc" in the Master Plan. The Master Plan establishes an optional method of development in the I-3 Zone to allow for housing and retail uses to create a mixed-use development. Employment, housing and retail opportunities were all envisioned by the Plan. The Master Plan also establishes maximum allowable densities for the Property based on a trip generation ceiling that cannot exceed the trips that would be generated by a 0.5 FAR office project. Shuttle service and other transit service to METRO are also recommended. This preliminary plan was found to comply with all Master Plan recommendations at the original hearing and continues to do so as part of this amendment.

#### *Transportation*

As discussed above the applicant was required to revise the traffic study for Fortune Parc. Staff has reviewed the revised study and finds that no additional traffic improvements are required to meet the Local Area Transportation Review (LATR) standards. Vehicular and pedestrian safety is adequately served by the plan. The plan has been reviewed and approved by the Montgomery County Department of

Public Works and Transportation in a letter dated May 29, 2007. This Plan is found to comply with the LATR guidelines.

### *Environmental*

The Preliminary Plan was found to comply with the Montgomery County Forest Conservation Law (Chapter 22A) of the Montgomery County Code. Forest conservation easements, required to meet the Law as part of the original approval of this plan, are shown on the existing record plats for the property.

### Public Comment

The Applicant has worked diligently to address concerns about the proposed Site Plan Amendment from current and future residents of the development and the surrounding community. Staff received in support of this Amendment 13 letters and e-mails. Staff received 2 letters in opposition to the amendment. (See Attachment H) These residents' primary concern regarded the proposed height of Building F, the 10-story hotel, specifically the loss of expected views resulting from the increase in proposed height from 5 stories to 10 stories. While amend Site Plan 82004015A showed Building F as only 5 stories, the maximum height allowed by the approved site plan is 100 feet. This Site Plan Amendment is merely raising the height of the proposed mixed-use building to the maximum allowed. Staff finds this height to be compatible with the previously approved site plan and with the development as whole.

### Issues

#### *Road Connection to Fortune Terrace*

The Applicant intended Park Potomac Avenue to extend to and connect with the existing Fortune Terrace near the northeast corner of the site. Fortune Terrace, however, is located within the City of Rockville and the Applicant has been unable to secure an acceptable agreement with the City for the connection. This amendment does not include the connection, but is designed to be able to readily accept the connection in the future, should such accommodation be forthcoming. The Applicant had requested the Board approve an "alternative" site plan showing the connection, but staff feels there are so many unknowns remaining with regard to grading, utilities, and easements, that it would be better to address it when the connection is approved by the City of Rockville.

#### *Public Plaza*

For the larger community's primary public space, the Applicant is proposing a public plaza at the intersection of Park Potomac Avenue and Cadbury Avenue. The space, which is approximately 27,000 square feet (0.62 acres), is bound on the north and south by the Hotel Building F and the office/restaurant/retail Building D, and to the east and west by office/restaurant/retail Building E and Park Potomac Avenue. The plaza is designed to serve both as a single large public space that can be closed off to automobiles for events and as a variety of constituent spaces that can be used separately. Individual spaces include generous sidewalks for outdoor seating for restaurants or retail shops as well as a central "island" with unique treatments including a fire pit, a fountain, and shaded seating areas. Additionally, the space provides vehicular access to the parking lots on the east side of the site as well as a pick-up and drop-off area for the hotel and retail.

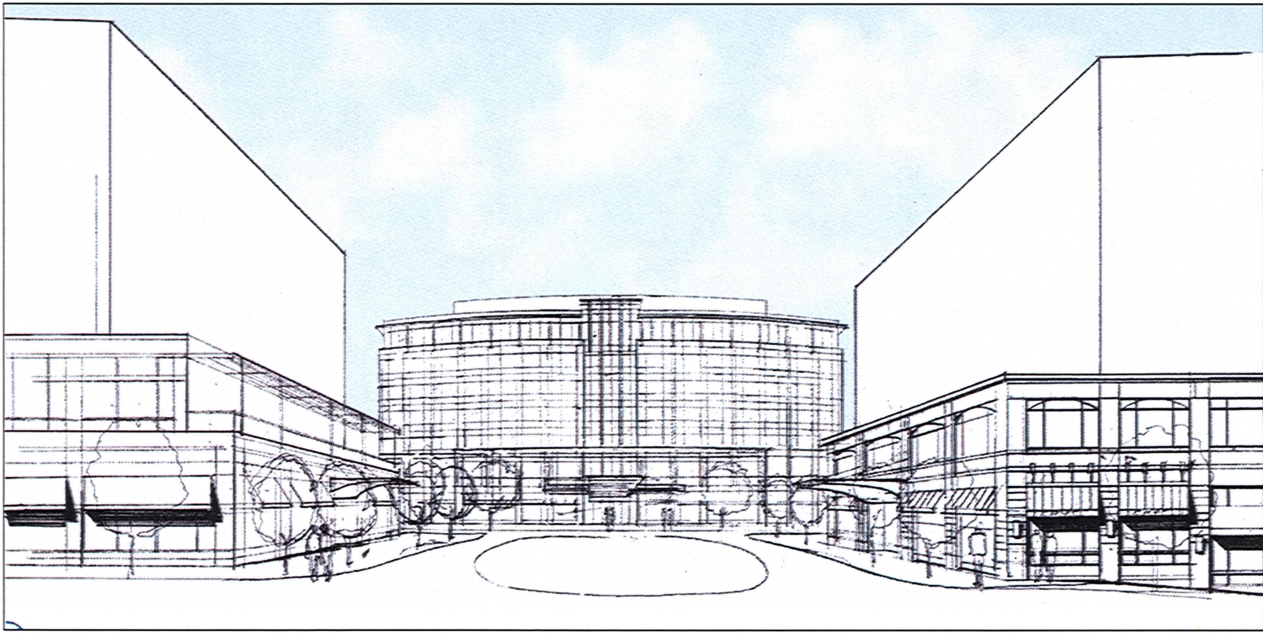
Staff worked with the Applicant's team to ensure that, despite shared accommodation for vehicle and pedestrian, the design would treat the space as a single, primarily pedestrian, space. There were two parts to this solution: horizontal and vertical. On the ground plane, the Applicant's design uses a complimentary paving palette and low planters to visually unify the "sidewalk" areas in front of each



Public Plaza Illustrative Plan

building with the central plaza design. To provide vertical definition and enclosure of the plaza, the Applicant's building massing proposes a horizontal datum of two full stories, or 35 feet, on each built side of the plaza. Similar projects that successfully create public space, like Bethesda Row and Reston Town Center, provide about 35-40 feet of base for spaces 90-100 feet wide. Downtown Silver Spring provides 35-50 feet for a space about 140 feet wide. The Park Potomac plaza is about 130 feet wide. While this datum encloses the space as a whole, the Applicant has also agreed to provide pedestrian-scaled elements at the ground floor level, such as awnings or similar projections, to help activate the restaurant and retail frontage.





Perspective of Public Plaza Illustrating Two-Story Datum Lines

### *Retail Sidewalk*

In order to help activate the retail sidewalk for Buildings C and D on the east side of Park Potomac Avenue, between the transit facility and the plaza the Applicant is proposing an innovative streetscape design (see Attachment B). This block of the Avenue takes up a significant amount of grade, approximately 27 vertical feet. To provide accessible retail frontage, the sidewalk directly in front of the building is comprised of a series of landings joined by a 10-foot-wide accessible ramp. These landings are intended to correspond with the retail entries along this block, and will extend toward Park Potomac Avenue to corresponding terraces along the street edge. These terraces may be used for outdoor restaurant seating, a shaded place to sit, or similar activity. A low wall will separate the ramps from the terraces. Between the terraces and the street, low retaining walls or planters will transition to an extended curb, facilitating access from the on-street parking into the retail area.

The proposed streetscape occupies both a 10-foot setback in front of each building and the 15-foot section of the right of way typically reserved for the sidewalk, for a total of 25 feet. The ramp sits in a proposed Public Use Easement, while the terraces and transition spaces lie within the right of way. Since this design proposes a streetscape that does not conform with the DPWT standard, the Applicant has filed a Design Exceptions request with DPWT. The request includes two alternative design options, specifically with regard to direct connection between the terraces. Option 1, preferred by the Applicant, would connect each terrace with a set of stairs, supplying a second means of circulation down the block. Under this option, the terraces would be about 10 feet deep, including a roughly six-foot deep seating area and a four-foot stair. Option 2 removes the stairs between the terraces, leaving a 10-foot-deep seating area. Under this option, each terrace would act independently and all circulation through the block would happen along the ramps in front of the building. In other respects the options are comparable.

DPWT has expressed concerns about having stairs in the right of way, either between the terraces as proposed in Option 1 or occasionally between the terraces and the street for on-street parking access in both options. As stated in their letter dated March 30, 2007, (see Attachment E) the DPWT Traffic

Engineering and Operations Section would like to hear the Planning Board's preferred design alternative before completing their review of the Design Exceptions package. Staff prefers Option 2, believing that there will not be enough pedestrian traffic along this street to warrant a path at both the retail edge and the street edge and that the larger seating areas will be better used by a respite-seeking public. In either case, staff prefers either of the proposed options to the third option of approving neither streetscape alternative, in which case the streetscape design included in the amended Site Plan would remain in effect. That design is a standard DPWT configuration, similar to that across Park Potomac Avenue.

#### *Setback Waiver*

Along a portion of the site boundary with I-270, specifically between stations 541+01.93 and 541+55.95 (a distance of 54.02 feet), the property line makes an abrupt jog to the west. The required setbacks from limited access freeways for the buildings and parking on the site are 100 feet and 50 feet, respectively. Section 59-C-5.4392(b)(F) allows the Planning Board to reduce the building, off-street parking, loading and maneuvering area setbacks, if the Board finds that a reduced setback is compatible with adjacent development. Along the 54.02 feet of the lot boundary with Interstate 270, where the irregular jog in the lot line causes Building E and the parking lot behind it to exceed the minimum setbacks, staff is not aware of any development projects that would render the setback reduction incompatible with adjacent development.

#### Staff Position

Site Plan staff finds the proposed amendment to be consistent with the provisions of Section 59-D-3.7 of the Montgomery County Zoning Ordinance for site plan amendments. The amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board for the originally approved site plan. Therefore, Staff recommends **APPROVAL** of the requested modifications, subject to the above conditions, of the Site Plan Amendment No. 82005015B for Park Potomac (Site Plan No. 820040150, as amended by Site Plan Amendment No. 82004015A) for modifications to the approved site plan.

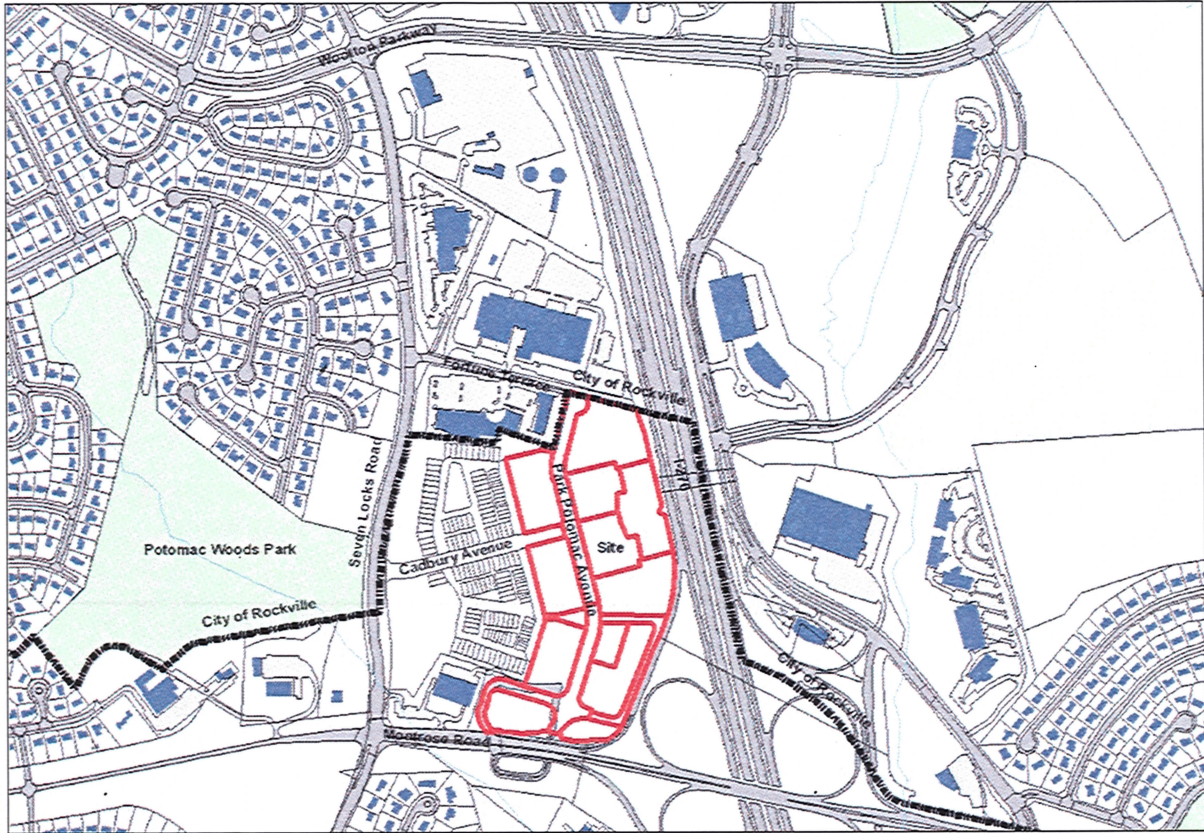
#### **ATTACHMENTS:**

- A. Site Description and Vicinity Map
- B. Proposed Amended Site Plan
- C. Options for the Retail Sidewalk
- D. Staff Precedent Images for Plaza
- E. Development Standards
- F. Planning Board Opinion for Site Plan 820040150
- G. Planning Board Opinion for Site Plan Amendment 82004015A
- H. Citizen Letters
- I. Reviewing Agency Approvals

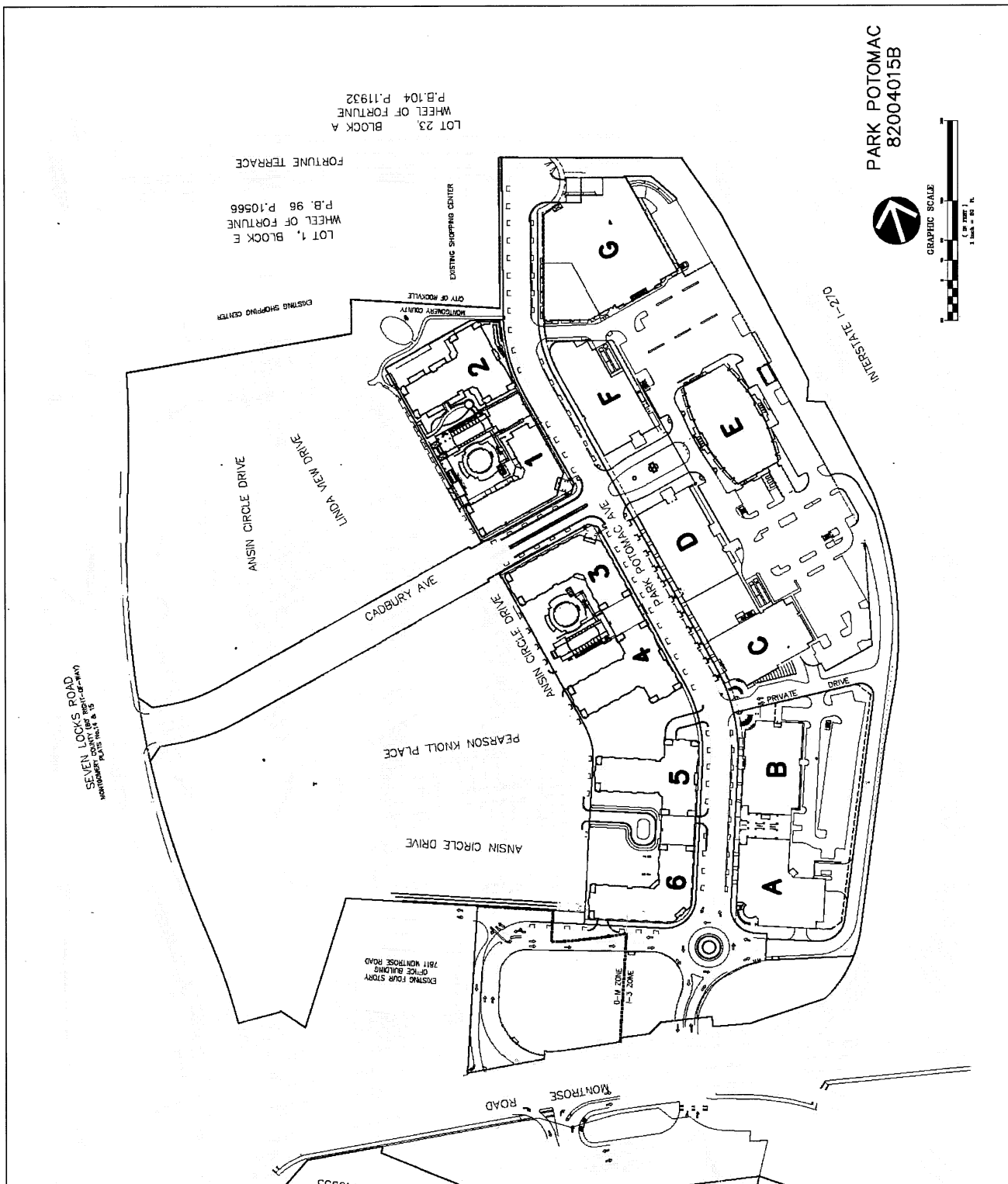


ATTACHMENT A  
Site Description and Vicinity

This property is located in the northwest quadrant of the intersection of Interstate 270 and Montrose Road.



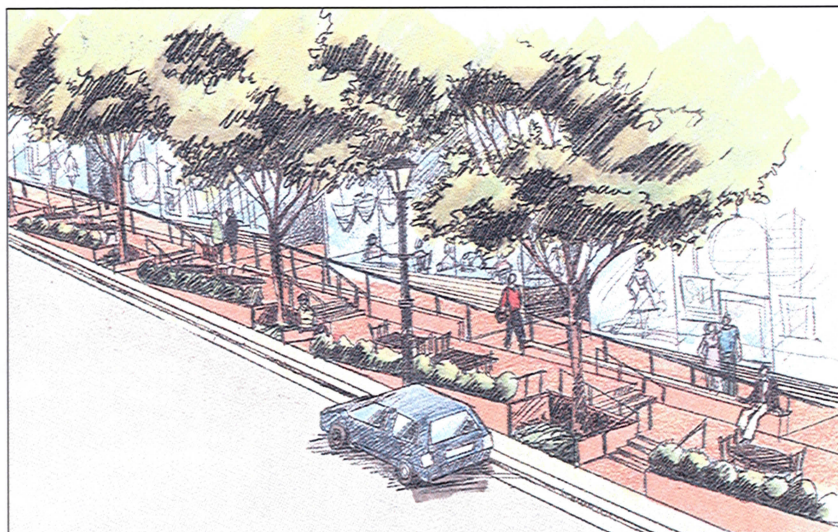
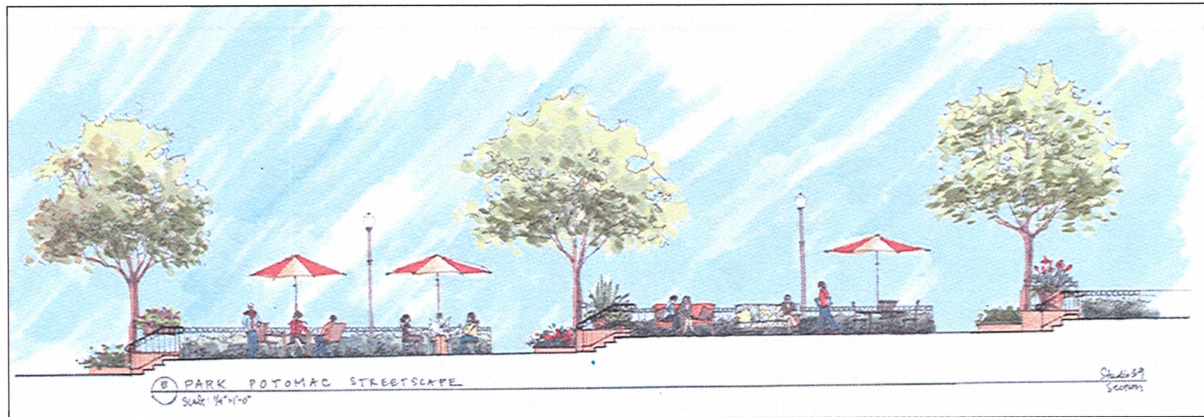
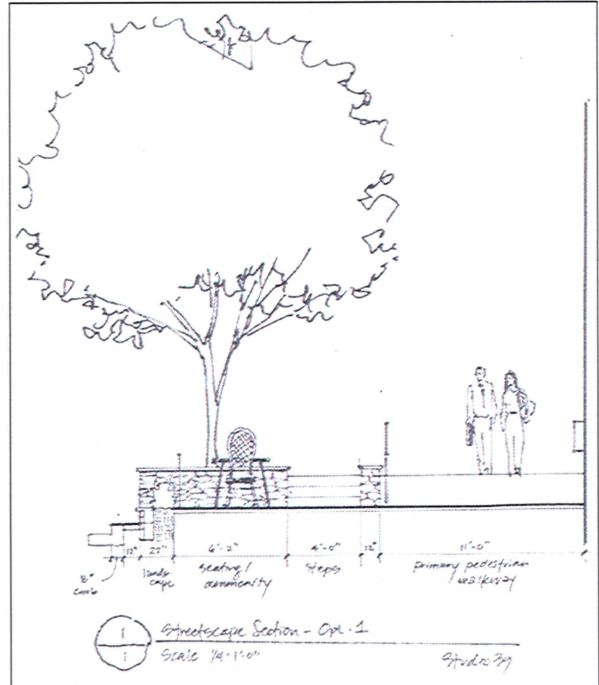
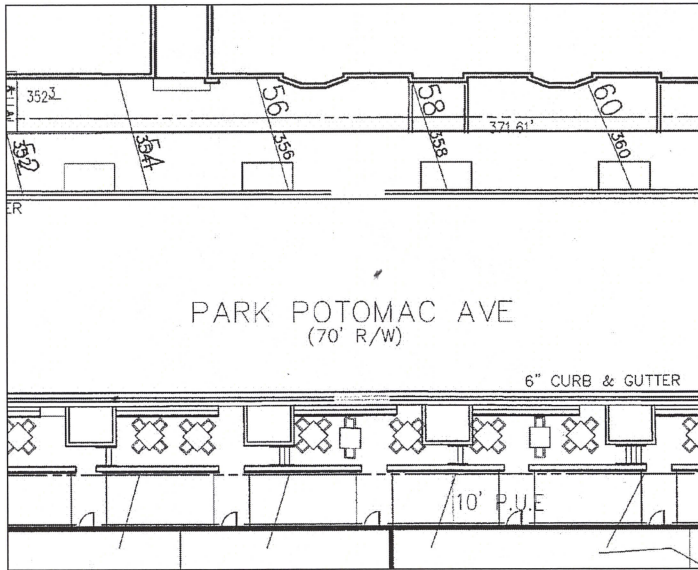
**ATTACHMENT B:  
PROPOSED AMENDED SITE PLAN**



ATTCHMENT C:  
RETAIL SIDEWALK OPTIONS

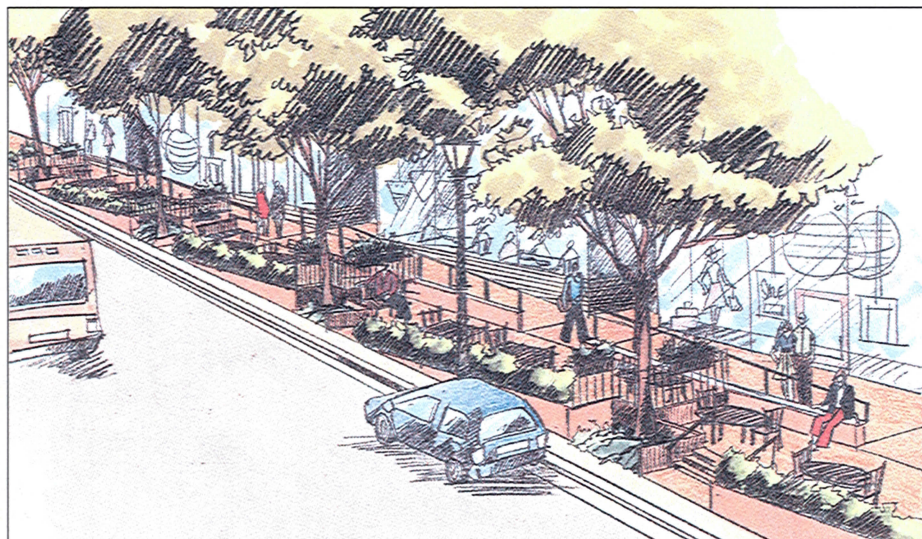
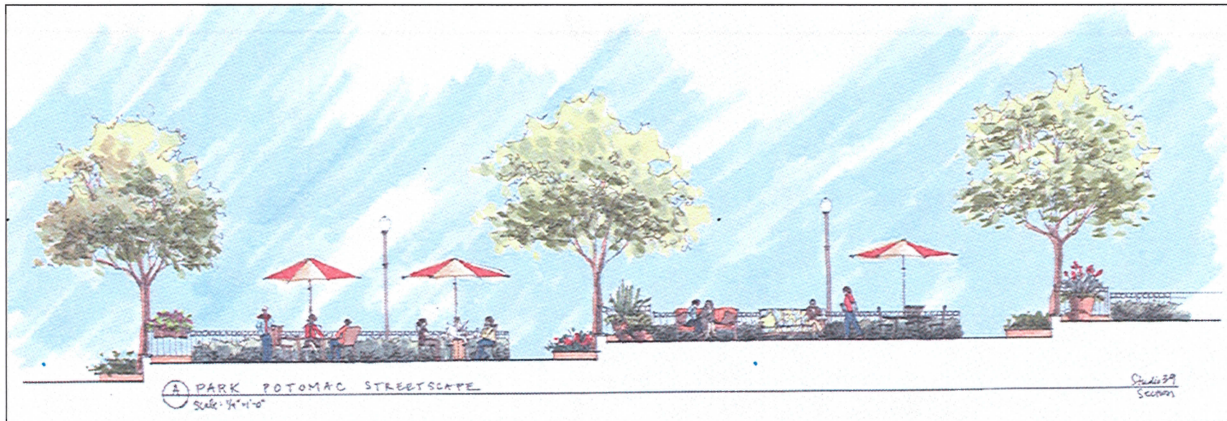
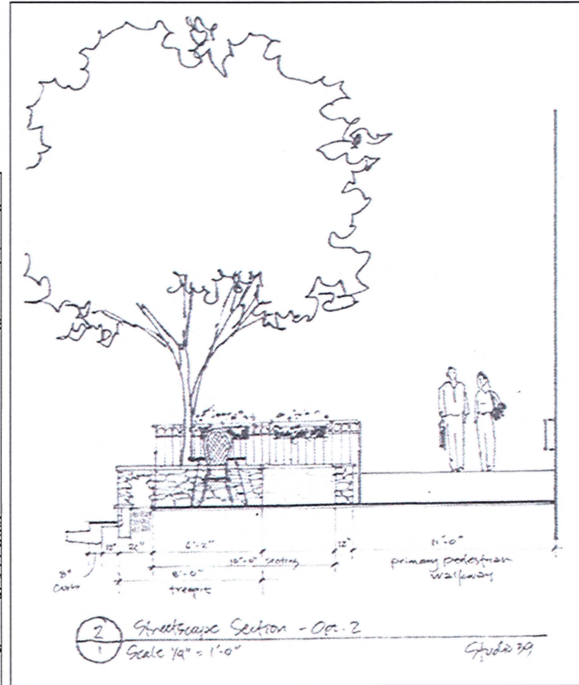
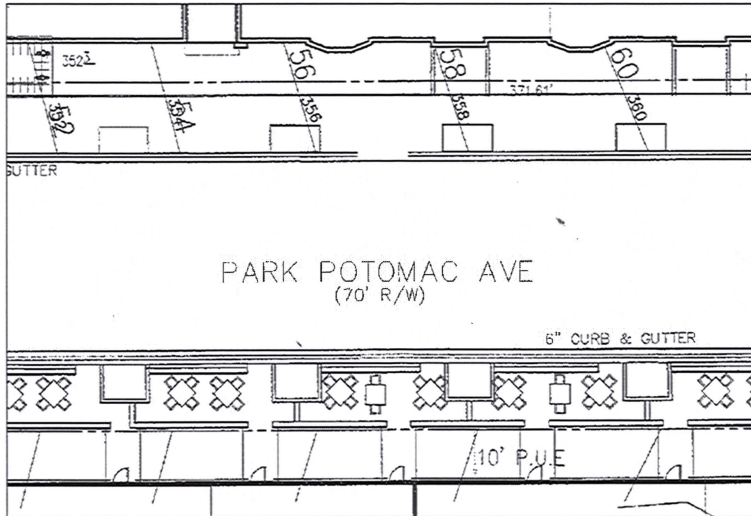


Streetscape Option 1: Steps in the Right of Way





Streetscape Option 2: Terraces in the Right of Way





ATTACHMENT D:  
PUBLIC PLAZA PRECEDENT IMAGES



Bethesda Row, Bethesda



Downtown Silver Spring



Reston Town Center

**ATTACHMENT E:  
DEVELOPMENT STANDARDS**

Development Standards for the I-3 Zone (Sections 59-C-5.3 and 59-C-5.4392(b))

	Required/ Allowed	Approved per Site Plan 820040150	Proposed
<b>Site Area, including Phases I and II</b>			
Gross Tract Area (sf.)	N/A	2,388,868	2,388,868
Gross Tract Area (ac.)	“	54.84	54.84
Net Tract Area (sf.)	“	1,889,638	1,880,282
Net Tract Area (ac.)	“	43.38	43.17
<b>Building Height, Maximum (ft.)*</b>			
Multi-Family Building 1	100	100	100
Multi-Family Building 2	“	“	100
Multi-Family Building 3	“	“	100
Multi-Family Building 4	“	“	100
Multi-Family Building 5	“	“	82
Multi-Family Building 6	“	“	82
Commercial/Retail Building A	“	“	100
Commercial/Retail Building B	“	“	80
Commercial/Retail Building C	“	“	100
Commercial/Retail Building D	“	“	100
Commercial/Retail Building E	“	“	100
Commercial/Retail Building F	“	“	100
Commercial/Retail Building G	“	“	40
<b>Coverage, including Phases I and II</b>			
Green Area, Minimum (percent)	35	45	45.7
Green Area, Minimum (sf.)	806,954	1,037,000	1,053,000
Off-Street Parking, Maximum (percent)	45	7.7	7.5
Off-Street Parking, Maximum (sf.)	1,037,512	177,000	172,000
<b>Density of Development</b>			
Non-Residential (FAR), Maximum per Master Plan	0.39	0.39	0.39
Non-Residential (sf.), Maximum	850,000	850,000	850,000
Retail, Maximum (percent)	20	3.5	17.1
Retail, Maximum (sf.)	170,000	30,000	145,000
Employment, Minimum (percent)	60	96.5	82.9
Employment, Minimum (sf.)	510,000	820,000	705,000
Residential, Maximum per Master Plan	450	450	450
<b>Setbacks, Minimum (ft.) – as indicated on Site Plan</b>			
Limited Access Freeway, Building	100	>100**	>100***
Limited Access Freeway, Parking	50	>50**	>50***
Off-Street Parking	2,248		2,270

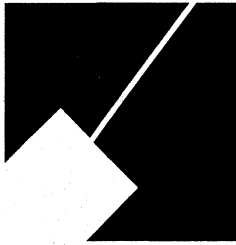
\* The vertical distance measured from the level of approved street grade opposite the middle of the front of a building to the highest point of roof surface of a flat roof. In the case of a building set back from the street line 35 feet or more, the building height is measured from the average elevation of finished ground surface along the front of the building. On a corner lot exceeding 20,000 square feet in area, the height of the building may be measured from either adjoining curb grade

\*\* The Planning Board approved a reduction of these setback for a portion of the lot boundary adjoining Interstate 270, from 100 feet to 85 feet and from 50 feet to 35 feet, per Section 59-C-5.4392(b)(2)(F)

\*\*\* The Applicant is requesting a further reduction of these setback for a portion of the lot boundary adjoining Interstate 270, from 85 feet to 80 feet and from 35 feet to 28 feet, per Section 59-C-5.4392(b)(2)(F)

ATTACHMENT F:  
PLANNING BOARD OPINION FOR SITE PLAN 820040150

M-NCPPC



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760  
301-495-4500, [www.mncppc.org](http://www.mncppc.org)

MONTGOMERY COUNTY PLANNING BOARD

**OPINION**

**DATE MAILED:** March 19, 2004

**SITE PLAN REVIEW #:** 8-04015

**PROJECT NAME:** Fortune Parc

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*Action: Approval subject to conditions. Motion was made by Commissioner Robinson, seconded by Commissioner Perdue, with a vote of 3-0, Commissioners Berlage, Robinson, Perdue voting for. Commissioners Bryant and Wellington were necessarily absent.*

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The date of this written opinion is March 19, 2004, (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before April 19, 2004 (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, this Site Plan shall remain valid for as long as Preliminary Plan #1-03029 is valid, as provided in Section 59-D-3.8.

On March 18, 2004, Site Plan Review #8-04015 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

1. *The Site Plan is consistent with the approved development plan or a project plan for the optional method of development if required;*
2. *The Site Plan meets all of the requirement of the I-3 Zone;*
3. *The location of the buildings and structures, the open spaces, the landscaping, and the pedestrians and vehicular circulation systems are adequate, safe, and efficient;*
4. *Each structure and use is compatible with other uses and other Site Plans and with existing and proposed adjacent development;*
5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation;*

**STAFF RECOMMENDATION FOR SITE PLAN: Approval** of 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, and a waiver to reduce parking and building setbacks of 15 feet between stations 541+01.93 to 541+55.95, with the following conditions:

1. Site Plan Enforcement Agreement

Submit a Site Plan Enforcement Agreement, Development Review Program for review and approval prior to approval of the signature set as follows:

- a. Development Program to include phasing as follows:
  - 1) Clearing and grading to correspond to the construction phasing, to minimize soil erosion;
  - 2) Coordination of each section of the development of roads;
  - 3) Street tree planting must progress as street construction is completed, but no later than six months after completion of the buildings;
  - 4) Phasing of dedications, stormwater management, sediment and erosion control, or other features;
  - 5) Community-wide facilities, including the clubhouse and pool on Park Potomac Boulevard shall be completed prior to occupancy of the two apartment buildings, unless approved by M-NCPPC staff. Applicant to provide M-NCPPC staff Use and Occupancy permit issued by Montgomery County;
  - 6) The plaza/open area between buildings D and F shall be completed with construction of Buildings D, E and F.
  - 7) Prior to occupancy of any building for the proposed development, the applicant shall install a "super" bus shelter within the subject site, subject to approval of the Montgomery County Department of Public Works and Transportation (DPWT)-Transit Services Division. Applicant shall provide M-NCPPC with notice of application of occupancy permit at time of filing;
  - 8) Site Plan Enforcement Agreement to include recreation facility maintenance.
- b. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and the Montgomery County Department of Permitting Services issuance of sediment and erosion control permit.
- c. No clearing or grading prior to M-NCPPC approval of forest conservation plan and sediment and erosion control plan.

2. Signature Set

Prior to signature set approval of site/landscape plans, the following revisions shall be made, subject to staff review and approval:

- a. Site Plan:
  - 1) Show all easements, Limits of Disturbance, Rights-of-Way, Forest Conservation Areas and Stormwater Management Parcels, Condo Association Parcel and trails, planning board opinion, development program inspection schedule, numbers and dates of approval on the drawing.
  - 2) The location of all recreation facilities shall be clearly identified on both the site and landscape plans. Complete details and specifications demonstrating full conformance with the Recreation Guidelines shall be added to the plans.

- 3) Location of the Moderately Priced Dwelling Units (MPDUs).
- 4) Revise the MPDU/TDR computations to indicate the requirement to provide sixty-one (61) MPDU units on the subject site (8-04015) in accordance with Chapter 25A of the Montgomery County Code. The remaining fourteen (14) MPDU units will be located within the townhouse units for Site Plan 8-04012. Revise the TDR computations to indicate the requirement to provide fifty-one (51) transferable density rights (TDRs) for the one hundred and two (102) TDR units required within the entire proposed development, which includes Site Plans 8-04012 and 8-04015.
- 5) Retaining walls shall compliment or match adjacent building materials. Details of the retaining walls to be reviewed and approved by M-NCPPC staff.
- 6) All internal sidewalks to be a minimum of 5 feet;
- b. **Landscape and Lighting Plan:**
  - 1) Provide a soil depth analysis of the area above the structured parking to determine the appropriate plant material to be installed. Details of the planting technique, material and location of the appropriate tree within the islands shall be reviewed and approved by staff prior to signature set approval;
  - 2) Provide a detail of the amenity element to be installed within the raised planter east of the pool and clubhouse and between the two apartment buildings;
  - 3) Planting islands to be a minimum of 8-foot wide;
  - 4) Provide the "calc" zones for the lighting distribution areas. Coordinate with M-NCPPC staff to reduce the max./min. and ave./min. computations in "calc" zone 8 once the zones are established. Lighting standards to conform to the IESNA standards for lighting in commercial parking areas.
  - 5) Provide shields on all light fixtures causing negative glare for vehicular traffic on I-270. Provide a detail of the shields on the lighting plan.
  - 6) Correct the wattage provided for the 14 and 16 foot poles in the summary report.
  - 7) Revise the light pole standards and details on sheet L2.3 to reflect the actual height, wattage and lumens of the proposed lights in the project.
3. Maintenance Responsibilities  
Applicant shall provide documentation to prospective buyers of the multi-family units with regard to maintenance and responsibility of the plant material and hardscape materials within the public utility easement (PUE).
4. Stormwater Management  
Conditions of Montgomery County Department of Permitting Services (DPS) stormwater management concept approval for Phase II dated March 11, 2003 and conditions of the Maryland Department of the Environment letter of approval dated October 8, 2003.
5. Transportation Planning  
Applicant shall comply with the conditions of approval as set forth in the Transportation Planning Memorandum dated March 9, 2004.
6. Forest Conservation  
Applicant shall comply with the following conditions of approval of the Forest Conservation Plan. Final Forest Conservation Plan (including grading and tree protection information) shall satisfy all conditions referenced in the M-NCPPC



Environmental Planning Memorandum dated February 2, 2004, prior to recording plat and the Montgomery County Department of Permitting Services (DPS) issuance of sediment and erosion control permit:

- a. Category I conservation easements to be placed over forest retention areas, forest planting areas and environmental buffer areas. Easements to be shown on record plats.
7. Moderately Priced Dwelling Units (MPDUs)  
Applicant to provide (61) sixty-one MPDUs on the subject site in accordance with Chapter 25A of the Montgomery County Code. The remaining (14) fourteen MPDUs shall be located within the one-family attached units for site plan #8-04012.
8. Transferable Density Rights (TDRs)  
Prior to recording of plats, the applicant shall provide verification of the availability of the required (51) fifty-one transferable density rights (TDRs) for the (102) one hundred two TDR units within the entire Fortune Parc development, which includes site plans #8-04012 and #8-04015.
9. Public Utility Easement  
Applicant to provide conduit within the public utility easement (PUE) adjacent to the public right-of-way in accordance with the letter from Verizon dated January 21, 2004.

ATTACHMENT G:  
PLANNING BOARD OPINION FOR SITE PLAN 82004015A



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB No. 06-42**  
**Site Plan No. 82004015A**  
**Fortune Parc**  
**Date of Hearing: May 4, 2006**

**JAN 12 2007**

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION**

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review site plan applications; and

WHEREAS, on March 18, 2004, the Planning Board approved Site Plan No. 8-04015 (Fortune Parc) ("Site Plan") (Opinion dated March 19, 2004) for 450 multi-family dwelling units, including 61 MPDUs, 820,000 square feet of office use and 30,000 square feet of retail on 20.28 acres of I-3-zoned land at the northwest intersection of Montrose Road and Interstate 270 on Montrose Road and Seven Locks Road ("Property" or "Subject Property"); and

WHEREAS, on April 7, 2005, 1200 BMR Associates, LLC ("Applicant") filed an application for Planning Board review of an amendment to the Site Plan; and

WHEREAS, Applicant's application to amend the Site Plan was designated Site Plan Amendment No. 82004015A, Fortune Parc ("Application" or "Amendment"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on April 21, 2006, Staff issued a memorandum to the Board setting forth its analysis of, and recommendation for approval of, the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on May 4, 2006, Staff presented the Application to the Planning Board at a public hearing, for its review and action (the "Hearing"); and

WHEREAS, on May 4, 2006, the Planning Board heard testimony and received evidence submitted for the record ("Record") on the Application; and

Approved as to  
 Legal Sufficiency:

TAB 12/15/06

M-NCPPC Legal Department

8787 Georgia Avenue, Silver Spring, Maryland 20910 Director's Office: 301.495.4500 Fax: 301.495.1310

[www.MontgomeryPlanning.org](http://www.MontgomeryPlanning.org)

WHEREAS, on May 4, 2006, the Planning Board approved the Application, subject to certain conditions, on the motion of Commissioner Wellington, duly seconded by Commissioner Bryant, with a vote of 5-0, Commissioners Berlage, Perdue, Bryant, Wellington, and Robinson voting in favor.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES an amendment to Site Plan No. 82004015A subject to the following conditions:

1. Preliminary Plan Conformance

The Applicant shall comply with all of the previous conditions of Preliminary Plan 120030290 (formerly 1-03029).

2. Site Plan Conformance

The Applicant shall comply with the previous conditions of approval for Site Plan 820040150 (formerly 8-04015), 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.

BE IT FURTHER RESOLVED, that all site development elements 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 above conditions of approval; and

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The subject development does not require the approval of a development plan, diagrammatic plan, schematic development plan or project plan.*
2. *The Amendment meets all of the requirements of the zone in which it is located.*

The Planning Board finds that the Application meets all of the standards and requirements of the I-3 Zone. The Staff Report contained a data table, which listed the Zoning Ordinance development standards requirements for the I-3 Zone, certain standards approved for the Site Plan and the development standards proposed for approval in the Amendment. The Board finds that the Amendment meets all of the requirements of the I-3 Zone based on the aforementioned data table and other relevant information contained in the Staff Report describing the requirements of the I-3 Zone, and Staff and Applicant Hearing testimony. Unless otherwise noted in the table below, the development standards for the commercial portion of the underlying Site Plan remain unchanged. The development standards approved in the Amendment are set forth below:

**Approved Development Standards**  
 (I-3 Zone)

	Previously Approved for Site Plan No. <u>820040150</u>	Approved by Planning Board for Site Plan Amendment No. <u>82004015A</u> and Binding on Applicant
<b>Density:</b>		
Residential	450 d.u.'s	No change
Commercial Office	820,000 sf	No change
Commercial Retail	30,000 sf	No change
<b>Coverage Limitations: (%)</b>		
Green Space (%)	26.4 (269,000 sf)	27.4 (302,000 sf)
Off-Street Parking	21%	
Internal Green Space:	6%	No Change
<b>Maximum Building Height (Residential)*:</b>		
Buildings 1 and 2	100	100
Buildings 3 and 4	100	100
Buildings 5 and 6	100	84
<b>Maximum No. of Floors (Residential)*:</b>		
Buildings 1 and 2	9-story	10-story (as measured From Park Potomac Ave.)
Buildings 3 and 4	4-story	10-story (as measured From Cadbury Ave.)
Buildings 5 and 6	4-story	8-story (as measured From Ansin Cr.Drive)
<b>Setbacks</b>		
From abutting residentially zoned property recommended for one-family development	Not applicable	Not applicable
From abutting residentially zoned property recommended for other than one-family development	Not applicable	Not applicable

Previously  
 Approved for  
 Site Plan No.  
820040150

Approved by  
 Planning Board  
 for Site Plan  
 Amendment No.  
82004015A and  
 Binding on Applicant

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Limited Access Freeway	85/35	No change
Major Highway (Montrose)	50	
<b>Parking:</b>		
Multi-family Residential		
1 Bedroom (Change from 153 to 43 units)	192 spaces	54 spaces
2 Bedroom (Change from 245 to 329 units)	368 spaces	494spaces
3 Bedroom (Change from 52 to 78 units)	104 spaces	156 spaces
Total Residential Parking Required = 704 spaces		
Total Residential Parking Provided:	789 spaces	940 spaces
Total non-residential parking provided	3030	No change

\*. Heights and numbers of stories approved in the underlying Site Plan for commercial buildings remain unchanged.

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

a. 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.

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 No. 120030290 (formerly 1-03029)), which includes the townhouse development (Site Plan No. 820040120 (formerly 8-04012)) 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 approximately ten percent. The subject amendment application increases the original green space total from 26.4 percent (269,000 sf) to 27.4 percent (302,000 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

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, which provides a swimming pool, seating areas, pergolas and arbors as well as accent planting that surrounds the open lawn areas. The courtyards are located above 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 its 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, which 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 will not change 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 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. A traffic mitigation agreement must be executed prior to the release of the first commercial building permit, as required by the conditions of approval 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.*

Staff had recommended that the Planning Board find that each proposed structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development. Having considered, among other things, Staff's position, the Applicant's testimony and exhibits, and the written and oral arguments of other speakers, both in opposition to and in favor of the proposal, the Planning Board concurs with the Staff recommendation. For reasons stated in Finding No. 6, below, the Board rejects the argument that it must make a finding that the proposed developments achieves a "maximum" of compatibility. Below, is (a) a summary of the respective positions of and testimony and evidence presented by Staff, the Applicant, and other speakers in favor of and opposed to the Application; (b) a discussion of the Board's findings on the compatibility of the proposed development; and (c) a discussion of the

contested issue as to whether the Board is required to find that the proposal maximizes compatibility.

a. Summary of Testimony and Evidence Related to Compatibility

Staff provided testimony at the hearing confirming and expanding upon its recommendation in the Staff Report that the Board find the proposed modified structures and use compatible with other uses and existing and proposed adjacent development:

- During its testimony, Staff emphasized that the Fortune Parc development, including the proposed amendments, provides an appropriate transition from I-270 to the adjoining residential communities and provides a noise barrier from the interstate. Staff advised the Board that the proposed 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. (Staff noted that 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.) Staff pointed out the increased open space and green space that would result from the proposed amendment. Staff also described the stepping down of the topography from north to south, approaching Montrose Road and the confronting residential community, and the decision to locate the 8-storey condominium structure at the southern end, suggesting that the combination of these elements provide an appropriate transitional element that would have a considerable positive impact on compatibility with the existing adjoining and nearby residential communities. Staff also noted that compatibility of the proposed condominium structures to the confronting 50-foot townhomes is achieved through the stepping and pushing back of the proposed buildings. In response to Board Member questions, Staff testified that during a site visit in the winter, he could see the top two floors of the existing 10-story building from the adjoining Potomac Springs community but that, in his opinion, the 50-foot townhomes to the west of the proposed development were more imposing than the 10-story structure because of the greater distance to the tall building. Staff also confirmed that with the proposed height changes, the residential buildings would be of similar massing and scale to, and compatible with, the confronting commercial buildings. Staff confirmed that a shadow study had not been performed but noted that, because of the significant pulling back and stepping back of segments of the proposed residential buildings, the shadow cast by those buildings during limited morning hours is unlikely to have changed much from the shadow that would have been cast by the formerly

approved monolithic residential building, which spanned the residential block confronting the townhomes and was located close to the intervening street.

Certain speakers contended that the proposed height change is not compatible with existing and proposed adjacent development. Representatives of the neighboring residential communities of Treasure Oak (confronting the Subject Property to the south, across Montrose Road) and Potomac Springs (confronting the greater Fortune Parc development to the west, across Seven Locks Road) testified at the Hearing on that point:

- The Treasure Oak representative focused on the impact the proposed amendment would have on views from his community of 52 townhomes. He noted that Treasure Oak is at a significantly lower elevation than the Subject Property and that the 50-foot tall townhomes and the existing 10-story structure on the Fortune Parc site are visible from Treasure Oak when there is no foliage in the existing vegetation buffer that separates Treasure Oak from Montrose Road. An additional concern expressed by Treasure Oak was the increase in light pollution that they anticipated would result from the proposed amendment. The representative informed the Board that Treasure Oak had met with representatives of three other existing community associations and that they had agreed that they could agree to a compromise involving a stepping down of building heights from north to south, resulting in a six-story structure being situated on the southern end of the Fortune Parc site, closest to Treasure Oak.
- The Potomac Springs representative argued, through written submissions and verbal testimony, that the proposed height change is not compatible with existing, adjoining residential and commercial developments and the residential townhomes and commercial development within Fortune Parc. He acknowledged that a treed buffer along Seven Locks Road obstructs the view of the Fortune Parc Development from his community but contended that the buffer was ineffectual during the months of the year when the deciduous trees shed their foliage. He commented that graphics presented by the Applicant demonstrated that the top two or three floors of the proposed tall buildings were visible above the existing and under construction 50-foot tall townhomes on the Fortune Parc site. The representative suggested that the proposed increase in building heights would visually clutter the eastern skyline, as viewed from Potomac Springs, and would generate light pollution. He argued that the 150, 50-foot townhomes would sit in the "perennial shadow" of the tall buildings, separated only by a road dividing the Fortune Parc site and questioned whether the purchasers of those townhomes, still under construction at the

time of the Hearing, had been notified of the proposed amendment. (In response to a question from a Board Member, the representative acknowledged that he was not relying on a shade study to support the assertion that the townhomes would be in the shadow of the proposed buildings; he clarified his position, stating that there would be a "figurative" shadow but that he suspected a real shadow would be cast over the townhomes.) Potomac Springs also contended that, in addition to a finding of compatibility with existing and proposed adjacent development, the Zoning Ordinance requires the Board to determine whether the proposed height change achieves a maximum of such compatibility; he urged the Board to deny the proposed amendment on the ground that the Applicant had failed to demonstrate a maximum of compatibility. Potomac Springs advised the Board that it supported the stepping down scheme discussed by the Treasure Oak representative.

The Board also heard from several speakers in favor of the application, including representatives of civic associations, nearby residents, and individuals who have purchased condominiums in the tall structures and the 50-foot townhomes within the Fortune Parc development:

- The testimony of those speakers included statements that: the proposed height increases improved the attractiveness of the project and its compatibility by providing additional green space and relocating parking underground; the proposed amendment is not inconsistent with their expectations; there was an expectation that there would be revisions to the development; that the developer has met with residents concerning the project; that the proposal is consistent with Smart Growth concepts; and that the requested clarification of the number of stories is insignificant because the amendment does not propose an increase in the maximum building height of 100 feet. A representative of the West Montgomery Citizens Association, who characterized that organization as a watchdog for the Potomac and Subregion Master Plan, suggested that the proposed changes were consistent with that Master Plan and commented that the proposed changes did not alter the concept of the overall approved development; and, in fact, that they resulted in net gains because of the increased green space and relocation of parking subsurface.

The Applicant provided substantial testimony and presented exhibits in support of its position that the proposed amendments enhance the compatibility of the project.

- The Applicant commented that the amendment improves compatibility relative to the townhouses by replacing two tall monolithic structures that

would have run the entire length of the residential block and would have been located approximately 60 feet from the shorter 50-foot tall confronting townhomes. He informed the Board that the proposed amendment would push the proposed condominium building back approximately 200 feet from the face of the townhomes, save for approximately 40 percent of the frontage that would remain closer to the street. The Applicant noted that there would be a stepping back of the top two stories of the condominium buildings at the end of their respective wings, providing additional distance from the townhomes of the tallest parts of the structures. The Applicant noted that the proposed height changes would improve the relationship of the condominium building to the tall commercial buildings confronting to the east of Park Potomac Boulevard and create a much stronger pedestrian boulevard and enhances an important intersection through complementary massing. The Applicant commented that the proposed structures are located approximately 700 feet from the Treasure Oak community and 1,200 feet from Potomac Springs. He presented photographic exhibits to the Board, taken during the winter months, from vantage points in both Treasure Oak and Potomac Springs. Utilizing the exhibits, the Applicant commented that, even with the foliage off the trees, it is difficult to see the proposed development from Potomac Springs through the vegetative buffer and that the already-constructed 10-story building is barely visible. He further advised the Board that a vegetative buffer had been maintained on the Fortune Parc side of Seven Locks Road. With specific respect to the view from Treasure Oak, the Applicant commented that the views are dramatically obscured during the winter months and that when the trees contain leaves, the proposed development is completely obscured from that community. In response to Board questions as to whether a stepping down of the tall structures southward had been considered, the Applicant's representative reminded the Board that the topography of the site drops southward to Montrose Road, thereby providing a natural stepping down of the structures. He noted that the Master Plan identifies the subject property as a transition site. The Applicant testified that all purchasers of townhomes within the Fortune Parc development had been notified of the proposed changes and pointed out that no purchasers of those townhomes had expressed opposition to the proposed changes; and, furthermore, that the record contains correspondence from the developer of the Fortune Parc townhomes confirming such support and detailing the disclosure it provides to potential purchasers of the townhomes of the proposed changes to the condominium buildings.

b. Compatibility Analysis

For the following reasons, and those articulated at the Hearing, the Planning Board finds that the proposed structures and uses that are proposed in this Application are compatible with other uses and other site plans and with existing and proposed adjacent development.

(i) Use

The use of the buildings proposed for modification is not being changed from that approved by the original site plan; and, therefore, the Board's original findings with respect to compatibility of proposed use with other uses and other site plans and with existing and proposed adjacent development are applicable and reconfirmed. The Board finds that the change proposed from residential rental units to residential condominiums does not impact the compatibility of the proposal with other uses.

(ii) Structures

In analyzing the Application for amendment, the Planning Board considered the impacts of the proposed changes, from a compatibility standpoint, on existing and proposed adjacent residential and commercial development. As noted above and below, the opposition to the proposed amendments is from residential communities that are not immediately adjacent to the structures that are being modified; testimony and correspondence in the record from persons and organizations with an interest in the immediately adjacent residential communities demonstrate that those closer-in communities are in support of the modifications because they believe that compatibility with their communities will, in fact, be enhanced through approval of the proposed amendments. In finding that the proposed modifications render the proposed structures compatible, the Board considered the impact to all adjacent existing and proposed development but gives greater weight to the compatibility relative to development that is physically closer to the structures proposed for modification as the Board determines that such development is affected by the changes to a greater extent. The Board acknowledges that, had the Applicant simply proposed an increase in building height, the compatibility of those structures would have decreased; however, the record is clear that this Application counterbalances the increases in height with, among other things, a significant increase in open space and green space, resulting in an enhancement of the compatibility of the proposed development. The Board's analysis is set forth below.

(1) Compatibility with Existing and Proposed Adjacent Residential Development

The Board finds that the testimony and evidence of record supports a finding that the proposed height and massing changes of the subject Application are compatible with the existing and proposed adjacent residential development.

First, with respect to the Potomac Springs development, the Board finds that a substantial amount of testimony and evidence of record (which is set forth above, in greater detail), establishes that the proposed modified structures are compatible with that community: uncontested testimony and evidence of record establishes that a considerable horizontal separation of approximately 1,200 feet exists between the subject structures and Potomac Springs; photographic exhibits provided by the Applicant demonstrate that a substantial natural visual screen exists from the vantage point of the Potomac Springs community even during those times of year when trees have dropped their foliage, and that the fact that the upper two stories of a ten-story building may be visible does not render the proposed changes incompatible; Staff's description of its observations during a site visit bolster the photographic evidence discussed above, confirming that the significant horizontal separation, combined with considerable natural screening is sufficient to find compatibility; as viewed from Potomac Springs, the downward slope of the Subject Property from north to south will provide a natural stepping down of the subject structures (further emphasized by the lower height of the southernmost structure), some of which, it is reasonable to assume, based on testimony and evidence of record, will be obscured by the natural screen, if not the intervening 50-foot townhomes; and, finally, there is no credible evidence of record to support the opposition's contention that, conservatively, the upper 2-3 stories of buildings located 1,200 feet from Potomac Springs will generate levels of "light pollution" that will render the proposed structures incompatible.

Second, with respect to the Treasure Oak community, the Board similarly finds that a substantial amount of testimony and evidence of record establishes that the proposed modified structures are compatible with that community: uncontested testimony and evidence of record establishes that a significant horizontal distance of approximately 700 feet, including a major roadway, Montrose Road, separates the subject structures and Potomac Springs; photographic exhibits provided by the Applicant demonstrate that a substantial natural visual screen exists on the south side of Montrose Road, which serves to obscure much of the view of the



proposed development from the vantage point of the Treasure Oak community, even—as with Potomac Springs—during late Fall and Winter; the location of the shortest, 8-story structure at the southernmost end will serve to mitigate any potential visual impact; the natural stepping down of the subject structures, as a result of the site's topography, will further serve to mitigate any visual impact; there exists no credible evidence of record to suggest why a stepping down of structures from ten stories to a height of six stories at Montrose Road (as Treasure Oak), would render the proposed development compatible with Treasure Oak, while the proposed step-down to eight stories would not; as with Potomac Springs, there is no credible evidence of record to support the opposition's contention that the development will generate levels of "light pollution" that will render the proposed structures incompatible with Treasure Oak or why the proposed step-down to an 8-storey structure will result in light levels that are significantly different from those of Treasure Oak's preferred step-down.

Third, with respect to compatibility with the 50-foot townhomes located within the Fortune Parc development and immediately confronting the buildings proposed for change, the Board observes that compatibility has only been questioned by persons who have no interest in those townhomes, such as the representative from the wholly separate Potomac Springs community. The Board finds that a substantial amount of testimony and evidence of record establishes that the proposed modified structures are compatible with the townhomes: the townhomes, themselves, are four stories and 50-feet tall; testimony of Staff and the Applicant, as well as drawings in the record demonstrate that the proposed change from monolithic apartment buildings close to the street to the partially, and generously, set back taller condominium buildings will result in significantly more open and green space across the street from the most-affected townhomes; the proposed stepping back of the upper stories of the condominium represents another design accommodation aimed at maximizing the light and air to the confronting townhomes; expert technical staff testimony that the morning shadow cast onto the townhomes from the proposed structure will not be significantly different than the shadow that would have been cast by the formerly-approved monolithic residential building, because the new design sets back a majority of the façade a relatively long distance from the townhomes; and, finally, the relocation of all the formerly on-grade parking to underground structures significantly enhances compatibility by replacing significant amounts of paved parking area with green and other open space.

(2) Compatibility with Existing and Proposed Adjacent Commercial Development

The Board finds that testimony and evidence of record supports a finding that the proposed height and massing changes of the subject Application are compatible with the existing and proposed adjacent commercial development.

The approved 100-foot tall (maximum) commercial buildings within the Fortune Parc development are located across Park Potomac Boulevard from the residential buildings that are the subject of this application for an increase in height. The Board concurs with Staff and the Applicant that the increased height will enhance the compatibility between those commercial and residential buildings, as they will now relate better to each other because of their similar mass and scale. A similar height relationship between confronting residential and commercial structures was accepted and approved by the Board at the north end of Park Potomac Boulevard through the underlying site plan. The Board concurs with the Applicant that the proposed amendment will result in an aesthetically consistent pedestrian boulevard, bounded by structures of similar height and massing.

The Board finds that the proposed changes are compatible with the existing commercial structures to the north of the Fortune Parc development. Potomac Springs' representative contended that the proposed height modifications to replacement buildings 3 and 4 (100 feet) and 5 and 6 (84 feet) are wholly disproportionate to the neighboring shopping centers and to what he asserts are nearby commercial buildings of up to 50 feet in height. As a part of its approval of the underlying site plan, this Board has already determined that the two residential buildings at the north of the site (buildings 1 and 2—approved to heights of up to up to 100 feet) are compatible with the existing adjacent commercial development to the north. The Board finds that the proposed height increases are similarly compatible to neighboring existing commercial development and will have significantly less impact on such commercial development because (1) the residential buildings that are the subject of the increased heights are located south of buildings 1 and 2 and are, therefore, located farther away from the existing commercial structures; (2) because the Subject Property slopes southward, buildings 3 and 4, also approved for a maximum height of 100 feet, will be constructed at lower elevations and, consequently, will appear to be shorter than a 100 foot high building 1; (3) buildings 5 and 6, located at elevations even lower than buildings 3 and 4, and having an approved maximum height of 84

feet, will appear even shorter; and (4) graphic documentation of record demonstrates that buildings 1 and 2 are located between, and almost completely visually screen buildings 3 - 6 from the commercial buildings to the north of the Subject Property.

c. Code Section 59-D-3.4(d)

The Planning Board expressly rejects the assertion, made by an opposition speaker, that the Board is required to find that the proposal maximizes compatibility.<sup>1</sup> The contested provision of the Montgomery County Zoning Ordinance, § 59-D-3.4(d) states, in relevant part, that “[t]he Planning Board must not approve the proposed site plan if it finds that the proposed development would not achieve a maximum of compatibility, safety, efficiency, and attractiveness.” (Emphasis added.) The Board interprets this provision, which is set forth in a separate section from the five required site plan findings enumerated in Section 59-D-3.4(c), as directing the Board to disapprove proposed site plans if it determines that, in the aggregate, the considerations of compatibility, safety, efficiency, and attractiveness will not be maximized. In other words, the question is not whether the proposed development achieves a maximum of any one of those four considerations individually, but whether, on balance, the design yields a maximum of those potentially competing considerations. In support of its interpretation, the Board notes that (1) as discussed above, the 59-D-3.4(c) findings do not require a finding of a “maximum” of the factors of compatibility, adequacy, safety or efficiency; and (2) Section 59-D-3.4(d) calls for “a” maximum of several enumerated factors and not “the” maximum of each of those factors, which suggests the correct approach is the consideration of the interrelationship of all those factors in the aggregate and not in isolation, thereby permitting multiple acceptable solutions.

For the reasons stated above, the Planning Board has found, with the modifications proposed as a part of this amendment application, that (1) the development is adequate, safe, and efficient, taking into consideration the locations of buildings and structures, the open spaces, the landscaping, the recreation facilities, and the pedestrian and vehicular circulation systems; and (2) the development is compatible with other uses and other site plans and with existing and proposed adjacent development. The significant modifications to the site plan include the substitution of four taller residential structures for the two previously approved, 4-story residential apartment buildings, resulting in a

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<sup>1</sup> The Board observes that opponents to the Application solely argue that the development does not “maximize” compatibility and do not contend that the development does not achieve a “maximum” of safety, efficiency or attractiveness. Therefore, the Board finds that the safety, efficiency, and attractiveness of the proposed development is uncontested.

significant decrease in building footprints and permitting a proportional increase in open and green space. That change has enhanced the attractiveness of the development by removing two monolithic multi-family residential structures and their associated surface parking lots and replacing them with four structures with varying setbacks and step-backs that combine to provide significantly more green space and a much more interesting street experience. As such, the Board finds a significant enhancement of the attractiveness of the west side of the development. The Board also finds, as discussed above, that the attractiveness of the commercial east side of the development is enhanced by allowing for the construction of structures of a similar height and massing to frame the entire length of Park Potomac Boulevard.

Having considered each of the statutory factors in isolation, and having determined that the proposal satisfies each factor, the Board finds that those factors, when considered in the aggregate, will achieve a development with a maximum of compatibility, safety, efficiency, and attractiveness by: significantly increasing the amount of open and green space; replacing the previously approved monolithic structures with structures of a reduced footprint and interesting massing, including setbacks and step-backs; maintaining important pedestrian links between the townhome development on Ansin Circle and Park Potomac Boulevard and the transit center; and relocating a substantial amount of parking below grade.

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).

BE IT FURTHER RESOLVED, that this site plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

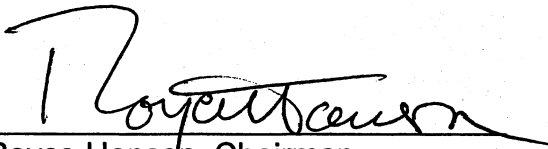
BE IT FURTHER RESOLVED, that the date of this written opinion is JAN 12 2007 (which is the date that this opinion is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules of Court – State).

\* \* \* \* \*

CERTIFICATION

At its regular meeting, held on Thursday, December 21, 2006, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner Robinson, seconded by Commissioner Wellington, with Commissioners Hanson, Perdue, Robinson, and Wellington voting in favor, and Commissioner Bryant absent, ADOPTED the above Resolution, which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Site Plan No. 82004015A, Fortune Parc.

  
\_\_\_\_\_  
Royce Hanson, Chairman  
Montgomery County Planning Board

ATTACHMENT H:  
CITIZEN LETTERS

**Hisel-McCoy, Elza**

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**From:** Linda Ackerman [lra@comcast.net]  
**Sent:** Wednesday, February 14, 2007 7:11 PM  
**To:** Hisel-McCoy, Elza  
**Subject:** Park Potomac Place

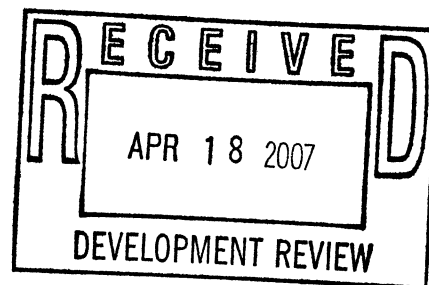
Dear Ms Hisel:

My husband and I are future residents of Park Potomac Place Condominiums.  
We understand what Foulger – Pratt envisions for our community vis-à-vis the retail amendment for the site plan.  
What a great, convenient addition to our Condo living to have a grocery store and restaurants and cleaner etc. to which we can walk .  
I hope you and your Park and Planning Committee see fit to passing the amendment.

Sincerely,  
Linda and Marshall Ackerman

**James A. Blalock III**  
12410 Ansin Circle Drive  
Potomac, MD 20854

April 17, 2007



Elza Hisel-McCoy  
Maryland National Capital Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Connection of Park Potomac Avenue and Fortune Terrace Drive

Dear Mr. Hisel-McCoy:

I am a new resident in the Park Potomac development and am writing to indicate my strong support for connecting Park Potomac Avenue and Fortune Terrace Drive. That connection will benefit everyone in the area, and will contribute to the creation of a vibrant community where Rockville and Potomac meet.

Feel free to call me at 202.293.8130 if you wish to discuss.

Sincerely,

A handwritten signature in black ink, appearing to be "JAB", written over the word "Sincerely,".

James A. Blalock III

JAB/rk

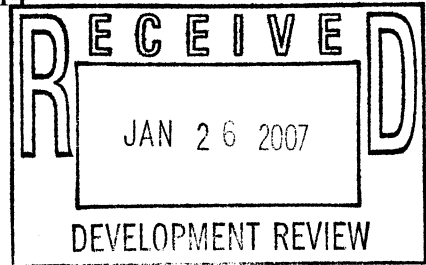
cc: Brent K. Pratt  
Foulger-Pratt Development, Inc.  
9600 Blackwell Road, Suite 200  
Rockville, MD 20850

Rockville City Council



5225 Pooks Hill Road, A29S  
Bethesda, MD 20814  
January 23, 2007

Mr. Robert Kronenberg  
Development review Division  
Maryland-National capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760



Dear Mr. Kronenberg,

In re: Park Potomac Place  
Potomac

This is in regard to our November 6, 2006 letter to you.

My wife and I wish to withdraw the aforementioned letter. While we wish that no building to include a hotel in any way obscured any part of the view we would have from our condominium, and while we still have a concern over whatever noise accompanies a hotel or any other building(s) conducting business nearby, we believe many of our concerns have been responded to by Foulger-Pratt, the developers of Park Potomac, and more specifically, one its two main principals and development leader, Brent Pratt. We do support a mix use for the community which we believe will be beneficial to the property owners

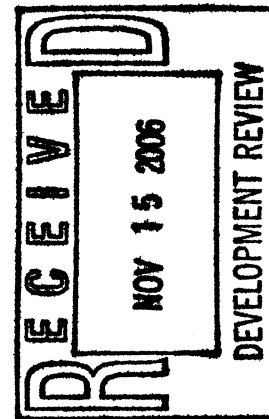
We appreciate the attention you showed toward our concerns. It speaks well of your office and you personally. From our recent visit to Park Potomac Place, we believe the developers intend to make it the kind of place that will make us proud as a property owner.

Thank you and our best wishes,

Brian M. & Judth M. Bruh

Two handwritten signatures in cursive script. The signature on the left is for Brian M. Bruh, and the signature on the right is for Judth M. Bruh.

Brian M. & Judith M. Bruh  
5225 Pooks Hill Road, A29S  
Bethesda, MD 20814  
November 9, 2006



Mr. Robert Kronenberg  
Development Review Division  
Maryland-National Capital Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760

Dear Mr. Kronenberg,

On Tuesday, November 7 we left you a telephone message regarding a serious concern we have concerning the condominium we purchased at Park Potomac. You are probably very busy and it is best that we put our concern in writing anyhow.

Originally, we were not told that there were plans to put a hotel in Park Potomac. Later on, we were informally (verbally) made aware of it. Ultimately, we saw plans for the area showing only 5 story high buildings. We acknowledge that the plans also showed a 'potential' for 100 foot high office buildings. We saw brochures that also showed the buildings to be facing in certain directions, not the direction where the hotel is designated in the most current plans. The plans showed us would have the building across from ours longer in depth and narrower in width, again just 5 stories high.

Now, the most current plans just sent us show that the hotel will be directly across the street from our building, that the hotel will be 10 stories high and that the direction of it changed, making it far wider and shorter in depth.

We are not accusing the developers in any way of being unethical, but the effect is something like that to us. By putting the hotel directly across from us we will have everything, including the noise and traffic that comes from a 24 hour 7 day a week operation. By turning the building so that it is wider then what was planned it will block much more of our view, and as the building will be twice as high as the plans that we knew of at the time of our purchase, we will be looking at the roof and air conditioning unit of the hotel-not the beautiful view promised us as the purchaser of a penthouse 10<sup>th</sup> floor apartment.


These are not inexpensive units and we would not be even mentioning that except we are not getting what was in fact presented to us. We and other original purchasers are 'captives' of what is being planned. If the hotel would be down the street in front of either of the buildings that remain to be built and have yet to sell the future condominiums within them, at least prospective purchasers would have all the facts and have the opportunity to purchase a condominium in those buildings or not.

The original purchasers like us bought in good faith. The hotel will affect the quality of our life there as any view that we had a right to expect based upon the information provided to us will be seriously diminished. Obviously, the value of our investment, and a home is an investment, will almost certainly be affected negatively as well.

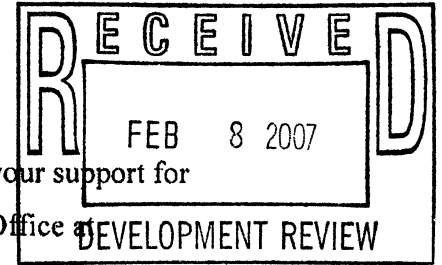
The bottom line is that we will not be getting what the developers, sales, and marketing people promised us. We do not wish to complicate the situation or to harm the developers in any way. We believe that ethically and therefore, best business practice would be to situate the hotel in a location where sales of units have not already been made. It would be fair to all and enhance the reputation of the developers.

We seek relief from your good offices. We would be pleased to answer any questions that you might have and to provide you with copies of Park Potomac brochures and plans. We look forward to hearing from you.

Sincerely yours,

  
Brian M. Bruh

  
Judith M. Bruh



If you have any further questions regarding how you can voice your support for the amendment or about the amendment itself please contact the Sales Office at (301)251-7726. We appreciate your support in creating a vibrant and livable community at Park Potomac.

Sincerely,

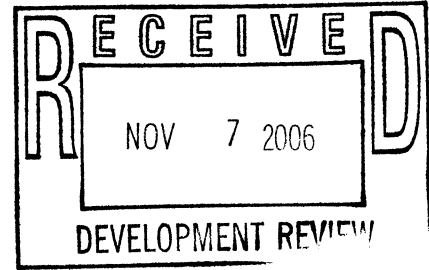
Brent K. Pratt  
Principal  
Foulger-Pratt Development, LLC.

Feb. 4, 07

Brent —  
I am on the run to Singapore for 3 weeks but wanted to rescind on my previous letter to you regarding the future planning for Park Potomac. Everything is expected but the views towards Bethesda + hope that view won't be an issue.

Thanks.

Lorraine Cohen  
Apt. 806 South  
301-775-4444



Subj: Park Potomac

Date: Nov. 3, 2006

Development Review Division  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Md. 20910-3760

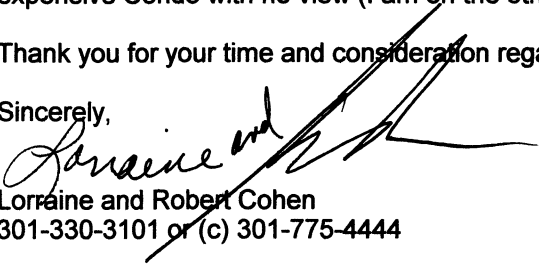
RE: #82004015B-Park Potomac (aka Fortune Park)

Dear Mr. Kronenberg:

I recently left a message pertaining to the above amendment. I am personally very concerned with the future plans of a hotel being built directly in front of our Condo! It was under our impression that an office building or suite hotel such as a Marriott would possibly be built across the way from us but not to exceed 5-6 stories high. When we purchased the Condo we knew ahead of time what to expect. Now, this whole complexion has changed and we are terribly disgruntled. Am I excited about moving? No, unless this new Hotel plan can be rectified, either moving down away or not higher than 6 stories. The traffic will be terrible all evening long and will block our view considerably. Had we known we certainly wouldn't have sold our house to move into an expensive Condo with no view (I am on the 8th floor). I could've moved to Bethesda for that!

Thank you for your time and consideration regarding this new Site Plan.

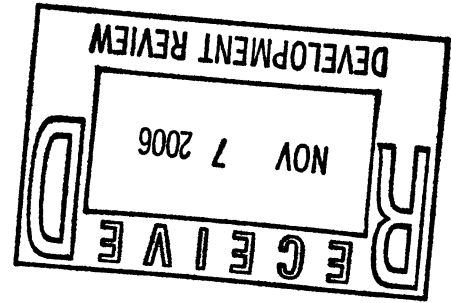
Sincerely,

  
Lorraine and Robert Cohen  
301-330-3101 or (c) 301-775-4444



5225 Pooks Hill Road  
Apt 812 S  
Bethesda, Maryland 20814

November 6, 2006



Ms. Cathy Conlon and Mr. Robert Kronenberg  
Development Review Division  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

REF: Park Potomac (aka Fortune Parc) Site Plan Amendment #82004015B

Dear Ms. Conlon and Mr. Kronenberg,

We are purchasers at Park Potomac Place and would like to voice our strong support of the referenced amended plan application to modify the proposed mix of uses in Phase II of the Park Potomac Project and to make associated changes to parking and building layout.

We believe these changes will result in a more vibrant and dynamic neighborhood setting while maintaining overall densities and traffic flow. Further, we would like the opportunity to address the Board should public hearings be scheduled on this matter.

Sincerely,

Bruce M. Fonoroff

Marge S. Fonoroff

CF: Mr. Brent Pratt, The Foulger-Pratt Companies  
Mr. Marc Weinstein, Sales Manager, Park Potomac Place

LAW OFFICES OF  
**GERALD I. HOLTZ, LLC**  
50 WEST MONTGOMERY AVENUE  
SUITE 200  
ROCKVILLE, MARYLAND 20850  
Telephone: 301-610-0777  
Facsimile: 301-279-7608

**D.C. OFFICE:**  
1050 17<sup>th</sup> Street, N.W.  
Suite 1250  
Washington, D.C. 20036  
202-783-5050



February 7, 2007

Ms Elsa Hisel-McCoy  
Maryland National Capital Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD. 20910

Re: *Park Potomac Site Plan Amendment*

Dear Ms Hisel-McCoy:

My wife and I are recent purchasers of a unit at Park Potomac Place. We will be moving into the condominium in the latter part of this month.

Originally, we had contracted to purchase a condominium at Rockville Town Square. We were excited about the prospect of living in a mixed use community which provided us with a grocery, retail, and restaurants, all within walking distance. This type of development, in my opinion, is one of the best examples of Smart Growth in that people can have available to them all of the conveniences of daily life without using a vehicle, or for that matter public transportation, to reach their destination. As a member of the Rockville Planning Commission, I was always interested in proposed projects that not only provided proximity to public transportation, but more important mixed use. In fact, most of the projects recently approved by the Commission have had mixed use components.

Unfortunately, our plans to move to Rockville Town Square have gone awry, and we were forced to look for alternative permanent housing. We chose the condominium at Park Potomac Place for a variety of reasons, one of which was its proximity to major roadways. While we were disappointed that we would not have the conveniences that Rockville Town Square promised, we ultimately concluded that Park Potomac Place with the small shopping center next door would at least provide us some retail that was in walking distance.

When we learned that the developer of Park Potomac had filed a site plan amendment which would change some of the uses in Park Potomac to retail, restaurants, and a grocery, we were thrilled at the prospect of having those amenities which we had sought in our original decision to purchase a unit at Town Square. We firmly believe that the addition of these additional uses will make Park Potomac the type of mixed use community which this area desperately needs. Not only will the addition of shops, restaurants, and a grocery provide ready conveniences to those who reside in Park Potomac, it will likely benefit those who live in the surrounding neighborhoods.

LAW OFFICES OF  
**GERALD I. HOLTZ, LLC**

Ms Elsa Hisel-McCoy  
Re: *Park Potomac Site Plan Amendment*  
February 7, 2007

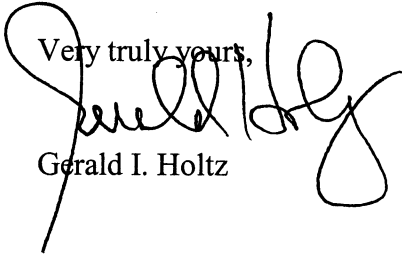
Page two

Consequently, my wife and I are completely supportive of the proposed site plan amendment and hope that is given prompt and positive consideration by Park and Planning.

Should you wish to discuss this matter further with me, please feel free to contact me.

Thank you.

Very truly yours,

  
Gerald I. Holtz

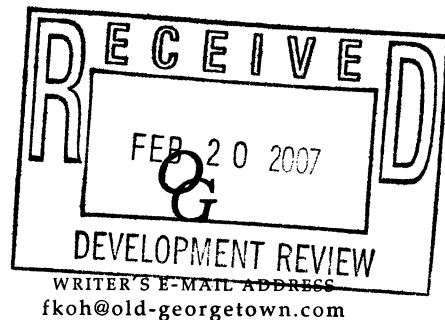
GIH/  
cc: Foulger-Pratt

**KOH LAW FIRM, LLC.**  
AT OLD GEORGETOWN

11406 OLD GEORGETOWN ROAD  
N. BETHESDA, MARYLAND 20852  
TEL: 301-881-3600  
FAX: 301-984-7631



WRITER'S DIRECT NUMBER  
(301) 257-4321



February 13, 2007

Robert Kronenberg, Development Review  
MN-CPPC  
8787 Georgia Ave.  
Silver Spring, MD 20910

**BY MAIL**

Re: Park Potomac, Plan 12003029A

Dear Mr. Kronenberg:

My client, Joan Kim, has resolved her dispute with Park Potomac in the above-captioned matter. Ms. Kim is no longer a purchaser or entitled to any contract rights to the Park Potomac Development and thus has no economic interests in the project. Accordingly, Ms. Kim would like to withdraw her complaint and objections filed previously to Park and Planning. If you have any questions or concerns, please feel free to contact me. Thank you.

Very Truly Yours,  
Koh Law Firm

Francis Koh  
Attorney At Law

FK/th

Cc: Joan Kim; Brent Pratt

Ezra Hesel-McCoy  
Maryland National Capital Park and Planning Commission  
8787 Georgia Avenue  
Adelphi Spring, Md 20910

February 17, 2007

re: Park Potomac

Dear Ms McCoy,

My wife and I will be residents in the North building at Park Potomac Place Condominiums,

At the December 14<sup>th</sup> Clubhouse meeting representative from Folger-Pratt explained the proposed amendments to the site plan.

We fully support the mixed use environment that is being created at Park Potomac. The convenient lifestyle created through the addition of amenities such as a grocery store and restaurants is a positive addition to the neighborhood. This is what we want for our community.

Sincerely  
Alfred Chapman M.D.  
8904 Iron Gate Court  
Potomac Md 20854



**Hisel-McCoy, Elza**

**From:** Luber, Joe [JLuber@buckleykolar.com]  
**Sent:** Wednesday, April 18, 2007 10:29 PM  
**To:** Hisel-McCoy, Elza  
**Subject:** Park Potomac

The Luber family has lived in Montgomery County for 40 years, having spent the last 25 in the Rockville area only minutes from the Park Potomac Development. When construction began a few years ago, we visited the Sales Office and were so impressed by the site plan that we purchased a Condo Unit in the soon to be completed North Building. Some of the reasons for purchasing the Condo are as follows:

1. Down sizing from a large home
2. Proximity to our current home and friend of many years
3. Proximity to major highways
4. A project being built by high quality developers with excellent reputations
5. A beautiful site plan
6. A community that would include a major full service grocery store
7. Hotel for out of town guests
8. Small shops and restaurants
9. Open space
10. Underground Parking
11. Homes buffered from 270 by Office Buildings

While we are certainly aware that there have been some modifications of the original site plan for the development, each change or proposed change has enhanced the Park Potomac Community. Brent Pratt of Foulger-Pratt has kept all purchaser apprised of proposed amendments to the site Plan.

It is the hope and desire of the Luber's that the current proposed site plan amendment be approved.

Should you require any additional information or comments, please do not hesitate to contact me.

Thank you!

Joseph Luber, CFO  
Buckley Kolar LLP  
Attorneys at Law  
1250 24th Street NW  
Washington DC 20037  
202 349-8000 (Firm)  
202 349-8034 (Direct)  
202 349-8080 (FAX)  
jluber@buckleykolar.com

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\*\*\*\*\*

**Hisel-McCoy, Elza**

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**From:** Nick Marzella [marzella@msn.com]  
**Sent:** Wednesday, April 18, 2007 11:35 AM  
**To:** Hisel-McCoy, Elza

I am writing to express my support for the site plan amendment at Park Potomac. I am a current resident at Park Potomac (The Brownstones), 12414 Ansin Circle Drive.

One of the main reasons that my wife and I purchased at Park Potomac was the overall plan for a mixed use community that would create a neighborhood with many conveniences a short walk away. Of particular interest is the planned grocery store and retail spaces. The site plan details were presented by Brent Pratt at a meeting of residents of Park Potomac last week. I believe I can speak for all residents and future residents by saying that we are excited about the overall plan and look forward to its final approvals and groundbreaking.

We are all hopeful that final approvals can be granted shortly so that we can then turn our attention to watching the vision of Park Potomac emerge as a reality. My wife and I would appreciate your support for this very dynamic and exciting addition to life in Montgomery County.

Regards,  
Nick Marzella

**Hisel-McCoy, Elza**

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**From:** pbohare@comcast.net  
**Sent:** Monday, February 19, 2007 4:55 PM  
**To:** Hisel-McCoy, Elza  
**Subject:** Park Potomac Site Plan Amendment

Dear Ms. Hisel-McCoy:

My wife and I are owners of one of the condo units at Park Potomac. We strongly support the site plan amendment being advocated by Foulger and Pratt to add certain amenities to the site, e.g, a grocery store and restaurants. This would enable residents of the development to walk to these sites, keeping additional traffic off of Seven Locks Road and Wooton Parkway.

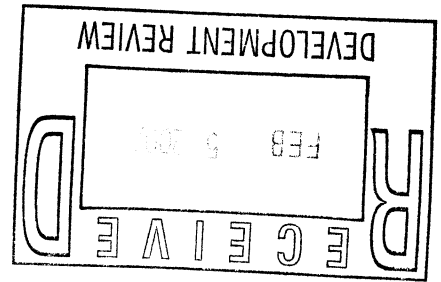
Indeed, one of the reasons we bought there was the concept of having these amenities easily available.

We urge you to support the F&P amendment.

Sincerely yours,

Barbara and Patrick O'Hare  
Unit 303 S  
Park Potomac Place  
(301) 279 2496

6/11/2007



9900 Harrogate Road  
Bethesda, Maryland 20817

January 24, 2007

Development Review Division  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

ATTN: Robert Kronenberg                      RE: #82004015B – Park Potomac (aka Fortune Park)

Dear Mr. Kronenberg:

I would like to rescind my letter of November 1, 2006.

After careful consideration and re-evaluation, as well as hearing further about the plans and visions for Park Potomac, I have decided to agree with the plans for a hotel.

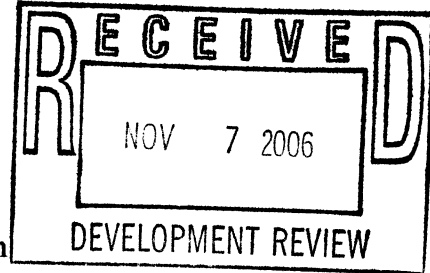
Most Sincerely,

Marilyn and Ronald Rudden  
301-469-7832

9900 Harrogate Road  
Bethesda, Maryland 20817

November 1, 2006

Development Review Division  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760



ATTN: Robert Kronenberg

RE: #82004015B – Park Potomac (aka Fortune Park)

Dear Mr. Kronenberg:

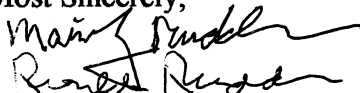
As per our telephone conversation, I am writing to you with my concerns regarding the above mentioned amendment.

I am a purchaser of a condo in Park Potomac. We signed a contract to purchase in this project in January, 2005 and at that time there was not any mention of a hotel. We were shown plans and saw a 5 story office building in front of our building. As the project got under way a hotel came into the picture but it was stated, by the builders, at one of the new owner's parties, that it would be "in the back". We were not concerned with a hotel when it was projected to be in Building "E", BUT now it has been moved into the position of "F". What was supposed to be a 5 story building is now potentially a building of 9 – 10 stories (100 ft) directly in front of our building. Had we known about this when we made the purchase we would have had the option of either buying or not buying. This has come as a "surprise".....albeit, not a pleasant one. What was supposed to be an office building that typically closes at 7 PM would now be a hotel operating 24/7. This area is being built to maximum density and this will certainly have an affect on parking.

I feel as though I have been "hoodwinked".....now that we are in the process of planning the move and the upcoming settlement..... things have changed. I am not against a hotel being on the main street but move it down to buildings "A", "B", "C", "D" or "E". This is not a situation of "not in my backyard".....the purchasers of the upcoming buildings will know in advance what they will be facing.

I thank you for considering my concerns when reviewing the Site Plan Major Amendment #82004015B – Park Potomac – aka Fortune Parc.

Most Sincerely,

  
Marilyn and Ronald Rudden  
301-469-7832



## Hisel-McCoy, Elza

---

**From:** Diane Schweber [dlschweber@comcast.net]  
**Sent:** Wednesday, April 04, 2007 8:35 AM  
**To:** Hisel-McCoy, Elza  
**Cc:** sjschweber@comcast.net  
**Subject:** Support for Park Potomac Site Plan Amendment

**Importance:** High

April 4, 2007

Dear Mr. Hisel-McCoy,

This e mail is sent to express our support for the Park Potomac Project. We look forward to moving into a condo unit in the North Building in about a year; upon it's completion. We have seen the quality of work the Foulger-Pratt company displays and their professional approach to insure the community concept is secured. This is very impressive and we believe that their plans are very positive and if approved, will insure a wonderful community within Potomac.

Thank you for your consideration of the project and for your good work in coordinating the new with the old interests of this important Potomac community.

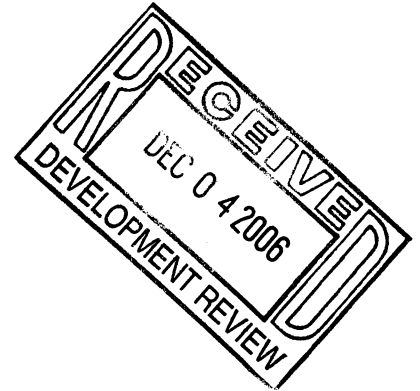
Sincerely,

Diane and Saul Schweber  
16107 Oak Hill Road  
Silver Spring, MD 20905

Diane L. Schweber  
dlschweber@comcast.net  
301 -384-2334  
Cell: 301- 370 -6265  
Fax: 301- 421- 9786

**Steven M. Wasser**

1127 Halesworth Dr.  
Rockville, MD 20854  
301 537-8649



Department Review Division  
MNCPPC  
8787 Georgia Ave  
Silver Spring, MD 20910-3760  
Attn: Robert Kronenberg

11/29/06

Case #82004015B

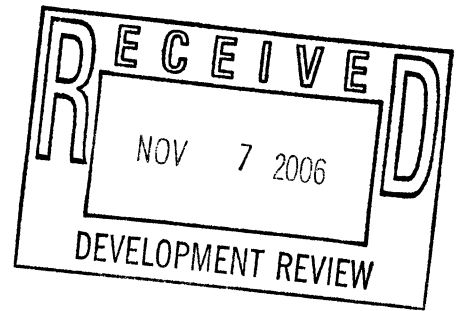
Mr. Kronenberg,

I would like to retract my letter of 11/3/06 opposing the changes to the above case #. I have had the opportunity to review these changes in great detail and I am in favor of these changes and the positive impact they will have on the community.

Sincerely,

Steve Wasser

Steven M. Wasser  
1127 Halesworth Dr  
Rockville, MD 20854  
301537-8649



Department Review Division  
MNCPPC  
8787 Georgia Ave  
Silver Spring, MD 20910-3760  
Att: Robert Kronenberg

Nov. 3, 2006

Case # 82004015B

Mr. Kronenberg,

I am currently a contract purchaser at Park Potomac Place in Potomac. I have been a contract holder for over 1 year. Since my contract ratification, I have received numerous changes to the development which seemed in line with the original purchase thought about community when I went to contract. The current proposal of adding a Hotel would never have been acceptable to me at original contract date. I would not have contemplated purchase of a Condo with a Hotel not only in my neighborhood but at my front door. This not only totally changes the dynamics of the neighborhood but adds probable congestion and noise that I had not anticipated. It seems totally unfair that a developer could give purchasers a layout of the community that is relied on by purchasers in their decision to purchase and totally change the plan based on market condition change. Basically it seems like a community "**Bait and Switch**". We think we are purchasing X, but it can change at any time depending on the economic "wind blowing". What will be next if the real estate market deteriorates more. Will the builder want to build car repair shops if they look profitable? Basically, I am saying, Leave what I have committed to purchase alone. If not the developer should allow all purchasers a period of time to rescind the contract based on the above objections.

Thank you for the opportunity to express my opinion.

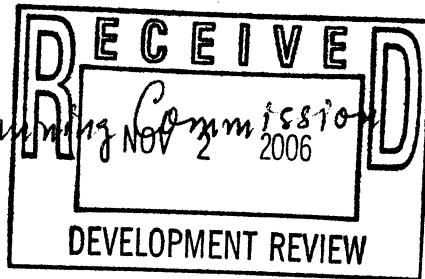
Sincerely,

A handwritten signature in black ink, appearing to be "Steven M. Wasser", written over a horizontal line.

Steven M. Wasser

Oct. 31, 2006

Development Review Division,  
Maryland-National Capital Park + Planning Commission  
8787 Georgia Ave.  
Silver Spring, Md, 20910-3760  
Attn: Robert Kronenberg



Re: Site Plan Amendment # 82004015 B (Park Potomac)

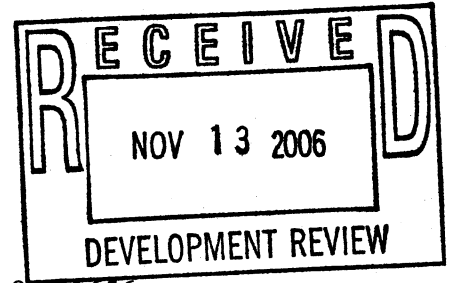
I would like to attend a hearing in regard to this amendment. I object to the location of the proposed site of the 156 room hotel, my wife + I purchased a condo unit which is exactly opposite the proposed site.

Please notify me of the time + place of the hearing.

Sincerely,

Dr. Howard I. Ratain  
5801 Nicholson Lane #1735  
N. Bethesda, MD, 20852  
301-770-3928

**Joan B. Roth**  
6309 Haviland Drive  
Bethesda, Maryland 20817



Phone: Home (301) 229-0262

Office: (301) 961-1656

November 7, 2006

Mr. Robert Kronenberg  
MNCPPC, Development Review Division  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Park Potomac (aka Fortune Parc)  
Plan #82004015B

Dear Mr. Kronenberg:

I am very much against the proposed Hotel to be built directly across the street from my new condominium on Park Potomac Avenue.

This 100ft building would block my view of anything but a wall. When I purchased this condominium, I was told that there would be office buildings across the street - to be 5 or 6 stories tall. I bought on the 7th floor.

Most office buildings are closed at night and on weekends. A hotel would entail a lot more traffic on the street at all times, and it would create even more unwanted traffic at night and on weekends, when I look forward to peace and quiet.

In case of an emergency - a fire, perhaps - could the necessary equipment have access to Hotel and Condominiums across from one another on a street as narrow as Park Potomac Avenue?

I feel that the placement of a hotel on the proposed sight would be a breach of good faith, at the very least!

Thank you for your courtesy and information on the phone and any help you can give us in this matter.

Sincerely,

A handwritten signature in black ink that reads "Joan B. Roth". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Joan B. Roth

ATTACHMENT I:  
REVIEWING AGENCY APPROVALS



EPD Recommendation to Dev Rev Div: Hold for revision/additional information

**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
DEVELOPMENT REVIEW COMMITTEE RECOMMENDATIONS**

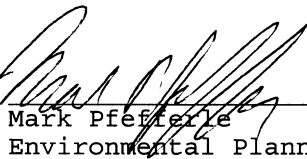
TO: Cathy Conlon and Robert Kronenberg  
Development Review Division

SUBJECT: Plan #1-03029A and 8-04015B, Name Park Potomac (AKA Fortune Parc)  
DRC date: January 2, 2007

The above-referenced plan has been reviewed to determine if it meets requirements of the Chapter 22A of the Montgomery County Code, the Forest Conservation Regulations, Guidelines for Environmental Management of Development in Montgomery County, and other county regulations that may apply. The following recommendations are made for the DRC meeting:

1. The preliminary plan of subdivision and the site plan must both show the Category I conservation easements on Phase I and the Category II conservation easement on Phase II. Neither were shown on the plans submitted.

SIGNATURE:

  
Mark Pfeiffer  
Environmental Planning Division

DATE: December 18, 2006

cc: VIKA

**Reminder:** Address your submissions/revisions to the Reviewer who completed the Comments sheet.  
Put the Plan numbers on your cover/transmittal sheets.



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## FIRE MARSHAL COMMENTS

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**DATE:** JUNE 11, 2007  
**TO:** ELZA HISEL-MCCOY - VIKI  
**FROM:** TYLER MOSMAN  
**RE:** **PARK PATOMAC 8-2004015B**

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### **PLAN APPROVED.**

1. Review based only upon information contained on the plan submitted **02-1-07**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

cc: Department of Permitting Services

MNCPPC-MC

Feb 08 07 04:28p

DPS LAND DEV. DIVISION

240-777-6339

p.2



## DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

February 8, 2006

Reginald Jetter  
Acting Director

Mr. Jeff Amateau, P.E.  
VIKA, Inc.  
20251 Century Boulevard, Suite 400  
Germantown, MD 20874

Re: Stormwater Management **CONCEPT** Request  
for Revision for Park Potomac (Fortune Parc),  
Montrose Ramp and Sidewalk  
Preliminary Plan #:  
SM File #: 206882  
Tract Size/Zone: 55.3 Acres/ I-3,OM  
Total Concept Area: 55.3  
Lots/Block: 1-150/G  
Parcel(s): 1 - L; O - V  
Watershed: Cabin John Creek

Dear Mr. Amateau:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site channel protection measures via the upgrade and use of a nearby SHA pond and three on-site sand filters with CPV volume provide within each facility. Channel protection volume is not required for the Montrose ramp improvements and sidewalk because the one-year post development peak discharge for this area is less than or equal to 2.0 cfs. Water quality for a portion of the site will be provided in the SHA pond. Pretreatment of on-site drainage to the SHA pond will be provided via a forebay, two aquaswirls, three biofilters and six Vor Sentry structures or equivalent hydrodynamic devices. The remainder of on-site water quality control will be provided via three sand filters. A volume based sand filter fed by a flow splitter will provide water quality control for an impervious area equivalent to the increased impervious area for the Montrose ramp improvements and associated sidewalk and roadways off of Montrose Road into the Park Potomac development. On-site recharge will be provided in two sand filters and via infiltration for the Montrose Road ramp and associated improvements. In lieu of providing stormwater management for the entranceway off of Seven Locks Road (not including any proposed widening of Seven Locks Road), control will be provided for a larger off-site area that drains into the site and ultimately to the SHA pond.

The following **items** will need to be addressed **during/prior to the detailed sediment control/stormwater management plan stage**:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.



Feb 08 07 04:28p

DPS LAND DEV. DIVISION

240-777-6339

p. 3

5. Approval obtained from all required agencies for all land disturbances within the floodplain and stream valley buffer.

Please note that the fill placement and foundation systems for the proposed buildings will be required to follow the Department of Permitting Services (DPS) complex structure approval due to the nature and complexity of the project. As such, the fill placement and foundation systems must be constructed under the supervision of a DPS approved geotechnical engineer licensed in the State of Maryland. This engineer must certify and submit reports on the compaction and soil bearing capacity of the fills and certify that the fill is adequate for the proposed foundation systems. If you have any questions, please call Ye Jiang, 240-777-6234.

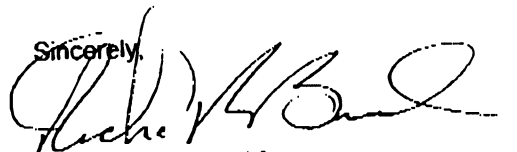
This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Ellen Rader at 240-777-6336.

Sincerely,



Richard R. Brush, Manager  
Water Resources Section  
Division of Land Development Services

RRB:dm CN206882.RevisedParkPotomac

cc: C. Conlon  
S. Federline  
SM File # 206882

QN -on-site, off-site;  
QL - on-site; off-site;  
Recharge is provided

Acres: 55.3  
Acres: 55.3

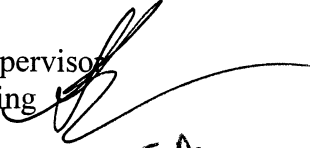



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

June 6, 2007

**MEMORANDUM**

TO: Richard Weaver, Planner/Coordinator  
Elza Hisel-McCoy, Site Plan Reviewer  
Development Review Division

VIA: Shahriar Etemadi, Supervisor  
Transportation Planning 

FROM: Ed Axler, Planner/Coordinator   
Transportation Planning

SUBJECT: Preliminary Plan No. 12003029A (Phase I, II, & III)  
Site Plan No. 82003040A, Phase III  
Park Potomac (Fortune Parc)  
Potomac Policy Area

---

This memorandum is Transportation Planning staff's Adequate Public Facilities (APF) review of the subject amended preliminary and site plans to revise the Phase III commercial land uses within the overall mixed-use development in the I-3 and O-M zones.

**RECOMMENDATIONS**

We recommend the following conditions as part of the APF test for transportation requirements related to the subject amended preliminary and site plans:

1. The applicant must limit the proposed development to the following land uses:
  - a. Phase I: Townhouses up to 150 units
  - b. Phase II: High-rise apartments up to 450 units
  - c. Phase III:
    - 1) General retail uses up to 145,000 square feet.
    - 2) General office use up to 470,000 square feet
    - 3) Hotel up to 156 guest rooms

2. The applicant must coordinate with the Maryland State Highway Administration (SHA) regarding a possible future easement for additional right-of-way of a potential I-270 widening.
3. Prior to approval of certified site plan, identify on the plan for review and approval by Transportation Planning staff the ultimate locations of 75 bicycle parking facilities (i.e., inverted-U bike racks and lockers) within the Phase II apartments and Phase III commercial development. The bicycle parking facilities must be strategically placed to serve residents, employees, visitors, and retail patrons (who park their bicycles for with shorter time periods).
4. The applicant must retain other transportation-related conditions of approval for Preliminary Plans No. 1-20030290 and Site Plans No. 820040120 (Phase I) and No. 820040150 (Phase II) that include the following conditions of approval (refer to Attachment No. 1, the Planning Board's preliminary plan opinions dated July 25, 2003):

a. Condition No. 2: Construct the following intersection improvements to satisfy Local Area Transportation Review:

- 1) Reconfigure the southbound approach of Tower Oaks Boulevard at the intersection with Montrose Road to use the center lane as a second left-turn lane in addition to the currently permitted right turning movement.
- 2) Construct a separate free-flow right-turn lane on the northbound approach of Seven Locks Road at the intersection with Tuckerman Lane.

These two intersection improvements must be under construction before releasing any building permits.

b. Condition No. 3:

- 1) Install a traffic signal at the intersection of Seven Locks Road and the site's main east-west access road, Cadbury Avenue.
- 2) Provide for a northbound right-turn lane and a southbound left-turn lane from Seven Locks Road into Cadbury Avenue.

c. Condition No. 5: Install a traffic signal at the intersection of Seven Locks Road and Twin Oak Drive, if warranted.



- d. Condition No. 6: Comply with the *Potomac Master Plan* by study the feasibility of operating and implement a shuttle bus service or other transit connections from the site to the nearest Metrorail Station.
- e. Condition No. 8: Satisfy the *I-3 Traffic Mitigation Guidelines* by entering into a traffic mitigation agreement (TMAg) with the Planning Board and the Montgomery County Department of Public Works and Transportation (DPWT) to reduce the peak-hour trips by six percent where the peak-hour trips are determined using standard trip-generation rates. The TMAg must be signed and executed by all parties prior to the issuance of any building permits for the Phase III commercial land uses.

## **DISCUSSION**

### **Site Location and Vehicular Access Points**

The proposed mixed-use development is located on the north side of Montrose Road between I-270 and Seven Locks Road. The vehicular access points are from Seven Locks Road, Montrose Road, and directly from southbound I-270. As part of concurrent Site Plan No. 82004012B, the access from the Montrose Road is proposed to be changed to permit a westbound egress and an eastbound ingress to/from Montrose Road. Currently approved plan permit only a westbound ingress from Montrose Road, an eastbound egress to Montrose Road, and both ingress/egress from southbound I-270.

### **Available Transit Service**

The two bus routes that currently serve this site are as follows:

1. Ride-On route 47 operates along Seven Locks Road
2. Ride-On route 83 operates on along Seven Locks Road between Montrose Road and Postoak Road and along Montrose Road west of Seven Locks Road and.

### **Pedestrian Facilities**

Sidewalks exist along Seven Locks Road, and a shared use path for pedestrians and bicyclists exist along Montrose Road. The plan includes lead-in sidewalks and handicapped/ADA accommodations.

### **Master-Planned Recommended Roadways and Bikeways**

In accordance with the *Potomac Master Plan*, the nearby master-planned roadways are designated as follows:

1. Montrose Road between Falls Road (MD 189) and I-270 is designated as an arterial, A-293, with a recommended 140-foot minimum right-of-way. The

segment east of I-270 to Old Bridge Road is within the *North Bethesda/Garrett Park Master Plan* and is designated as an arterial, A-90, with a recommended 300-foot minimum right-of-way.

2. Seven Locks Road is designated as an arterial, A-79, with a recommended 80-foot minimum right-of-way.
3. Dwight D. Eisenhower Highway, I-270, is designated as a freeway, F-1, with a recommended 300-foot minimum right-of-way.

Fortune Terrace is located within the City of Rockville corporate limits. Currently this road has a 44-foot-wide paved travelway with an eight-foot-wide asphalt path on the north side for pedestrians and bicycles. In accordance with the *City of Rockville Comprehensive Master Plan*, Fortune Terrace is designated as a primary industrial road that functions as major collector carrying between 5,000 and 20,000 vehicles per day.

In accordance with the *Countywide Bikeways Functional Master Plan*, the nearby bikeway facilities are as follows:

1. A shared-use path, SP-50, is designated on the north side of Montrose Road.
2. A dual bikeway, DB-3, is designated on Seven Locks Road.

#### On-Going Transportation Projects

The following roadway projects are under construction or being planned:

1. Montrose Parkway West

DPWT's CIP Project No. 500311, Montrose Parkway West, is for the following transportation infrastructure:

- a. Construct a four-lane divided roadway between Old Old Georgetown Road and approximately 600 east of Tildenwood Drive.
- b. Widen Montrose Road from four-lane undivided to six-lane divided between Tower Oaks Boulevard and Montrose Parkway.

This CIP project is under construction and has construction funding through 2010.

2. I-270 Express Toll Lane Feasibility Study

SHA has requested in their May 21, 2007-letter (Attachment No. 2) that the Planning Board includes a condition of approval to reserve sufficient right-of-way to facilitate the ultimate I-270 configuration for the current worse case scenario -- Alternative 4 of the on-going Express Toll Lanes Feasibility Study. The possible impact on the subject site would be on the parking and outer circulation road for

approximately 500 feet of right-of-way along the eastern property line with a maximum width of 50 feet.

Transportation Planning staff does not recommend reservation at this time for the following reasons:

1. The master planned 300-foot-wide right-of-way for I-270 already exists.
2. The ultimate configuration of I-270 referenced in the SHA letter is not recommended in the County's Master Plan of Highways.
3. No study to amend the Master Plan or for this portion of I-270 is underway by Planning Department staff.

Further coordination between the applicant and SHA should occur so that the applicant can determine whether any revisions to the site plan in the near term are desirable to minimize the potential for property impacts in the long term.

#### Traffic Mitigation Requirements

The traffic mitigation requirements are as follows:

1. In accordance with the *I-3 Traffic Mitigation Guidelines*, I-3 zoned land within the Potomac Policy Area must reduce the peak-hour trips by six percent -- where peak-hour trips are determined using standard trip-generation rates.
2. In addition, the *Potomac Master Plan* recommends the following traffic mitigation measures in the sixth bullet on page 52 (refer to the attached pages from the *Potomac Master Plan*):

“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 subject mixed-use development is located outside the North Bethesda Transportation Management District boundaries.

#### Local Area Transportation Review (LATR)

Table No. 1 shows the net change in trips generated by the revised proposed land uses versus the previously approved land uses within the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.):

Table No. 1: Trips Generated by Revised Proposed development vs. Previously Approved Land Uses

Type of Land Use	Square Feet or Number of Units or Hotel Rooms	Weekday Peak-Hour Trips	
		Morning Total (New External)	Evening Total (New External)
<b>Revised Proposed Land Uses:</b>			
General Office Use	570,000 sq. ft.	961( 942)	841( 794)
General Retail Uses	145,000 sq. ft.	331( 192)	1,324( 664)
Garden Apartments	450 units	183( 163)	213( 138)
Townhouses	150 units	75( 67)	107( 70)
Hotel	156 rooms	71( 60)	92( 59)
<b>Total Peak-Hour Trips</b>		<b>1,621(1,424)</b>	<b>2,577(1,725)</b>
<b>Previously Approved Land Uses:</b>			
General Office Use	820,000 sq. ft.	1,386(1,330)	1,201(1,121)
General Retail Uses	15,000 sq. ft.	46( 23)	185( 90)
High-Turnover Sit-Down Restaurant	15,000 sq. ft.	139( 69)	163( 80)
Garden Apartments	450 units	183( 155)	213( 181)
Townhouses	150 units	75( 63)	107( 91)
<b>Total Peak-Hour Trips</b>		<b>1,829(1,640)</b>	<b>1,869(1,563)</b>
<b>Net Change in Peak-Hour Trips</b>		<b>- 208(- 216)</b>	<b>+ 708(+ 162)</b>

Total trips include new, pass-by, and diverted trips. New trips occur when the site is the primary origin or destination of trips. Pass-by trips occur when travelers stop at this site on their way along Seven Locks Road or Montrose Road. Diverted trips are routes that travelers change slightly to stop at the site for a secondary trip purpose.

Total trips also include internal and external trips. Internal trips do not leave the site and have both their origins from and destinations to on-site land uses. External trips have their origins from an on-site land use and their destinations to an off-site location or visa-versa.

A traffic study was required to satisfy the LATR because the revised proposed land uses generate more peak-hour trips than what was estimated for the previously approved land uses during the weekday evening peak hour and the total numbers of peak-hour trips are 30 or more.

Table No. 2, as Attachment No. 3, shows the Critical Lane Volume (CLV) values at the analyzed intersections. At the following intersections, improvements are required to satisfy the APF/LATR test for the revised proposed land uses:

1. Montrose Road and Tower Oaks Boulevard: The improvement on the southbound approach of Tower Oaks Boulevard described in Recommendation No. 4a1 would

increase the capacity that would result in reducing the CLV below the 1,550-congestion standard.

2. Seven Locks Road and Tuckerman Lane: The improvement on the northbound approach of Seven Locks Road described in Recommendation No. 4a2 would increase the capacity that would result in reducing the CLV below the 1,475-congestion standard.

These intersection improvements were the same as the two improvements required to satisfy the APF test for the previously approved land uses as Preliminary Plan No. 120030290 on July 31, 2003.

EA: tc

Attachments

cc: Tom Autrey  
John W Guckert  
Barbara Kearney  
Chuck Kines  
KristinO'Connor  
Fiona Thomas  
Barbara Sears  
Russell Walto

mmo Weaver Hisel-McCoy re Potomac Park 12003029A 803040A.doc

# Attachment 1



Date Mailed: July 25, 2003

Action: Approved Staff Recommendation  
Motion of Comm. Robinson, seconded by  
Comm. Bryant with a vote of 5-0;

Comms. Berlage, Bryant, Perdue,  
Robinson and Wellington voting  
in favor

## MONTGOMERY COUNTY PLANNING BOARD

### OPINION

Preliminary Plan 1-03029

NAME OF PLAN: FORTUNE PARC

On 10/28/02, F.P. HOMES ASSOCIATES submitted an application for the approval of a preliminary plan of subdivision of property in the I-3 and O-M zones. The application includes 54.9 acres of land. The application was designated Preliminary Plan 1-03029. On 7/03/03, Preliminary Plan 1-03029 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-03029 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-03029.

Approval, Including Abandonment of an Unimproved Public Right-of-Way 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 – 30,000 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) Although not required as a condition of the preliminary plan, if Applicant wishes to pursue a third access point to the Fortune Parc Development, then Applicant will 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.
  - 5) 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.
  - 6) 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).
  - 7) 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.
  - 8) 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.
  - 9) 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.
  - 10) 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.
  - 11) 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.

- 12) Final approval of a Planning Board resolution for abandonment of a portion of the unimproved right-of-way prior to recordation of plat(s)
- 13) Record plat to reflect a Category I easement over all areas of forest conservation
- 14) Record plat to reflect common ingress/egress and utility easements over all shared roadways and driveways
- 15) 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
- 16) 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
- 17) Compliance with the conditions of approval of the MCDPS stormwater management letter dated, March 11, 2003
- 18) Compliance with conditions of approval of MCDPWT letter dated, June 23, 2003, unless otherwise amended
- 19) 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
- 20) No clearing, grading or recording of plats prior to site plan enforcement agreement approval
- 21) 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
- 22) Final number of MPDU's and TDR's (maximum of 150 TDR's) as per condition #14 above to be determined at the time of site plan
- 23) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff
- 24) 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
- 25) 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
- 26) Other necessary easements

M-NCPPC



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760  
301-495-4500, [www.mncppc.org](http://www.mncppc.org)

**MONTGOMERY COUNTY PLANNING BOARD**

**OPINION**

**DATE MAILED:** March 19, 2004

**SITE PLAN REVIEW #:** 8-04015

**PROJECT NAME:** Fortune Parc

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*Action: Approval subject to conditions. Motion was made by Commissioner Robinson, seconded by Commissioner Perdue, with a vote of 3-0, Commissioners Berlage, Robinson, Perdue voting for. Commissioners Bryant and Wellington were necessarily absent.*

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The date of this written opinion is March 19, 2004, (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before April 19, 2004 (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, this Site Plan shall remain valid for as long as Preliminary Plan #1-03029 is valid, as provided in Section 59-D-3.8.

On March 18, 2004, Site Plan Review #8-04015 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

1. *The Site Plan is consistent with the approved development plan or a project plan for the optional method of development if required;*
2. *The Site Plan meets all of the requirement of the I-3 Zone;*
3. *The location of the buildings and structures, the open spaces, the landscaping, and the pedestrians and vehicular circulation systems are adequate, safe, and efficient;*
4. *Each structure and use is compatible with other uses and other Site Plans and with existing and proposed adjacent development;*
5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation;*

**STAFF RECOMMENDATION FOR SITE PLAN: Approval** of 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, and a waiver to reduce parking and building setbacks of 15 feet between stations 541+01.93 to 541+55.95, with the following conditions:

1. Site Plan Enforcement Agreement

Submit a Site Plan Enforcement Agreement, Development Review Program for review and approval prior to approval of the signature set as follows:

- a. Development Program to include phasing as follows:
  - 1) Clearing and grading to correspond to the construction phasing, to minimize soil erosion;
  - 2) Coordination of each section of the development of roads;
  - 3) Street tree planting must progress as street construction is completed, but no later than six months after completion of the buildings;
  - 4) Phasing of dedications, stormwater management, sediment and erosion control, or other features;
  - 5) Community-wide facilities, including the clubhouse and pool on Park Potomac Boulevard shall be completed prior to occupancy of the two apartment buildings, unless approved by M-NCPPC staff. Applicant to provide M-NCPPC staff Use and Occupancy permit issued by Montgomery County;
  - 6) The plaza/open area between buildings D and F shall be completed with construction of Buildings D, E and F.
  - 7) Prior to occupancy of any building for the proposed development, the applicant shall install a "super" bus shelter within the subject site, subject to approval of the Montgomery County Department of Public Works and Transportation (DPWT)-Transit Services Division. Applicant shall provide M-NCPPC with notice of application of occupancy permit at time of filing;
  - 8) Site Plan Enforcement Agreement to include recreation facility maintenance.
- b. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and the Montgomery County Department of Permitting Services issuance of sediment and erosion control permit.
- c. No clearing or grading prior to M-NCPPC approval of forest conservation plan and sediment and erosion control plan.

2. Signature Set

Prior to signature set approval of site/landscape plans, the following revisions shall be made, subject to staff review and approval:

- a. Site Plan:
  - 1) Show all easements, Limits of Disturbance, Rights-of-Way, Forest Conservation Areas and Stormwater Management Parcels, Condo Association Parcel and trails, planning board opinion, development program inspection schedule, numbers and dates of approval on the drawing.
  - 2) The location of all recreation facilities shall be clearly identified on both the site and landscape plans. Complete details and specifications demonstrating full conformance with the Recreation Guidelines shall be added to the plans.

- 3) Location of the Moderately Priced Dwelling Units (MPDUs).
- 4) Revise the MPDU/TDR computations to indicate the requirement to provide sixty-one (61) MPDU units on the subject site (8-04015) in accordance with Chapter 25A of the Montgomery County Code. The remaining fourteen (14) MPDU units will be located within the townhouse units for Site Plan 8-04012. Revise the TDR computations to indicate the requirement to provide fifty-one (51) transferable density rights (TDRs) for the one hundred and two (102) TDR units required within the entire proposed development, which includes Site Plans 8-04012 and 8-04015.
- 5) Retaining walls shall compliment or match adjacent building materials. Details of the retaining walls to be reviewed and approved by M-NCPPC staff.
- 6) All internal sidewalks to be a minimum of 5 feet;

b. Landscape and Lighting Plan:

- 1) Provide a soil depth analysis of the area above the structured parking to determine the appropriate plant material to be installed. Details of the planting technique, material and location of the appropriate tree within the islands shall be reviewed and approved by staff prior to signature set approval;
- 2) Provide a detail of the amenity element to be installed within the raised planter east of the pool and clubhouse and between the two apartment buildings;
- 3) Planting islands to be a minimum of 8-foot wide;
- 4) Provide the "calc" zones for the lighting distribution areas. Coordinate with M-NCPPC staff to reduce the max./min. and ave./min. computations in "calc" zone 8 once the zones are established. Lighting standards to conform to the IESNA standards for lighting in commercial parking areas.
- 5) Provide shields on all light fixtures causing negative glare for vehicular traffic on I-270. Provide a detail of the shields on the lighting plan.
- 6) Correct the wattage provided for the 14 and 16 foot poles in the summary report.
- 7) Revise the light pole standards and details on sheet L2.3 to reflect the actual height, wattage and lumens of the proposed lights in the project.

3. Maintenance Responsibilities

Applicant shall provide documentation to prospective buyers of the multi-family units with regard to maintenance and responsibility of the plant material and hardscape materials within the public utility easement (PUE).

4. Stormwater Management

Conditions of Montgomery County Department of Permitting Services (DPS) stormwater management concept approval for Phase II dated March 11, 2003 and conditions of the Maryland Department of the Environment letter of approval dated October 8, 2003.

5. Transportation Planning

Applicant shall comply with the conditions of approval as set forth in the Transportation Planning Memorandum dated March 9, 2004.

6. Forest Conservation

Applicant shall comply with the following conditions of approval of the Forest Conservation Plan. Final Forest Conservation Plan (including grading and tree protection information) shall satisfy all conditions referenced in the M-NCPPC

Environmental Planning Memorandum dated February 2, 2004, prior to recording plat and the Montgomery County Department of Permitting Services (DPS) issuance of sediment and erosion control permit:

a. Category I conservation easements to be placed over forest retention areas, forest planting areas and environmental buffer areas. Easements to be shown on record plats.

7. Moderately Priced Dwelling Units (MPDUs)

Applicant to provide (61) sixty-one MPDUs on the subject site in accordance with Chapter 25A of the Montgomery County Code. The remaining (14) fourteen MPDUs shall be located within the one-family attached units for site plan #8-04012.

8. Transferable Density Rights (TDRs)

Prior to recording of plats, the applicant shall provide verification of the availability of the required (51) fifty-one transferable density rights (TDRs) for the (102) one hundred two TDR units within the entire Fortune Parc development, which includes site plans #8-04012 and #8-04015.

9. Public Utility Easement

Applicant to provide conduit within the public utility easement (PUE) adjacent to the public right-of-way in accordance with the letter from Verizon dated January 21, 2004.

# Attachment 2



Martin O'Malley, *Governor*  
Anthony G. Brown, *Lt. Governor*

John D. Porcari, *Secretary*  
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

May 21, 2007

Re: **Montgomery County**  
**I-270 General File**  
**Park Potomac**

Mr. Shahriar Etemadi  
Transportation Coordinator  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Dear Mr. Etemadi:

Thank you for the opportunity to review the Traffic Impact Study Report by The Traffic Group, Inc. dated April 11, 2007 (received by the EAPD on April 23, 2007) that was prepared for the proposed Park Potomac mixed-use development in Montgomery County, Maryland. The major report findings and the Maryland State Highway Administration (SHA) comments and conclusions are as follows:

- Access to the development that includes 570,000 square feet of Office Development, 145,000 square feet of Retail Development, 450 Condominium Units, 150 Townhouse Units, and a 156-room Hotel is proposed from one (1) grade separated interchange on Montrose Road and one (1) full movement site access driveway on Seven Locks Road (both County roadways).
- The traffic consultant included funded County widening improvements along Montrose Road and a westbound Tuckerman Road left turn lane improvement funded by the Montgomery Mall at the Seven Locks Road at Tuckerman Road intersection.
- The traffic consultant determined that the proposed development would negatively impact the Tower Oaks Boulevard at Montrose Road and Seven Locks Road at Tuckerman Road intersections. Therefore, the following mitigating roadway improvements were proposed:

My telephone number/toll-free number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone: 410.545.0300 · [www.marylandroads.com](http://www.marylandroads.com)

- Tower Oaks Boulevard at Montrose Road – Modify southbound Tower Oaks Boulevard approach from the existing 2 left turn lanes and 1 right turn lane –to- 1 left turn lane, 1 left/right lane, and 1 right turn lane.
- Seven Locks Road at Tuckerman Road – Widen northbound Seven Locks Road approach to provide exclusive right turn lane.
- As previously requested by SHA, the weaving section between I-270 and the Site Access Drive along Montrose Road was examined. The roadway section was determined to function adequately with the proposed development traffic.

SHA concurs with the proposed improvements at the intersections identified above to mitigate the site traffic impact. Therefore, SHA recommends that the M-NCPPC condition the applicant to design and construct the roadway improvements identified above. **SHA also recommends that the M-NCPPC condition the developer to reserve enough right-of-way to facilitate the ultimate I-270 configuration.** SHA's Project Planning Division's February 7, 2007 comments and mapping for the I-270 Express Toll Lane (ETL) Feasibility Study is attached.

Unless specifically indicated in SHA's response on this report, the comments contained herewith do not supersede previous comments made on this development application. If there are any questions on any issue requiring a permit from SHA on this application, please contact Raymond Burns at (410) 545-5592 or [rburns1@sha.state.md.us](mailto:rburns1@sha.state.md.us). If you have any questions or comments regarding the enclosed traffic report comments, please contact Larry Green at (410) 995-0090 x20.

Sincerely,



Steven D. Foster, Chief  
Engineering Access Permits Division

cc: Mr. Ed Axler, M-NCPPC Montgomery County  
Mr. Raymond Burns, SHA EAPD  
Mr. Robert French, SHA Office of Traffic & Safety  
Mr. Larry Green, Daniel Consultants, Inc.  
Mr. Wes Guckert, The Traffic Group, Inc.  
Mr. Morteza Tadayon, SHA Travel Forecasting Section  
Mr. Errol Stoute, SHA Traffic Development & Support Division  
VIKA Inc. / 20251 Century Boulevard, Suite 400, Germantown, Maryland 20874  
Mr. Russ Walto, SHA Office of Planning and Preliminary Engineering  
Mr. Jeff Wentz, SHA District 3 Office



## Memorandum

**Date:** February 7, 2007  
**To:** Russell Walto, SHA – Project Planning Division  
**From:** Brian Horn, RK&K  
Jeff Roberta, RK&K  
**Project:** I-270 ETL Feasibility Study  
**Subject:** Park Potomac Development (dated October 2006) Review

**DRAFT**

Rummel, Klepper & Kahl, LLP (RK&K) has evaluated the Park Potomac Development (dated October 2006), which is located along southbound I-270 (west side) in the northwest quadrant of the Montrose Road interchange. The I-270 ETL Feasibility Study is currently in the feasibility or pre-planning phase, and additional/refined right-of-way impact information will be available as the project moves forward. This memo is accompanied by a display that shows the development, engineering, and potential impacts. Continued coordination will be needed between the developer, State Highway Administration, and Montgomery County as the planning and preliminary designs progress to ensure that adequate right-of-way is reserved for the ultimate I-270 configuration or modifications are made to the developer plans to limit potential future impacts. RK&K offers the following comments:

### **I-270 Highway Improvements**

Several improvements and typical sections are proposed for I-270 in the vicinity of the Montrose Road interchange as part of the I-270 ETL Feasibility Study. Currently, engineering for only one typical section (Alternative 4) is being evaluated. Alternative 4 would provide the widest typical section and was used for this site review. The following list details the I-270 improvements:

1. Provide two continuous Express Toll Lanes (ETLs) in each direction. The ETLs would be barrier separated from the remainder of the highway.
2. Provide three general-purpose and two collector-distributor (CD) lanes in each direction. The CD lanes would be separated from the general-purpose lanes by a four foot painted buffer. As noted above, these lanes would be barrier separated from the ETLs.
3. Provide northbound and southbound direct access ramps between Montrose Road and the median of I-270. The direct access ramps would allow access to/from the ETLs on I-270.
4. Modify the existing interchange ramps to accommodate the widened I-270 typical section.

These modifications would increase the existing typical section from six lanes (1 HOV, 3 general-purpose, 2 CD) to seven lanes (2 ETL, 3 general-purpose, 2 CD) per direction, not counting the median direct access ramps.

### **Potential Impacts to Park Potomac Development**

The Park Potomac residential and commercial development, part of which has already been constructed, is located in the northwest quadrant of the Montrose Road interchange and is bordered by I-270 to the east, Montrose Road to the south, Seven Locks Road to the west and an existing commercial property to the north. The development directly abuts SHA right-of-way



Rummel, Klepper & Kahl, LLP  
*Consulting Engineers*

along the southbound I-270 CD lanes and northwest outer ramp. RK&K has reviewed the site plans dated October 2006.

Based on the conceptual engineering developed for the I-270 ETL Feasibility Study, the following impacts may result to the Park Potomac property:

1. The property would be impacted for approximately 1,200 feet along southbound I-270 and the outer ramp to Montrose Road. The impact would extend into the property to a maximum of about 50 feet.
2. An access/parking road along the eastern edge of the property would be impacted for approximately 500 feet and would need to be relocated.
3. I-270 roadway grading would impact the landscaping along the eastern edge of the property adjacent to proposed parking. The parking lot would not be impacted.
4. No buildings would be impacted.

These impacts would result from an "open" section where 2:1 slopes from the roadway widening would extend to the existing ground within the Park Potomac site. If a retaining wall was constructed along southbound I-270 and the outer ramp exit to Montrose Road then the amount of impact could be reduced by about half. Impacts would still extend along the length of the property in this area but the maximum impact would be reduced to approximately 25 feet. The impacts resulting from the "open" section assume the existing elevation of the Park Potomac site. Any changes to the existing topography made during construction could change the amount of impact resulting from the I-270 widening.

Note that drainage and SWM have not been included as part of the engineering for the I-270 ETL Feasibility Study. The location of drainage features and SWM facilities could increase the impacts to the Park Potomac property.

If you have any questions or if you would like to discuss these comments further, please contact Jeff Roberta or Brian Horn, RK&K, by telephone at 410-728-2900, or by email at [jroberta@rkkengineers.com](mailto:jroberta@rkkengineers.com) or [bhorn@rkkengineers.com](mailto:bhorn@rkkengineers.com).

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# Attachment 3

Table 2: CLVs at the Studied Intersections

Traffic Condition	Congestion Standard	Weekday Peak Hour	Traffic Condition			
			Existing	Background	Total	Total Improved
Wootton Parkway and Falls Road (MD 189)	1,500 Rockville	Morning	1,312	1,390	1,446	-----
		Evening	1,203	1,268	1,327	-----
Wootton Parkway and Henslowe Drive	1,500 Rockville	Morning	775	849	905	-----
		Evening	597	628	661	-----
Wootton Parkway and Seven Locks Road	1,500 Rockville	Morning	1,144	1,172	1,379	-----
		Evening	1,116	1,170	1,294	-----
Wootton Parkway and Tower Oaks Boulevard	1,500 Rockville	Morning	936	1,077	1,099	-----
		Evening	984	1,078	1,136	-----
Wootton Parkway and Edmonston Drive	1,500 Rockville	Morning	706	765	818	-----
		Evening	942	997	1,055	-----
Falls Road and Dunster Road/ Falls Chapel Way	1,475 Potomac	Morning	1,115	1,119	1,119	-----
		Evening	957	961	961	-----
Seven Locks Road and Fortune Terrace	1,500 Rockville	Morning	606	621	731	-----
		Evening	697	714	831	-----
Montrose Road and Falls Road	1,475 Potomac	Morning	678	714	752	-----
		Evening	942	1,038	1,127	-----
Montrose Road and White Ford Way	1,475 Potomac	Morning	813	919	1,001	-----
		Evening	593	685	774	-----
Montrose Road and Seven Locks Road	1,500 Rockville	Morning	1,175	1,283	1,360	-----
		Evening	860	943	1,011	-----
Montrose Road and Tower Oaks Boulevard	1,550 North Bethesda	Morning	1,663*	1,502 <sup>1</sup>	1,536 <sup>1*</sup>	1,527 <sup>1</sup>
		Evening	1,232	1,540 <sup>1*</sup>	1,581 <sup>1*</sup>	1,420 <sup>1</sup>
Tower Oaks Boulevard and I-270 Northbound On-Ramps	1,500 Rockville	Morning	512	1,079	1,079	-----
		Evening	541	1,436	1,436	-----
Montrose Road and North Farm Lane	1,550 North Bethesda	Morning	1,354	1,032 <sup>1</sup>	1,056 <sup>1</sup>	-----
		Evening	945	1,022 <sup>1</sup>	1,063 <sup>1</sup>	-----

Table 2 Continued: CLVs at the Studied Intersections

Traffic Condition	Congestion Standard	Weekday Peak Hour	Traffic Condition			
			Existing	Background	Total	Total Improved
Montrose Road and Farm Haven Drive	1,550 North Bethesda	Morning	1,493	1,167 <sup>1</sup>	1,191 <sup>1</sup>	-----
		Evening	1,409	1,089 <sup>1</sup>	1,130 <sup>1</sup>	-----
Montrose Road and Tildenwood Drive	1,550 North Bethesda	Morning	1,307	1,042 <sup>1</sup>	1,065 <sup>1</sup>	-----
		Evening	1,308	1,026 <sup>1</sup>	1,067 <sup>1</sup>	-----
Seven Locks Road and Postoak Road	1,475 Potomac	Morning	1,182	1,217	1,254	-----
		Evening	1,140	1,180	1,221	-----
Seven Locks Road and Gainsborough Road	1,475 Potomac	Morning	1,350	1,385	1,422	-----
		Evening	1,290	1,330	1,371	-----
Seven Locks Road and Tuckerman Lane	1,475 Potomac	Morning	1,499*	1,453 <sup>2</sup>	1,481 <sup>2*</sup>	1,271 <sup>2</sup>
		Evening	1,487*	1,456 <sup>2</sup>	1,497 <sup>2*</sup>	1,347 <sup>2</sup>
Falls Road and Tuckerman Lane	1,475 Potomac	Morning	978	1,012	1,050	-----
		Evening	1,006	1,091	1,180	-----
Seven Locks Road and Site Access-Cadbury Avenue	1,500 Rockville	Morning	-----	-----	674	-----
		Evening	-----	-----	958	-----
Montrose Road Westbound and Site Access Ramp to Park Potomac Avenue	1,500 Rockville	Morning	-----	-----	573	-----
		Evening	-----	-----	783	-----
Montrose Road Eastbound and Site Access Ramp to Park Potomac Avenue	1,500 Rockville	Morning	-----	-----	876	-----
		Evening	-----	-----	865	-----

\*= The CLVs at two intersections exceeds the congestion standard of 1,550 for the North Bethesda Policy Area or 1,475 for the Potomac Policy Area.

<sup>1</sup>=The CLV was analyzed for the background and total conditions with extra through lane along Montrose Road that are now under construction as part of DPWT's Capital Improvements Program Project to construct Montrose Parkway. Thus at three intersections, the CLVs in the background traffic condition are less than the CLVs in the existing traffic condition.

<sup>2</sup>=The CLV was analyzed for the background and total conditions with the second westbound left-turn lane on Tuckerman Lane that was a condition of approval for Montgomery Mall's preliminary plan. Thus at this intersections, the CLVs in the background traffic condition are less than the CLVs in the existing traffic condition.



DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION



Isiah Leggett  
County Executive

March 30, 2007

Arthur Holmes, Jr.  
Director

Mr. Robert Kronenberg, Planner/Coordinator  
Development Review Division  
The Maryland-National Capital  
Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan Amendment No. 1-2003029A  
Site Plan Amendment No. 8-2004015B  
Parc Potomac (Fortune Park) Subdivision  
Non-Standard Streetscaping on Park Potomac Avenue

Dear Mr. Kronenberg:

This letter is to confirm the verbal agreements reached during our January 19, 2007 meeting with the applicants regarding non-standard design elements on Park Potomac Avenue – including dedicated areas for café seating, steps, and retaining walls in the public right-of-way, as well as a separate/parallel ramp system to be located in a Public Improvements Easement.

On March 16<sup>th</sup>, we met with the applicants and learned that your Staff Report will need to be completed in early April, if the Planning Board hearing is to be held in early May. While we have received more details on these proposals, we do not believe the Design Exceptions package is sufficiently complete for our decision. Although the consultants are currently preparing and assembling additional supporting materials for that package, we will not be able to complete our review in time for inclusion in your Staff Report.

As agreed at our January 19th meeting and affirmed in the follow-up meeting, this Department supports allowing the applicants to solicit the Planning Board's comments on the different streetscaping proposals under consideration – on the condition that no permits will be issued for those non-standard design elements until we have completed our review of the Design Exceptions package.

Thank you for your cooperation and assistance in this matter. If you have any questions or comments regarding this letter, please email me at [greg.leck@montgomerycountymd.gov](mailto:greg.leck@montgomerycountymd.gov) or call me at 240-777-2197.

Sincerely,

A handwritten signature in black ink, appearing to read "gmlleck".

Gregory M. Leck, Manager  
Development Review Group  
Traffic Engineering and Operations Section

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**Division of Operations**

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