



Item # _____
 MCPB 5/10/07

MEMORANDUM

DATE: 4/27/07

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
 Robert Kronenberg, Acting Supervisor *PAW*
 Development Review Division

FROM: Joshua C. Sloan, ASLA *JS*
 Development Review Division
 (301) 495-4597



REVIEW TYPE: Site Plan Review
 CASE #: 820060400
 PROJECT NAME: Montgomery Village Plaza

APPLYING FOR: Approval of a maximum total of 116,655 square feet of commercial development at the completion of Phase 1 and a maximum total of 94,641 (22,014 less) square feet of commercial development at the completion of Phase 2, and 256 multi-family residential units on 9.47 gross acres to be completed during Phase 2. In addition, approval of a parking waiver of 4.42% at the completion of Phase 1 and a parking waiver of 4.24% at the completion of Phase 2

REVIEW BASIS: Div. 59-D-3 of Montgomery County Zoning Ordinance

ZONE: Town Sector (TS)
 LOCATION: The southeast quadrant of the intersection of Lost Knife Road and Contour Road across from Lakeforest Mall.
 MASTER PLAN: Gaithersburg Vicinity Master Plan.

APPLICANT: JBG Rosenfeld
 FILING DATE: 6/16/06
 HEARING DATE: 5/10/07

STAFF RECOMMENDATION: Approval of a maximum total of 116,655 square feet of commercial development at the completion of Phase 1 and a maximum total of 94,641 (22,014 less) square feet of commercial development at the completion of Phase 2 and 256 multi-family residential units, including 32 Moderately Priced Dwelling Units (MPDUs), on 9.47 acres. Approval of requested parking waivers of 4.42% upon completion of Phase I and 4.24% upon completion of Phase II. All site development elements as shown on the site and landscape plans stamped by the M-NCPPC on 4/27/07 shall be required except as modified by the following conditions:

1. Development Plan Conformance

The proposed development shall comply with the binding elements listed in the Zoning Map Amendment DPA-0202 and associated Development Plan. With respect to the subject site plan, the relevant binding elements of DPA-0202 are limited to the "Mixed Uses" designation and the population density cap.

2. Landscaping

The applicant must install the plantings within the Public Utility Easement (PUE) in accordance with the appended utility company agreements.

3. Lighting

- a. The applicant must ensure that deflectors are installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting Contour Road.
- b. The applicant must ensure that illumination levels will not exceed 0.5 footcandles (fc) at any property line abutting county roads.
- c. The applicant must ensure that the height of all light poles, including the mounting base, will not exceed that specified on the photometric site plan.

4. Moderately Priced Dwelling Units (MPDUs)

- a. The proposed development will include 32 (12.5%) MPDUs on-site in accordance with the requirements of Chapter 25A.
- b. The applicant must obtain an agreement regarding construction of the MPDUs with the Department of Housing and Community Affairs prior to issuance of any building permits for Phase 2. A copy of this agreement must be provided to MNCPPC staff.

5. Transportation

The applicant must comply with the conditions of approval from the Transportation Planning Division in the Memorandum dated April 24, 2007 and revised on April 27, 2007.

- a. Total development under the subject site plan is limited to a maximum total of 116,655 square feet of commercial development at the completion of Phase 1 and a maximum total of 93,017 square feet of commercial development at the completion of Phase 2 and 256 multi-family residential units.
- b. The applicant must submit a traffic signal warrant study at the intersection of Contour Road and Odendhal Avenue that is impacted by 32 site-generated peak-hour trips. If the traffic signal is warranted, the applicant shall install the traffic signal with all associated geometric intersection changes prior to issuance of any building permit for Phase 2.

- c. The applicant must provide 10 inverted U-bike racks (to store 20 bicycles), location to be determined prior to issuance of any building permits for Phase 2 as recommended by Transportation Planning Staff.
- d. The applicant must post “No Parking Any Time” signs in the area of the lay-by on Contour Road prior to issuance of any residential use and occupancy permits.
- e. The applicant must provide a Public Improvement Easement (PIE) to accommodate the 5-foot wide public sidewalk and a 2-foot wide maintenance strip behind the sidewalk through the lay-by on Contour Road prior to issuance of any residential use and occupancy permits.
- f. The applicant must provide “One Way” and “Do Not Enter” signs visible from both directions on Contour Road at the northern end of the easternmost service drive aisle upon completion of the drive aisle.
- g. The applicant must provide “Right Turn Only” signs visible to vehicles exiting the site from the northern end of the easternmost service drive aisle upon completion of the drive aisle.
- h. The applicant must obtain approval of the species, spacing, and planting requirements of street trees within the right-of-way from the Department of Public Works and Transportation (DPWT) - Highway Maintenance Section prior to issuance of any building permits for Phase 2.

6. Recreation Facilities

- a. The Applicant must ensure that the proposed recreation facilities are constructed in conformance with the approved MNCPPC Recreation Guidelines.
- b. The Applicant must provide, at a minimum, the following recreation facilities during Phase 2: three sitting areas, an indoor exercise room, an indoor fitness facility, an indoor community space, and an accessible pedestrian system.

7. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated June 16, 2006 unless amended and approved by the Montgomery County Department of Permitting Services.

8. Development Program

The applicant must construct the proposed development in accordance with the Phasing shown on the Site Plan and a Development Program. A Development Program for Phase 1 must be reviewed and approved by MNCPPC staff prior to approval of the Certified Site Plan. A separate Development Program for Phase 2 must be submitted for approval by MNCPPC staff prior to issuance of any building permits for Phase 2. Each Development Program will include a phasing schedule for the following elements as they apply to each Phase:

- a. Street tree planting must be completed no later than six months after completion of the residential units.
- b. Recreation facilities must be completed prior to issuance of any residential use and occupancy permits. Occupancy permits must be provided to MNCPPC.

- c. Landscaping and lighting associated with each parking lot and building shall be completed as construction of each facility is completed.
- d. Pedestrian sidewalks and seating areas associated with each facility shall be completed as construction of each facility is completed.
- e. Traffic signal warrant analysis at the intersection of Contour Road and Odendhal Avenue to be completed, reviewed, and approved by the Department of Public Works and Transportation before any building permits are issued for Phase2.
- f. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
- g. Phasing of dedications, stormwater management, sediment/erosion control, trip mitigation or other features.

9. Clearing and Grading

The applicant must ensure that no clearing or grading occurs prior to MNCPPC approval of the Certified Site Plan.

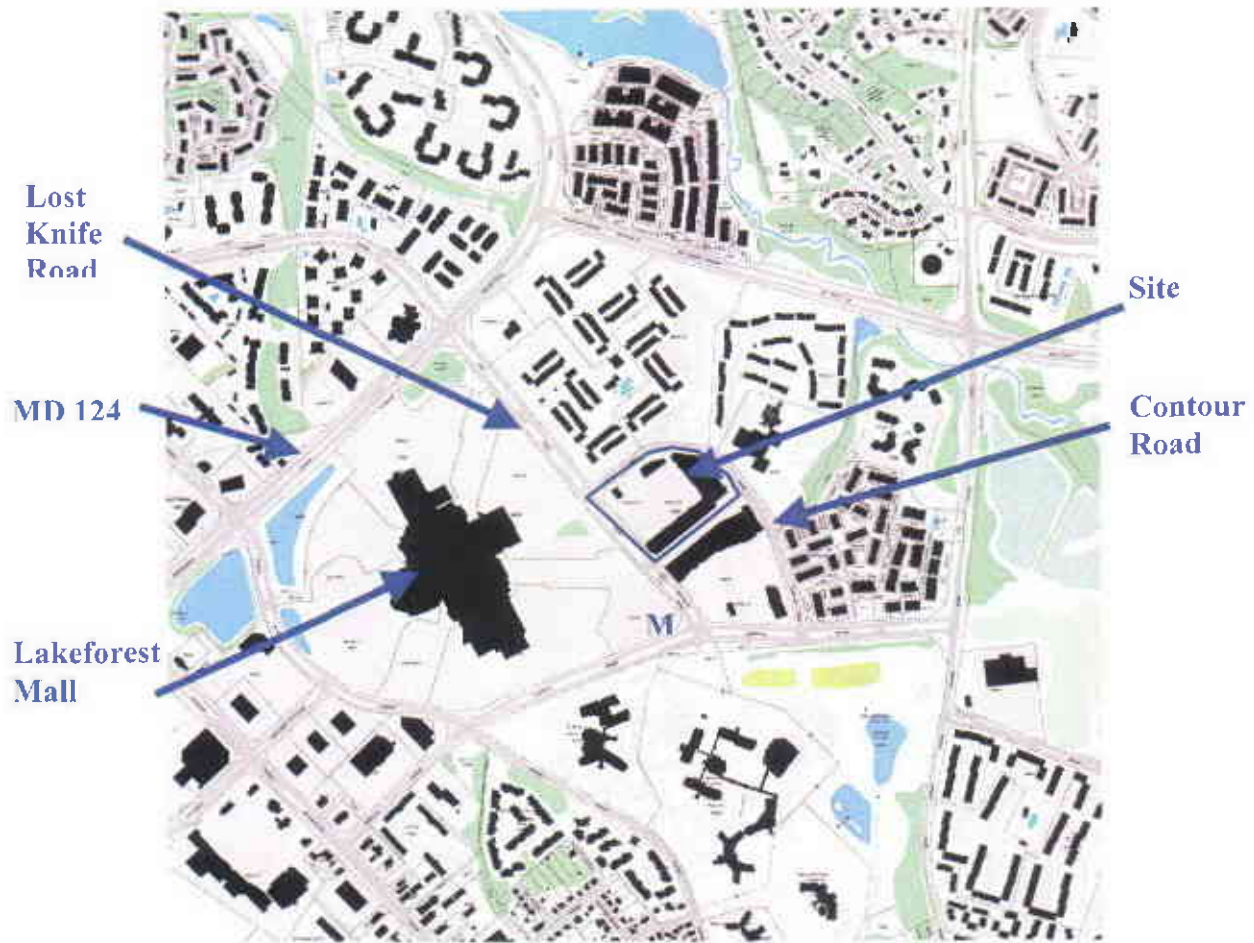
10. Certified Site Plan

Prior to approval of the Certified Site Plan, the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Development program, inspection schedule, and Site Plan Resolution.
- b. Limits of disturbance for each phase and option.
- c. Methods and locations of tree protection.
- d. Note stating that MNCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
- e. Location of bicycle storage facilities.
- f. Crosswalk striping across the garage access under the department store pad site.
- g. Centralized, screened trash areas for all multi-family units.
- h. Approval of species, spacing, and planting requirements of street trees within the right-of-way from DPWT.
- i. Update square footage of Phase 2 commercial development from 93,017 to 94,641.

PROJECT DESCRIPTION: Site Vicinity

The subject property is located in the southeast quadrant of the intersection of Lost Knife Road and Contour Road directly east of Lakeforest Mall. This is near the interchange of Interstate 270 and Montgomery Village Avenue (MD 124). The adjacent property to the south is occupied by commercial uses, including a grocery store and other retail shops. Across Contour Road to the north and east are residential apartments and South Lake Elementary School. The Metro Lakeforest Transfer Station sits about 400 feet to the south of the subject site on the west side of Lost Knife Road.



Vicinity Map

PROJECT DESCRIPTION: Site Description

The site is currently developed as a commercial shopping center housing 112,371 square feet of retail, office, and restaurant space. Marshall's and Trader Joe's provide anchors for numerous other small businesses; there are 645 existing parking spaces on site. The site is hard to navigate from Contour Road due to the grade changes and lack of adequate sidewalks. Still, numerous residents from the local apartments walk through and around the site to get to the metro transfer station.

Originally constructed in 1984, the retail façades and roofs are in need of modernization and repair. As the photos show, the entire site is in need of revitalization and renovation. Further, the existing retail stores are completely inward looking, turning their backs to Contour Road and the adjacent residential neighborhoods.



View of existing storefronts on the northwest.



View of existing storefronts on the southeast.

The site is within the boundaries of Montgomery Village and, due to the proposed residential units, is subject to the population cap established for the Village. This is discussed in the Analysis Section of the Staff Report.



Aerial view of site (outlined in blue).

PROJECT DESCRIPTION: Proposal

The proposed development will be built in two phases. The first phase will renovate the existing building facades, construct a pad site for banking or restaurant use, begin renovations of the internal landscape, and create a new pedestrian link from the pad site to Lost Knife Road. The pad site build-out will depend on market conditions. In the event the pad site is developed as a bank, the resulting maximum square footages will be as shown in Table 1 and the required interim parking waiver requested will be 4.42% (26 spaces). Conversely, if the pad site is developed as a restaurant, the alternative numbers will be as shown and the required interim parking wavier requested will be 3.96% (24 spaces). In either case, the existing buildings will

remain, though in better repair, and the existing lighting will be adjusted only slightly during the first phase. Finally, the maximum building height will remain unchanged during Phase 1 at 28’.

Table 1: Phase 1 Project Data

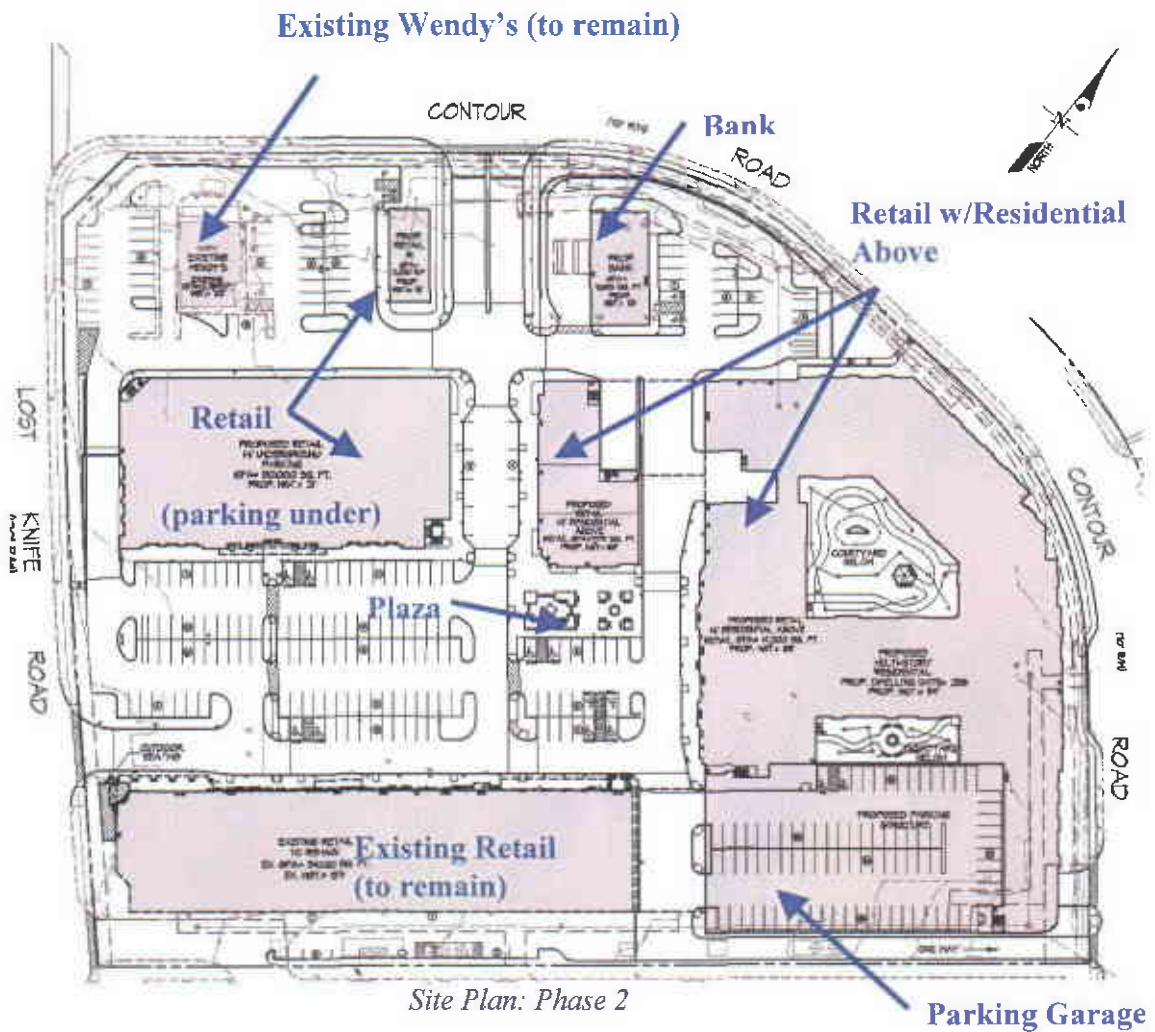
Development Standard	Option A: Bank Pad Site	Option B: Restaurant Pad Site
Green Area (square feet)	66, 739	72,218
Internal Green Area (%)	6.7% (5% required)	6.8% (5% required)
Total Commercial Density (square feet)	115,971	116,655
Retail (sf)	67,488	67,488
Office (medical – sf)	1,324	1,324
Office (general – sf)	4,644	1,044
Furniture Store (sf)	26,495	26,495
Restaurant (sf)	16,020	20,304
Parking Spaces	562 (588 required)	582 (606 required)

Phase 2 will complete the project and result in a total of 93,017 square feet of commercial space, 256 residential dwelling units in a multi-story condominium building with first-floor retail and an attached parking garage, and 926 total parking spaces.

Two buildings will remain on site – the Wendy’s and the strip of retail in the southeast quadrant that is currently occupied by Trader Joe’s. This strip will be greatly enhanced by a new façade and an enhanced streetscape, including new landscaping, seating, paving, and lighting. The Wendy’s has a long-term lease that does not allow the applicant to include the existing structure or its respective parking to be redeveloped at this time; but the current layout does not preclude future development of the northwest quadrant of the site in a manner that would be more in keeping with the goals of the current project. That is, better situated to the adjacent properties and streets, more complementary of the context and local needs, and more contemporary in style. Future development would also allow for the possibility of more underground parking to minimize the final waiver requirement.



Perspective sketch looking into the site from Contour Road.



Site Plan: Phase 2

Parking Garage

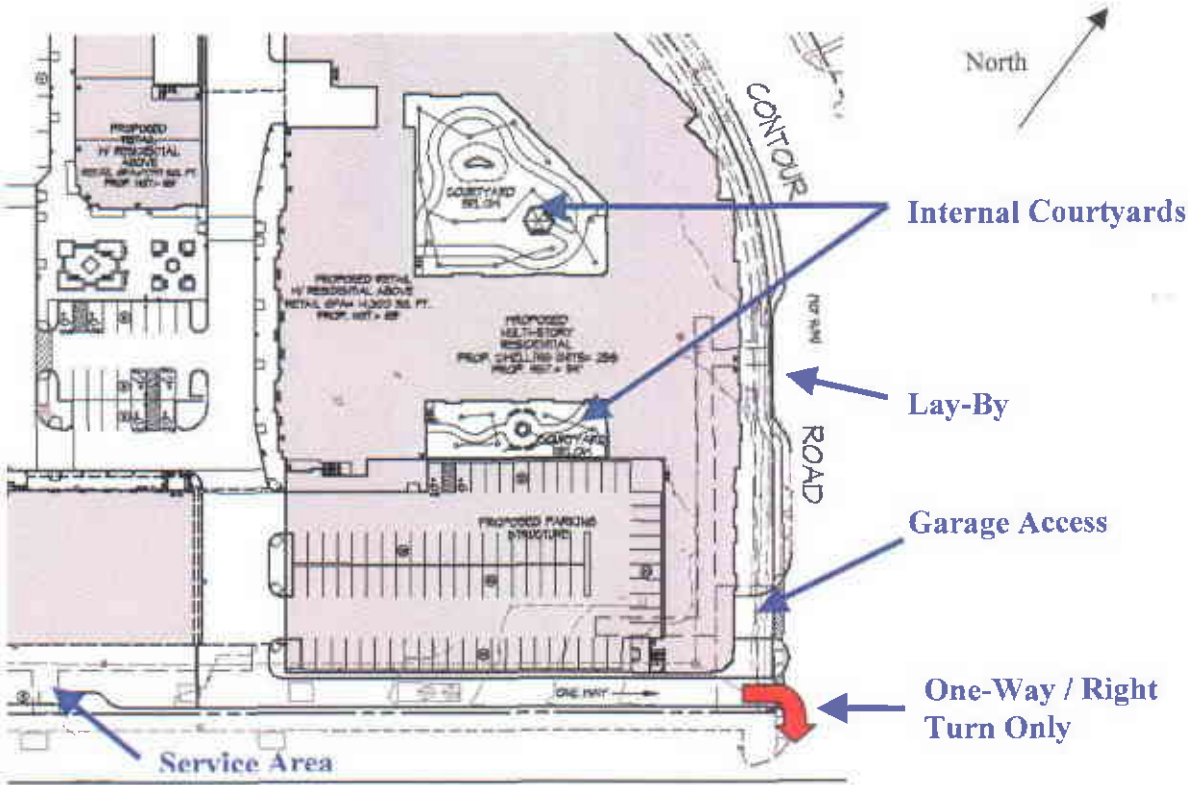
The residential building includes 256 one and two-bedroom condominiums, 32 of which are Moderately Priced Dwelling Units (MPDUs), which is 12.5% of the total number of units. The building faces Contour Road on the northern and northeastern side and faces an internal plaza and shops to its south/southwest. This frontage along Contour Road provides a much-needed activation of the sidewalk facing the adjacent residential and school properties. Renovated landscaping and lighting will add to the development's sensitivity to the local context. A short lay-by along Contour Road will allow stopping for loading and unloading and the applicant has agreed to post "No Parking any Time" signs in this area. This lay-by is in front of the ground-floor lobby area. Further along the Contour Road frontage are two access drives to and from the site, one to the parking garage and one that provides egress only from both the internal parking lot and the service area behind the existing retail area. This egress is limited to right turns only onto Contour Road.

Recreational facilities are provided both on and off-site. The on-site facilities include the pedestrian sidewalk system, several seating areas, and internal exercise, community, and fitness rooms. There are sport fields and playgrounds nearby that ensure that the resident's recreation needs are adequately met. Two internal courtyards provide some of these recreation facilities – paths, a climbing rock for children, a gazebo for congregating, and a fountain and benches for

relaxing – but they also provide green space and landscaped views for the internal ring of condominium residents.

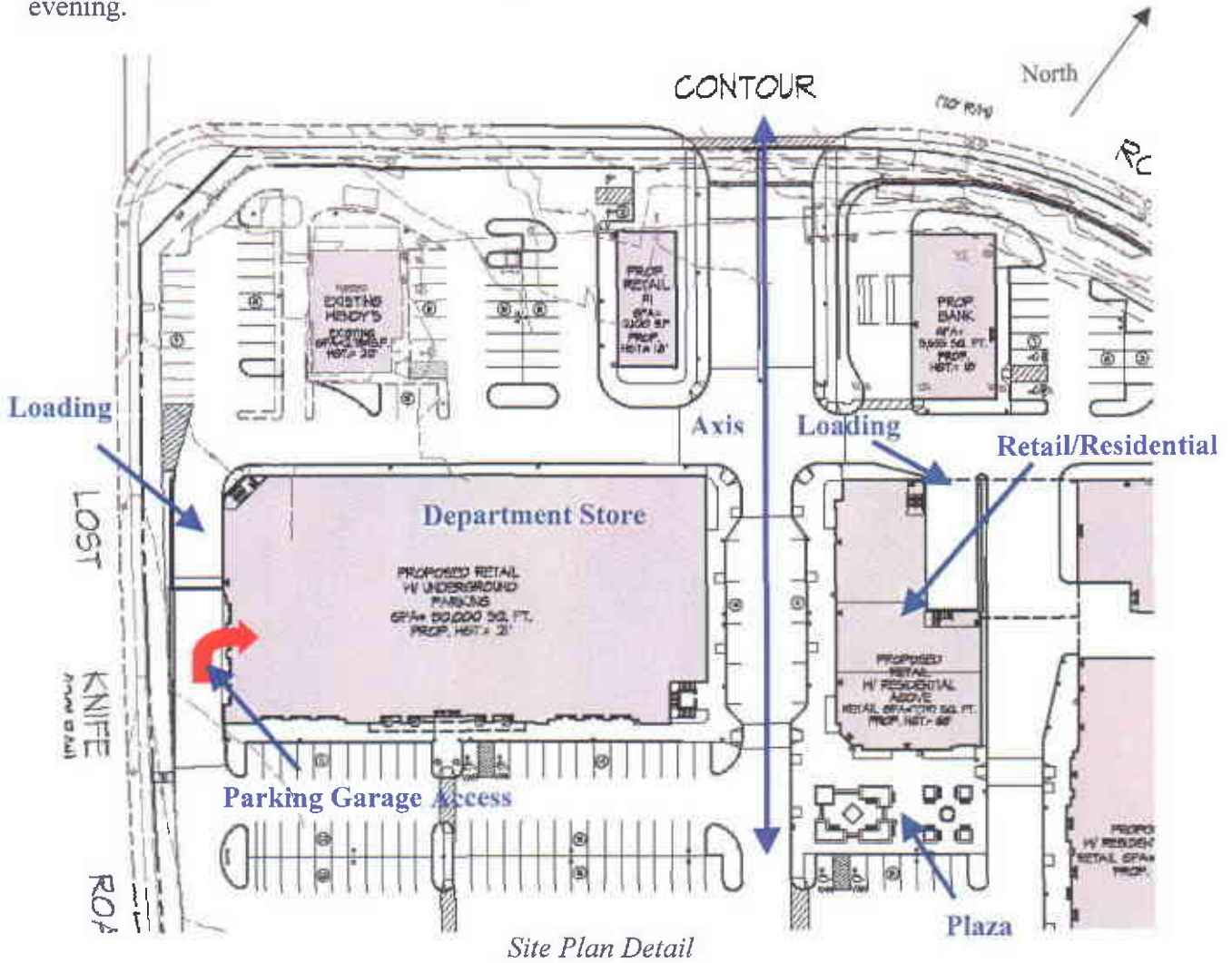


Elevations along Contour Road



Site Plan Detail

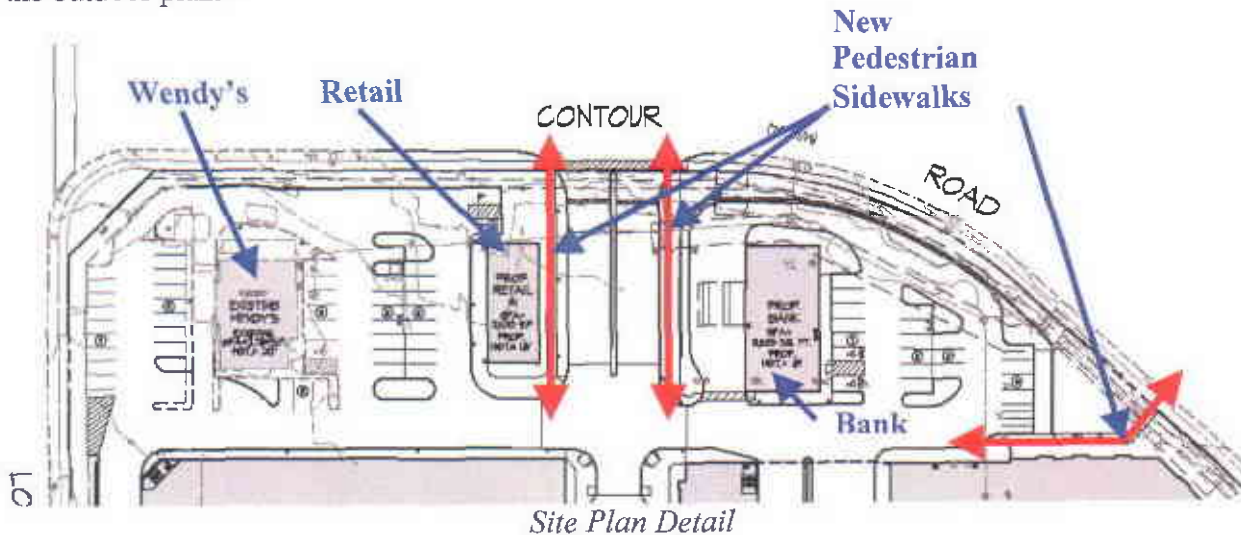
The internal commercial buildings are located to provide a sense of character and scale typical of a suburban “lifestyle” center. The largest proposed retail building will house the Marshall’s Department store and includes an underground parking facility for employees and shoppers. This large pad site sits across from a smaller pad site that is envisioned as an area for small shops and restaurants. This smaller building also has residential units above the ground floor commercial space. In between the two pad sites is a streetscape with parallel parking on axis with the driveway entrance from Contour Road. Directly southeast of the small pad site is a spacious plaza with shade trees, landscaping, and seating. This plaza will be used by café patrons, shoppers, and residents – ensuring that it will remain active from morning through evening.



Site Plan Detail

The remaining commercial buildings are located along Contour Road: the existing Wendy’s that will remain, a small pad site of retail shops and a bank with a drive through. This side of the development provides three new connections from Contour Road to the interior of the site creating a more pedestrian-friendly environment for the adjacent residential developments. Two new pedestrian sidewalks along the driveway axis are ADA accessible, the other requires several steps due to the change in grade from the parking lot to Contour Road as it wraps around the site to the east.

All of the commercial stores, restaurants, and residences have handicap spaces in close proximity, as well as facilities for 20 bicycles, and 10 motorcycle spaces. The final number of parking spaces proposed is 926, which requires a waiver of 4.24%. Staff supports the applicant's request for this parking waiver due to the mixed-use nature of the development, the proximity of the site to the Metro Bus Transfer Station, and the fact that spaces were lost in order to provide the outdoor plaza.



New landscaping and lighting fixtures are proposed throughout the site, providing the appropriate and necessary buffers, shade, green space, and safety. A mix of shade trees, evergreen trees, flowering trees and shrubs, and ground covers and perennials are used, ensuring yearlong color and interest. The paving patterns are detailed and interesting; they are well matched to the architecture and delineate separate pedestrian and vehicular space to further establish safe circulation patterns. The proposal also uses benches and other site details to tie the site together and create a sense of cohesion and distinction.

PROJECT DESCRIPTION: Prior Approvals

Appendices:

- A. *Development Plan Amendment 02-2*
- B. *Preliminary Plan Opinion*
- C. *Original Site Plan Opinion*
- D. *Site Plan Amendment Memorandum*

Zoning/Development Plan

The subject property is included in Development Plan Amendment 02-2, the last in a series of amendments and zoning cases for Montgomery Village. The only pertinent binding element on the proposed site plan is that non-residential uses in Area I-B, of which the subject site is part, are restricted to areas designated "Mixed Uses". The area in question is designated as such on the Development Plan Amendment. The issue of the population density cap tracked by the Development Plan Amendments is considered in the Analysis Section of the Staff Report.

Preliminary Plan

The subject property was consolidated as 1 lot on 9.46 gross acres by Preliminary Plan 119831030, which was approved on October 18, 1983. The plan delineated 114,612 square feet of commercial use and provided 44,967 square feet of green space, although there was no Adequate Public Facilities requirement at that time, and the Approved Opinion did not set a cap on density or use. The general layout of structures and the circulation system was constructed much like the approved preliminary plan envisioned with a ring of buildings around an internal parking lot with additional parking and service areas behind the buildings, i.e., facing Contour Road and the adjacent shopping center.

Site Plan & Amendments

The subject property was further refined by Site Plan 819830840, which was heard and approved by the Planning Board on October 13, 1983. The Opinion on file was not dated but the Certified Site Plan was approved on February 1, 1984. The original site plan was constructed according to the necessary conditions of approval for 105,544 square feet of commercial space. Site Plan Amendment 819890670 was approved on November 16, 1989 for an additional 9,000 square feet of commercial space – adding a pad site, slightly modifying the parking and other site features and expanding an existing building. This amended site plan was constructed according to the necessary conditions and resulted in the development that is currently under consideration for renovation.

ANALYSIS: Conformance to Development Standards

Table 2: Project Data Table (TS Zone)

Zoning Ordinance Development Standard	Permitted/ Required	Proposed for Approval
Max Tract Area (acres) ¹	20	9.47
Max. Density of Development (dwelling units/acre)	n/a	27
Total Number of Dwelling Units ²	n/a	256
Moderately Priced Dwelling Units	12.5% (32 units)	12.5% (32 units)
Maximum Density of Development (square feet)		
Phase 1 (total at completion)	n/a	116,655
Phase 2 (total at completion)	n/a	93,017

¹ From DPA 02-2: “Note 2: Non-residential uses in Area 1-B restricted to areas designated Mixed Uses (except recreation), not to exceed 20 acres. Mixed Use areas may include all permitted uses.”

² The total number of dwelling units allowed is capped by the Montgomery Village residential density cap, not by the development standards of the zone.

<u>Development Standard</u>	<u>Permitted/ Required</u>	<u>Proposed for Approval</u>
Minimum Building Setbacks (feet)		
Contour Road	n/a (10 existing)	11
Lost Knife Road	n/a (18 existing)	11
Side (adjacent shopping center)	n/a (40 existing)	23
Minimum Green Area (square feet)		
Phase 1	n/a (58,014 existing)	66,739
Phase 2	n/a	89,334
Maximum Building Height (feet)	n/a	65 ³
Parking Spaces (total)		
Phase 1 Option A	588	562 (4.42% waiver)
Phase 1 Option B	606	582 (3.96% waiver)
Phase 2	967	926 (4.24% waiver)
Handicapped	19	19
Motorcycle	10	10
Standard	938	873
Bicycle Storage Facilities (total)	20	20
Minimum Parking Lot Internal Green Space (%)		
Phase 1	5	6.7
Phase 2	5	7.5
Loading Spaces		
Phase 1	3 (existing)	3
Phase 2	2	2

Table 3: Phase 2 Parking Space Mixed Use Schedule

	Weekday		Weekend		Nighttime
	Daytime	Evening	Daytime	Evening	
Office/Industrial	11	2	2	1	1
General Retail	228	342	380	266	19
Restaurant	118	235	235	235	24
All Other Uses	350	350	350	350	350
Total	707	929	967	852	394

³ Building height is measured from the building height measurement point indicated on the site plan on Contour Road.

Table 4: Phase 2 Recreation Calculations

Demand Points

Housing Type	Number of Units	Tots	Children	Teens	Adults	Seniors
		0 to 4	5 to 11	12 to 17	18 to 64	65+
Hi-Rise (5 or more)	256	10.24	10.24	10.24	197.12	117.76
		10.24	10.24	10.24	197.12	117.76

On-Site Supply Values

Recreation Facility	Quantity Provided	Tots	Children	Teens	Adults	Seniors
		0 to 4	5 to 11	12 to 17	18 to 64	65+
Picnic/Sitting	3	3.00	3.00	4.50	15.00	6.00
Pedestrian System	1	1.02	2.05	2.05	88.70	52.99
Indoor Community Space	1	1.02	1.54	3.07	59.14	47.10
Indoor Exercise Room	1	1.02	1.54	3.07	59.14	47.10
Indoor Fitness Facility	1	0.00	1.02	1.02	39.42	17.66
		6.07	9.14	13.72	261.40	170.86

Off-Site Supply Values

Recreation Facility	Quantity Provided	Tots	Children	Teens	Adults	Seniors
		0 to 4	5 to 11	12 to 17	18 to 64	65+
Tot Lot	1	9.00	2.00	0.00	4.00	1.00
Play Lot	1	0.00	9.00	3.00	4.00	1.00
Multipurpose Court	2	6.00	20.00	30.00	20.00	5.00
Soccer - Junior	1	2.00	15.00	15.00	30.00	2.00
	total:	17.00	46.00	48.00	58.00	9.00
	35%:	5.95	16.10	16.80	20.30	3.15
	35% of total:	3.27	4.92	7.39	140.75	92.00
	allowed off-site supply:	3.27	4.92	7.39	20.30	3.15

Total Supply Values with Corrected Off-Site Values

Tots	Children	Teens	Adults	Seniors
0 to 4	5 to 11	12 to 17	18 to 64	65+
9.34	14.07	21.10	281.70	174.01

Adequacy of Recreation Facilities

	Tots	Children	Teens	Adults	Seniors
	0 to 4	5 to 11	12 to 17	18 to 64	65+
Supply:	9.34	14.07	21.10	281.70	174.01
Demand:	10.24	10.24	10.24	197.12	117.76
% of Total Demand:	91.23%	137.38%	206.07%	142.91%	147.77%
90% Demand:	9.22	9.22	9.22	177.41	105.98
Difference must be 0 or greater:	0.13	4.85	11.89	104.29	68.03

ANALYSIS: Site Plan Review Issues

I. Parking Waiver

Applicant's Position

Appendices:

E. Letter from Miller, Miller & Canby

F. Letter from Montgomery Village Foundation, Inc.

The applicant has presented a case for the required parking waiver for each of the phases based on five basic points. First, the current occupancy rate and parking usage shows that there is more than enough existing parking. Second, current thinking on parking requirements show that public agencies routinely require more parking than is actually necessary. Third, the site context makes the typical Zoning Ordinance parking requirements unnecessary. Fourth, the new retail space and renovations occur on a section of the site that is currently underutilized in terms of parking, i.e., the parking will be more spread out over the site rather than concentrated in the eastern corner as it is presently. Fifth, all alternatives to add parking have been researched and there is no economically feasible way to provide the required parking on site. The public benefits of the revitalized center more than offset the potential negative impacts of the required parking waiver. Their entire analysis is in the attached letter.

Community Position

Although there was initial concern by the Montgomery Village Foundation (MVF) about a prior set of plans that required a parking waiver of 13%, the MVF Board of Directors has agreed to support the site plan application if the Planning Board decides that there is adequate parking.

Staff Analysis/Position

Staff supports the applicant's request for a parking waiver for both Phase 1 and Phase 2. Although the arguments regarding economic feasibility are beyond the scope of this review, the applicant's other arguments are convincing. In our analysis, if the developer is convinced that the proposed parking facilities will meet the needs of the site, the issue will be self-correcting insofar as people will avoid the shopping center if they routinely encounter a lack of parking. This will have a direct impact on lease agreements and the types of businesses that can thrive, e.g., offices require less parking per square foot than restaurants. These issues will be negotiated directly between the owner and tenants.

A previous design required a greater parking waiver, which staff did not support, and the applicant has worked with the Department of Permitting Services (DPS) to analyze their exact requirements and limit uses to create the plan that is presently before the board.

As mentioned earlier, we believe that the residential context, the proximity to the Metro Transfer Station, and the benefits of a renewed and revitalized "lifestyle" mixed-use center are

all reasons for approving the waiver. Further, as the applicant has mentioned, recent research and planning efforts have seen trends that support providing less parking than has traditionally been required. Not only are many such centers over-parked, the desire to minimize driving and maximize walking, biking, and use of other modes of transport is enhanced by setting maximum limits to parking rather than requiring minimums.

II. Montgomery Village Town Sector Density Analysis & Conformance to the Master Plan

Appendices:

G. Memorandum from Community Based Planning

Due to the population density cap imposed by the Zoning Ordinance on the Montgomery Village Town Sector, the applicant has supplied the following analysis outlined in Table 5.

Table 5. Montgomery Village Residential Density Analysis

Item	Quantity
Total land area of Montgomery Village Town Sector	2,434.8 acres
Planned population density ⁴	15 persons/total acreage
Maximum allowed population	36,522 persons
MNCPPC tabulation of population density as of October 10, 2002 compiled in conjunction with review of DPA 02-2	34,576 persons
Adjustments to MNCPPC tabulations per calculations of the Montgomery Village Foundation	+ 726 persons
Persons added to population density by Gables at Rothbury (DPA 02-2)	+ 534 persons
Current population density	35,836 persons
Remaining unused population density	686 persons
Montgomery Village Plaza, Phase 2 proposed units (excluding MPDUs)	224 units
Montgomery Village Plaza population density ⁵	448 persons
Population density after Montgomery Village Plaza, Phase 2	36,284 persons
Remaining unused population density	238 persons

Community Based Planning (CBP) has reviewed and analyzed this issue in detail in the appended memorandum. Given that the proposed development does not exceed the population cap, but brings it close to the designated capacity, if Phase 2 is not completed, the applicant will be required to release the population credits by amending the site plan.

⁴ Zoning Ordinance Section 59-C-7.25. Density of Population. The population of the town sector zone must be planned so as not to exceed 15 persons per acre based upon the total area within the town sector zone; except, that such planned population may be increased by an amount equal to the population to be housed in [MPDUs] included in the development plan in accordance with chapter 25A of this Code, as amended, provided that the total increase in population does not exceed 22 percent of the population that would otherwise be permitted.

⁵ Zoning Ordinance Section 59-C-7.25. (d) Multiple-family dwellings 5 stories in height or higher shall be assumed to have an average occupancy of 2 persons per dwelling unit.

The Gaithersburg Vicinity Master Plan is based on several County-wide objectives that are relevant to the subject site plan. First is the provision of employment opportunities for a variety of businesses and enterprises. Second is the provision of a sense of community identity for both existing and future residents. Third is an increase of the County's total housing stock and concurrently providing an appropriate mix of affordable housing. Last is the provision of safe, efficient, and adequate transportation systems.⁶

With respect to the variety of employment opportunities, the proposed development provides primarily retail sector jobs, but these types of "lifestyle" centers can provide unique opportunities for small-business owners and entrepreneurs. The layout, distinct architectural style, and public amenities will encourage a strong mix of stores and restaurants.

The site itself can't help but being enhanced by the Phase 1 renovation, not to mention the complete transformation of Phase 2. This will bring a sense of pride and satisfaction to existing and future residents on the subject site as well as the adjacent residential areas. And directly related to this, the proposed housing provides a different type than the immediately adjacent apartments and townhouses. Along with the inclusion of MPDUs, this enhances both the entire housing stock as well as affordable housing.

Although the number of residential units is being increased, which entails more drivers on area roads, the subject site makes a good attempt to increase walkability on and around the site. The related improvements and studies necessitated (and outlined in the conditions) will go a long way to ensure that the impact of future traffic will be minimized.

III. Transportation

Appendices

H. Memoranda from Public Agencies

Transportation Planning staff, DPWT staff, and SHA have reviewed the applicant's Local Area Traffic Review (LATR) Study for this project and found that all of the studied intersections will satisfy LATR criteria. That being said, there are several conditions enumerated above that speak directly to the need for proper signage as well as one intersection that will require further study regarding the potential need for a traffic signal. Another area of concern brought up by SHA is the North Summit Avenue and Odendhal Avenue Intersection. This area required improvements due to negative impacts of future traffic, but these improvements were undertaken and completed by the developer of the Hidden Creek subdivision and no longer are applicable based on a field inspection by DPWT.

⁶ Gaithersburg Vicinity Master Plan, Approved and Adopted 1990, Amended 1990, page 1.

FINDINGS: For Site Plan Review

Appendices:

I. Memorandum from Environmental Planning

J. Memorandum from Department of Permitting Services

1. *The site plan conforms to all non-illustrative elements of the development plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64.*

The proposed development is consistent with the approved Development Plan (DPA 02-2) in land use and density guidelines.

- a. The subject site is in the 1-B Area of the Development Plan that is designated “Mixed Uses”, which permits multi-family, single-family, office, commercial, and civic uses.
 - b. The additional residential units comply with the density cap of the Montgomery Village Town Sector Zone.
2. *The Site Plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Site Plan meets all of the requirements of the Town Sector Zone as demonstrated in the project Data Table on page 13.

It is the purpose of this zone to provide a classification which will permit development of or additions to planned new towns or additions to existing urban developments. Such towns shall contain, insofar as possible, all of the residential, commercial, community and industrial facilities needed to make possible a town that is reasonably self-sufficient for all purposes, except major employment and central business district shopping.

The proposed development serves the purpose of the Town Sector Zone by providing employment, housing, and community shopping facilities. Further, the subject site plan proposes a mix of uses as prescribed by the Zoning Ordinance to fulfill the goals of (a) self-sufficiency through mixed-use development, (b) diversity of housing facilities, (c) density appropriate for an urban context, (d) enhancement of the transportation connections, and (e) is served by public utilities.

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*
 - a. Locations of buildings and structures
The proposed buildings and structures will be more aesthetically pleasing in addition to providing a safer and more efficient use of land. Further, the buildings

⁷ Zoning Ordinance Section 59-C-7.21. Town Sector Zone Purpose.

provide a better relationship to the adjacent residential areas and more interest along Lost Knife Road. The one area of the site that does not work as well as desired is along the frontage of Lost Knife Road. The southern edge of the site is more internally focused and does not provide any active fronts along this section of road (except at the corner café). It is hoped that when the Wendy's lease is up, the southwest corner of the site can be redeveloped to enhance, in part, the relationship of the site to Lost Knife Road.

The internal buildings provide an adequate, safe, and efficient relationship of massing, street-level interest, and open space both internally and along Contour Road. Parking structures are underground or integrated into the building in a satisfactory manner.

b. Open Spaces

Although there is no requirement for green space, the plan proposes a minimum of 66,739 square feet of green space at the completion of Phase 1 and 89,334 square feet of green space at the completion of Phase 2. A large portion of the open space is provided around the perimeter of the site along the tree-lined sidewalk. Interior to the site, the retail frontages provide seating and landscaping along wide sidewalks but the focus of the shopping center is the plaza in front of the center retail/residential pad. This 5000 square foot plaza has two courtyard areas defined by planters and benches. Due to the proximity of the plaza to both retail/restaurant/residential areas, this open space should continue to attract people throughout the day.

As noted in the project description, there are two courtyards within the residential building that will provide open space for passive recreation and relaxation. Children will have the meandering paths, lawn area, and a climbing boulder on which to play, while adults will have the gazebo, benches, and the lawn to enjoy. The larger of the two courtyards is a roughly triangular 7,500 square feet with two entrances from the building. The smaller courtyard also has two entrances and is a 105' x 35' (\approx 3600 square feet) rectangle with a central fountain.

c. Landscaping and Lighting

The proposed landscaping on the site consists of a mix of shade, evergreen and flowering trees along Lost Knife Road and Contour Road. The sidewalk along Lost Knife Road is paralleled on the road frontage by a row of oak trees and on the shopping center side by a row of Zelkova trees and evergreen shrubs buffering the parking lots. As the sidewalk turns down Contour Road, the street-side trees are sugar maples and the interior plantings remain similar until you reach the edge of the residential building. At this point, sugar maples remain along the outside of the sidewalk, but the interior plantings become more diverse, including evergreen hollies, flowering cherries, and redbuds.

The parking lot, sidewalks, and plaza are dominated by honeylocust trees and a large diversity of shrubs and perennials massed in beds and planters. The planting

plan provides a good variety of texture, interest, and color during each season and is an adequately safe and efficient treatment of green space.

The lighting plan provides different fixtures according to their respective purposes. The parking area is lit by standard box fixtures on 27.5-foot poles, including the mounting base, with 400 watt metal halide bulbs. The sidewalks have a more contemporary architectural fixture with a circular shade and stacked louver reflectors to spread light downward evenly. These fixtures are pole mounted 14 feet above grade. Wall mounted box fixtures illuminate areas not covered by pole-mounted luminaries. The lighting associated with the existing retail strip along the southeast side of the site will not change. The lighting plan is adequate and efficient and provides for safe nighttime use by patrons and residents.

d. Recreation Facilities

Recreation demand is satisfied as shown in the recreation calculations table on page 15. The proposed on site recreation facilities including sidewalks and paths, benches and other sitting areas, and indoor facilities will provide all age groups opportunities to relax or exercise in a variety of ways. The open spaces internal to the site provide for community and patron gathering. The existing off-site facilities, such as ball fields and playgrounds, provide more variety, especially for more active types of recreation.

e. Pedestrian and Vehicular Circulation Systems

Access points to the site are to be provided from Lost Knife Road and Contour Road at the location of existing driveways. One existing driveway will be closed on the north side the site and an entrance to the parking garage will be provided at the eastern corner of the site. This proposed location will also provide an egress for the service aisle behind the remaining retail strip. Although these two egress points are close to each other, conflicts should be minimized due to the different times of use, viz., service and delivery vehicles versus residents. Internal circulation patterns balance the needs of delivery vehicles, parking requirements, patron usability, and resident concerns to provide a safe, adequate, and efficient arrangement.

The existing five-foot wide sidewalk that parallels Lost Knife Road and Contour Road will remain. There are new sidewalks proposed at each of the vehicular access points for pedestrians, as well as additional access points between these primary entrances. Internally, the pedestrian environment is greatly enhanced by well-defined driveway crossings, open spaces, a plaza, and increased opportunities for sitting. The paving patterns are well integrated with the architecture and other site features; while not a “main street”, the pedestrian environment attempts to provide the character and scale of a more urban mixed-use area. As a whole, the sidewalks and pedestrian spaces provide an adequate, safe, and efficient circulation system for tenants, patrons, and residents.

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

The proposed structures enhance the aesthetic quality and viability of the existing structures and the development, as a whole, is compatible with the adjacent uses. In fact, the proposed site plan will greatly enhance the sensitivity of the site to its context with respect to surrounding uses. The height and massing of the remaining and proposed commercial buildings is compatible with adjacent uses and the pedestrian environment. The residential building, although taller than many surrounding buildings, is well integrated into the site and detailed to provide a comfortable pedestrian experience and appropriate scale for the neighborhood. It is hoped that this project will spark renovations of other commercial and mixed-use properties in the area. There are currently no site plans under review in the immediate area.

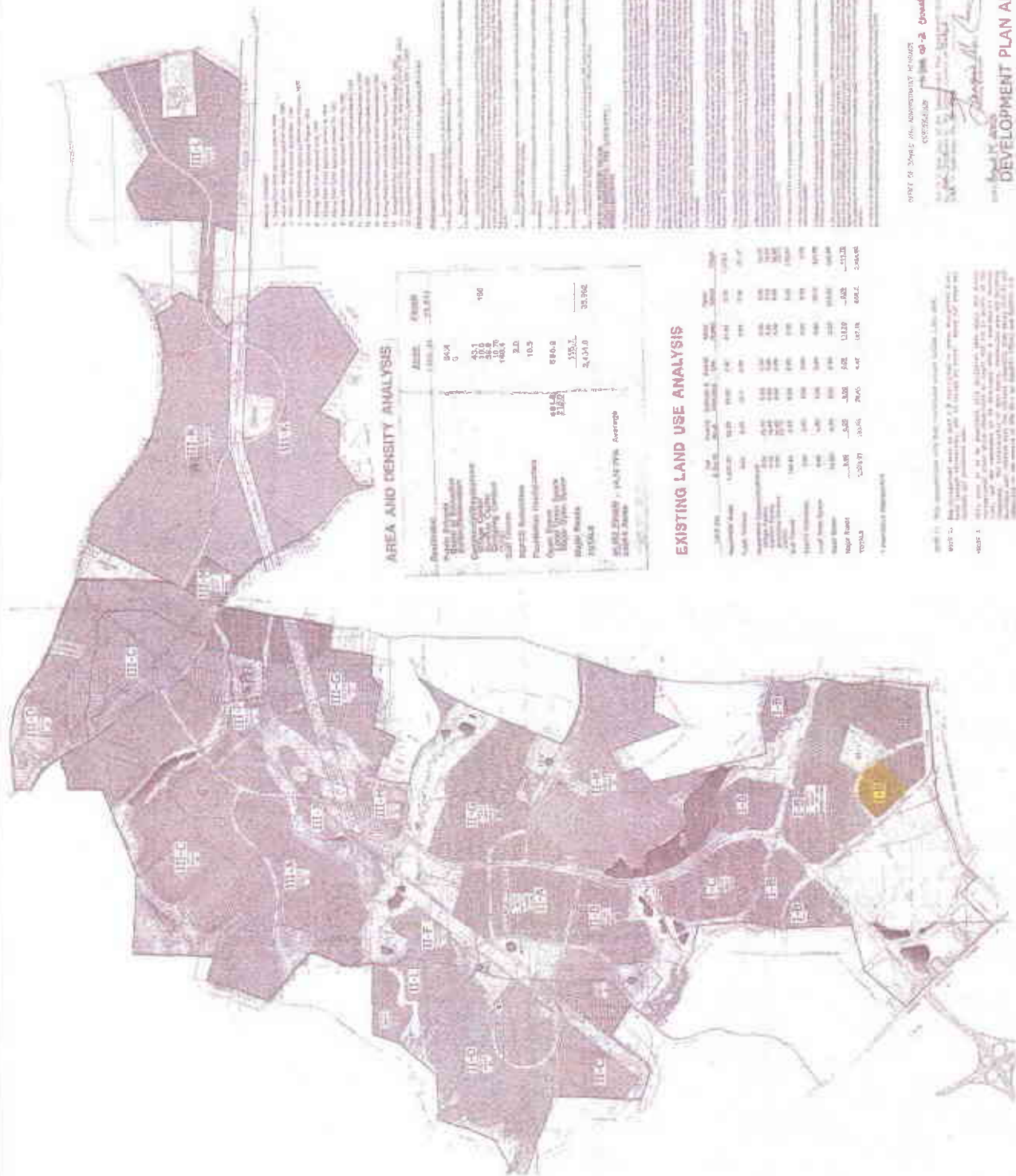
5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The subject site plan is exempt from Forest Conservation Law, as indicated in the appended memorandum.

The proposed stormwater management concept consists of on-site channel protection measures via underground storage. Lake Whetstone provides channel protection controls for a part of the site. On site water quality control will be provided by flow splitting the water quality volume to one Storm Filter in Phase 1 and nine Storm Filters in Phase 2. Phase 2 will also include two manhole-type Storm Filters. Ground water recharge is not required because the site is considered redevelopment.

APPENDICES

- A. Development Plan Amendment 02-2
- B. Preliminary Plan Opinion
- C. Site Plan Opinion
- D. Site Plan Amendment Memorandum
- E. Letter from Miller, Miller & Canby
- F. Letter from Montgomery Village Foundation, Inc.
- G. Memorandum from Community Based Planning
- H. Memoranda from Public Agencies
- I. Memorandum from Environmental Planning.
- J. Memorandum from Department of Permitting Services
- K. Letters from Utility Companies



ORDER OF DEVELOPMENT AMENDMENT RESOLUTION
 65556-002
 03-2 Council 4-17-02
 NORTH VILLAGE, ROTHBURY SITE
 PART OF AREA III-F
 MONTGOMERY VILLAGE
 MONTGOMERY COUNTY, MARYLAND
 806040
 TOWN SECTOR PLAN
 I-2

EXISTING LAND USE ANALYSIS

Category	Area (Acres)	Count
Open Space	880.8	100
Public Buildings	0	0
Commercial	45.1	100
Community	20.0	100
Education	10.0	100
Employment	100.0	100
Health	2.0	100
Industrial	10.5	100
Professional	0	0
Open Space	880.8	100
Open Space	155.7	100
Open Space	3,134.0	100
Major Roads	0	0
Highways	0	0
TOTAL	4,313.5	100

TOWN SECTOR PLAN
 LAND USE AND CIRCULATION

MONTGOMERY VILLAGE

DESIGNED BY: [Logo]

SCALE: 1" = 100'

DATE: 11/11/02

PROJECT NO: 806040



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20907
(301) 279-1000

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-83103
NAME OF PLAN: MONTGOMERY VILLAGE PLAZA

On 06-23-83, WESTERN DEVELOPMENT CORP. , submitted an application for the approval of a preliminary plan of subdivision of property in the TS zone. The application proposed to create 1 lots on 9.46 ACRES of land. The application was designated Preliminary Plan 1-83103. On 10-13-83, Preliminary Plan 1-83103 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 1-83103 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-83103, subject to the following conditions:

1. No clearing, grading or recording of lots prior to site plan approval by Montgomery County Planning Board
2. Necessary slope and drainage easements

Mailed to:
Western Devel.
G & O
Hurley
Lakewood Assoc.
Woodies
Horizon Run Condo.

Date of Mailing: October 18, 1983



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20907

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Site Plan Review # 8-83084
Project Montgomery Fashion Center Phase II

On August 31, 1983, Western Development Co. submitted an application for the approval of a site plan for property in the Town Sector zone. The application was designated Site Plan Review # 8-83084.

On October 13, 1983, Site Plan Review # 8-83084 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 on the testimony and evidence presented by the staff and on the staff report hereby adopted by the Montgomery County Planning Board, which is attached hereto and made a part hereof, the Montgomery County Planning Board finds:

1. the site plan meets all of the requirements of the zone in which it is located;
2. the locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe and efficient;
3. each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.

and approves Site Plan Review # 8-83084 subject to the following conditions:

1. Submission of a site plan enforcement agreement and development program to staff for approval prior to release of permits.
2. Revise north entrance opposite Horizon Run Road intersection per DOT, Gaithersburg Fire Department, and Urban Design staff requirements.
3. In the event that the parking ordinance is revised and the revision reduces the parking requirements, the proposed parking may be reduced and replaced with landscaping, subject to Urban Design Staff approval.

MCPB
11/13/89
Item #24



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

16
November 14, 1989

MEMORANDUM

TO: Montgomery County Planning Board

FROM: Staff, Urban Design Division

SUBJECT: Site Plan Review #8-89067 (Amends #8-83084)
Montgomery Village Plaza Parcel B
TS Zone
SE Quadrant of Contour Road and Lost Knife Road
Montgomery Village
Gaithersburg Master Plan Area

C.M.A.T.C.

→ ADDITIONAL
CONDITIONS

SYNOPSIS

On September 19, 1989, Applicant (Applicant), filed Site Plan #8-89067, which amends Site Plan #8-83084.

Applicant's Site Plan #8-89067 is for a development of 100 units in the South Village Homes development, including the site of the existing building which receives the stormwater from the site and other areas.

OTHER REFERENCES

- 1. Applicant's previous Site Plan #8-83084, which was approved by the Board on 11/13/88.
- 2. Applicant's previous Site Plan #8-83084, which was approved by the Board on 11/13/88.
- 3. Applicant's previous Site Plan #8-83084, which was approved by the Board on 11/13/88.
- 4. Applicant's previous Site Plan #8-83084, which was approved by the Board on 11/13/88.
- 5. Applicant's previous Site Plan #8-83084, which was approved by the Board on 11/13/88.
- 6. Applicant's previous Site Plan #8-83084, which was approved by the Board on 11/13/88.
- 7. Applicant's previous Site Plan #8-83084, which was approved by the Board on 11/13/88.

- B. Landscaping and lighting along the new passage;
 - C. Screening for dumpsters;
 - D. Landscaping along the edge of the rear parking area;
6. Provide a Site Plan Enforcement Agreement and Development Program.

EXISTING SITE AND BACKGROUND CONDITIONS

The site consists of 9.46 acres of TS zoned land located in the SE quadrant of Contour Road and Lost Knife Road in Montgomery Village.

Property surrounding the site on all sides is also zoned TS and contains a variety of uses. Property across Contour Road to the north is developed with apartments. To the east, also across Contour Road, is South Lake Elementary School. To the south is a shopping center designated Parcel A, Montgomery Village Plaza. To the west, across Lost Knife Road, is Lakeforest Mall.

The most significant change in topography occurs behind the site, along Contour Road. These man-made slopes often exceed 20 percent and most are landscaped with trees and shrubs.

The site is already developed with a shopping center referred to as the Montgomery Village Off-Price Center. The shopping center currently consists of three separate buildings. One is a drive-in restaurant, Wendy's. A second contains several other restaurants and shops. The third is large and L-shaped and contains most of the stores at the center.

PREVIOUSLY APPROVED PRELIMINARY PLAN AND SITE PLAN

On June 21, 1981, the Planning Board approved Preliminary Plan #1-83103 subject to the following conditions:

- 1. No clearing, grading or excavating of lots prior to site plan approval by Montgomery County Planning Board.
- 2. Retention of slopes and drainage easements.

On October 11, 1983, the Planning Board approved the previous Site Plan, subject to the following conditions:

- 1. Submission of a site plan enforcement agreement and development program to staff for approval prior to issuance of permits;
- 2. Review with appropriate agencies including the Maryland Department of Transportation per DOT, participating fire department and Johns Hopkins State requirements;
- 3. In the event that the parking ordinance is revised and the revision reduces the parking requirements, the proposed parking may be reduced and replaced with landscaping, subject to Urban Design Staff approval.

The site has been developed subject to the above conditions.

PROPOSED DEVELOPMENT

The proposed development consists of an additional 9,000 square feet of space for retail use. This would increase the gross leasable area from 105,544 square feet to 114,544 square feet. This increased area would be divided between a 2,000-square-foot free-standing building and a 7,000-square-foot addition to an existing building. The parking lot will receive minor changes. In the vicinity of the Contour Road entrance, changes will be made to improve circulation. In other areas, minor changes will be made to improve efficiency of layout. Behind the largest building, the parking areas will be widened two feet to accommodate more spaces in a more efficient layout.

FINDINGS

1. Consistency with Approved Development Plan

The expansion is consistent with the approved Development Plan in that no changes in land use are proposed.

2. Conformance with TS Zone

The proposal conforms to the standards in the TS Zone as follows:

SITE PLAN DATA TABLE

<u>Standards in the Zone</u>	<u>Permitted/Required</u>	<u>Proposed</u>
Green Space	10% 51,208 SF	11.7% 48,106 SF
Parking (incl. outdoor storage space)	1% 10,554 SF	1.4% 17,100 SF

PARKING REQUIREMENTS

<u>USE</u>	<u>SF G.L.A.</u>	<u>REQUIRED</u>
RETAIL	105,544	475
STORAGE	1,000	12
PROPOSED ADD:		
- 2,000 SF	2,000	
- 7,000 SF	7,000	151
TOTAL PARKING REQUIRED:		638
TOTAL PARKING PROVIDED:		633

3. Building Locations

Building locations are acceptable. The applicant has agreed to relocate the free-standing building per the staff exhibit. The new free-standing building is set back from the street the same distance as the existing building.

The building addition occurs in a corner and will stand on what is now part of the rear parking area. This is an appropriate location for the addition.

4. Vehicular and Pedestrian Circulation

Vehicular circulation will be improved in the vicinity of the Contour Road entrance. The modification is illustrated on the attached Site Plan. MCDOT has requested that the improved exit aisle be widened to 14 feet. This is reflected in the conditions.

A more efficient parking layout is proposed in the rear and will require a one-way flow of traffic. Any employees parking in the rear can reach businesses through the rear entrances.

An additional recommendation is that dumpsters be located where they can be easily accessed by trucks and where they will not impede the flow of traffic. Dumpster locations are currently being improvised in the parking areas behind the buildings. Areas designated for dumpsters should be screened.

Pedestrian circulation will be improved. There will be a new pedestrian passage that will connect the grade directly to the sidewalk along Contour Road. The new passage will serve the apartment complexes to the north, and in case a bus stop on Contour Road. People currently use a short cut in the vicinity of this new passage.

The new free-standing building will be easily reached by pedestrians when it is relocated per the staff exhibit. It is located adjacent to Lost Kille Road and an existing sidewalk. Users can arrive by bus and walk to the free-standing building without crossing any drives or parking spaces. Walking from the Shopping Center grade to the building can be achieved with only one crossing. Staff recommends providing sidewalks as indicated on the staff exhibit.

5. Signage and Amenities at Entry

Signage - The signage for the site is adequate. A small seating area will be included on the new pedestrian passage connecting Contour Road and the Shopping Center. Several benches are already provided along the grade.

Environmental Review - The Environmental Planning Division Staff finds the amended site plan satisfactory in terms of stormwater management. This site is already developed and is primarily impervious. The proposed additions will occur within the existing parking areas and no additional runoff will be generated on site pursuant to plan.

However, EPD Staff believes that a stormwater management waiver may be necessary and has asked the Montgomery County Department of Environmental Protection to reconsider this point. At this time, MCDEP is simply requiring the applicant to obtain a letter of permission for runoff draining to Lake Whetstone. If a waiver is required, EPD would consider one acceptable for this proposal.

6. Landscaping, Screening, and Lighting

A final landscape plan shall be provided to include the following:

- A. Landscaping around the new free-standing building;
- B. Landscaping and lighting along the new passage;
- C. Screening for dumpsters;
- D. Landscaping along the edge of the rear parking area.

COMPATIBILITY

The proposed changes to the original site plan are compatible with surrounding uses both on and off-site.

Attachments:

Site Map
Site Plan
Proposed Site Plan/Scale 1/8"=1'-0"

ENCLOSURE

APPENDIX E



LAW OFFICES

MILLER, MILLER & CANBY

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**Licensed in Maryland and Florida*

April 10, 2007

Mr. Joshua Sloan
Development Review Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

RE: Site Plan Review Application No. 8-200060400,
Application of JBG Rosenfeld Retail;
Montgomery Village Plaza

Dear Josh:

As I know that you are aware, JBG Rosenfeld (JBGR), the Applicants for site plan approval for Montgomery Village Plaza (Site Plan Review No. 8-200060400), recently resubmitted the cover sheet in the site plan application materials with updated parking tabulations and a modified parking waiver request. The purpose of this letter and the attached materials is to provide you with more empirical and experiential evidence justifying the parking waiver request for Montgomery Village Plaza.

I. Background.

Montgomery Village Plaza was constructed in 1984. It presently contains 112,371 square feet of floor area and is distinguished by its anchor tenants Marshalls and Trader Joe's. Presently there are 645 striped parking spaces provided.

The shopping center is in need of attention both in terms of its appearance and its mix of uses. JBGR, with its extensive experience in ownership, management and re-positioning of retail centers, has an expansive plan to invigorate Montgomery Village Plaza in two phases, as seen in the submitted site plan. The first phase will include a renovation of the façade (including the replacement of a portion of the façade) and parking lot and roof repairs that will result in a much more modern and updated retail center. In addition, a new multi-tenant retail pad building in the front of the center will bring customer traffic to a side of the center that is currently underutilized. Phase 2 of the redevelopment plan will transform the shopping center into a more pedestrian-friendly mixed-use development similar to many of today's lifestyle shopping centers, with all of the accompanying benefits (more public space, more green space, more activity, 24/7 "energy") through inclusion of residential.

The result of the improvements described above will be, at the end of Phase I, a shopping center with 115,971 square feet of retail space and 562 parking spaces. Since 588 parking spaces are the Code requirement to serve the ultimate square footage planned, a waiver of 26 spaces, or 4.42% of the total spaces required is requested (Please note that in Phase I Option B, which has a 4,284 sf restaurant pad addition in place of the 3,600 sf bank pad contemplated in Phase I Option A, the parking waiver request is 3.96%). This waiver is justified for the following reasons:

A. Experience shows that there is more than adequate parking to support the existing and future uses proposed for the Montgomery Village Plaza Shopping Center.

1. We are sure that you have made a site visit, and probably more than one, to Montgomery Village Plaza. We don't know what time of the day you made your visit, but we are confident that whenever you visited you observed that there was a substantial amount of surplus parking to serve the existing tenants.

JBG Rosenfeld conducted several parking utilization surveys at the shopping center. We have included pictures of the parking lot taken at lunch time on March 9, 2007. As you can see, the southern half of the parking lot is nearly empty, with the remainder only half full. The parking tabulation results are summarized below:

Parking Tabulations

Date	Time	Number of Cars	% of Total Parking Utilized
March 9, 2007 (weekday)	12:30 pm	211	32.7%
March 12, 2007 (weekday)	10:30 am	133	20.6%
March 13, 2007 (weekday)	4:30 pm	173	26.8%
March 14, 2007 (weekday)	6:30 pm	171	26.5%
March 24, 2007 (Saturday)	12:30 pm	244	37.8%
March 24, 2007 (Saturday)	7:30 pm	158	24.5%

The center is currently 88.6% leased, with 12,772 square feet of vacant area. However, management's experience is that even when shopping centers are at 100% occupancy, parking rarely, if ever, exhausts the available space. At one of JBG Rosenfeld's other retail centers, Backlick Plaza in Springfield, VA, the parking utilization was 72.1% (out of 437 total spots) at 6pm on a Saturday and 37.8% at 5:30pm on a Tuesday. This shopping center was chosen as an example due to the high percentage of restaurants. Restaurants occupy 17.8% of the floor area at Backlick Plaza (14,500 sf of 81,532 sf currently occupied). Another of JBG Rosenfeld's shopping centers, Alexandria Commons in Alexandria, VA, also has a high percentage of restaurants (23,561 sf out of 146,183 sf, or 16.1%). In a formal parking survey completed Fall 2004, the average occupancy on weekdays was 56.1% and on weekends was 58.1% (out of 631 parking spaces). The summary page from that report is included with this letter. In comparison, restaurants only occupy 8.4% of Montgomery Village Plaza. The parking waiver we are requesting would allow us to potentially lease an additional 10,525 sf to restaurants, resulting in 17.2% of retail space being leased to restaurants.

2. We realize that a parking waiver request cannot be justified exclusively on the fact that the Montgomery County Zoning Ordinance tends to be conservative regarding parking requirements. However, our client's extensive experience in owning, managing and redeveloping shopping centers in other jurisdictions makes JBGR comfortable that its waiver request will not result in a parking "deficiency" on the subject property. As you know, retail uses are parked at 5 spaces per thousand square feet; restaurant spaces are parked at 25 spaces per thousand square feet of patron service area. By way of comparison, similar requirements in other jurisdictions are much lower. For instance, Fairfax County requires 1 space per 4 seats, 1 space per 2 stools and 1 space per 2 employees, which results in fewer spaces required per restaurant. Prince George's County uses a simple 4 spaces per 1,000 sf requirement for all retail uses.

B. Current literature and studies reflect a need for lower parking ratios.

In Phase I Option B, we will be supplying 5.0 parking spaces per 1,000 sf of retail. Recent studies and articles on parking required for retail establishments abound with examples of lower parking ratios being used. The old mantra of at least 5 spaces per 1,000 sf is slowly being abandoned as developers and retailers alike realize that this is simply overkill. A sea of parking is no longer needed, even on the busiest retail shopping days. Environmental and aesthetic reasons are also contributing to lower ratios.

The 2005 Urban Land Institute study entitled "Shared Parking" recommends a straight 4.0 spaces per 1,000 sf of retail for centers less than 400,000 sf without significant dining. Once Starbucks opens, restaurants will occupy only 8.4% of the center. Quite a few more restaurants would have to be added to constitute a "significant" percent of the overall center.

A March 2007 article from Shopping Centers Today discusses a more realistic parking ratio for retail centers of 4.5 spaces per 1,000 sf. Developers and retailers both acknowledge that the traditional ratio of 5.0 spaces per 1,000 sf is only needed one or two days a year, if that. The original Montgomery County zoning code was written with traditional malls on the busiest days in mind. Montgomery Village Plaza is a small, community center that will never receive the influx of customers on the busiest shopping days of the year that larger malls receive.

The ULI study and Shopping Centers Today information is enclosed.

C. Explanations of why current parking demand, and predicted parking demand, for Montgomery Village Plaza are below what the Zoning Ordinance requirements would be for the center.

We have discussed in our own meetings why Montgomery Village Plaza, in reality, has a lower actual parking demand than the Montgomery County Zoning Ordinance would suggest. We think that there are at least three reasons that account for some of the parking factors associated with this center.

1. Lake Forest Mall Transit Center. Directly across Lost Knife Road from Montgomery Village Plaza Shopping Center is the Transit Center maintained and operated by the Montgomery County Department of Public Works and Transportation. At this location, Ride On

buses and Metro buses run directly to and from the Shady Grove Metro train station, and bring transit riders right up to the front of the shopping center. The Applicant has observed that parking is provided for some of those transit users within the Lake Forest Mall Shopping Center. Therefore, a typical experience for a transit rider would be to get off of his or her bus, walk across the street to Montgomery Village Plaza to shop as required and then to walk home or to re-cross Lost Knife Road to get to an automobile parked in a designated area of that shopping center parking lot. One of the applicant's proffers is to provide a real-time sign that will provide up-to-date bus information for passengers at the station, which will only enhance the appeal of the Transit Center.

2. Asbury Methodist Home. Within sight, and within reasonable walking distance, is Asbury Methodist Village, a retirement community containing approximately 1,500 residents. Trader Joe's is a particularly popular destination for the residents of Asbury, many of whom live in independent senior living units with their own kitchens and where they cook their own meals. The "Dollar Tree" also enjoys a lot of patronage by Asbury residents.

As a service to its residents, Asbury Methodist runs a shuttle van that stops at Montgomery Village Plaza, the adjacent "Montgomery Village Off Price Center", and the Montgomery Village Shopping Center located on Montgomery Village Avenue. This transportation option is a popular service provided by the Home and provides not only the shopping opportunities required by the residents of Asbury, but also provides an "outing" and social opportunities for these elderly residents.

Another manner in which the proximity of Asbury Methodist Home accounts for a lower parking demand at Montgomery Village Plaza is the fact that the Asbury campus is located close to Montgomery Village Plaza, with a comfortable sidewalk system provided between the two properties. Therefore, Asbury's staff advises us that "...some residents walk [to the Center], especially in good weather."

Accordingly, we believe that Asbury Methodist Home is a reason why the shopping center will be well patronized without any necessary parking required to service this class of shoppers.

3. Surrounding Residential Density. When Montgomery Village was planned, the higher densities of residential units was intended to be located in the southern sectors of the Village, closest to Route 355 and the Lake Forest Shopping Center. For that reason, there are a substantial number of homes located within close proximity to the shopping center where residents are able to walk to the center to accomplish their shopping needs. For instance, located immediately west of the center are the "Cider Mill" garden apartments containing 864 dwelling units. Additionally, the "Horizon Run Condominium", containing 154 units, is located directly across Contour Road from the shopping center and for which there is also easy pedestrian access to Montgomery Village Plaza.

For the reasons set forth above, JBGR has observed that Montgomery Village Plaza draws a high percentage of shoppers who walk to the center because they live or park close to the plaza itself. This factor is anticipated to be maintained in the future as the shopping center's retail

mix is improved and pedestrian circulation to and within the shopping center is enhanced by the Applicant.

D. New retail space, and renovation of existing space for new tenants, will occur within those areas of the center where available parking is particularly abundant.

1. The Applicant's proposed new pad site will be located in the parking field in the southwest corner of the subject property. It will be located approximately 155 feet away from the closest retail stores, 250 feet from the longest wing on the Center, and will be well removed from the two most active tenant spaces (Marshalls – +/-370 feet; Trader Joe's – +/-270 feet) where parking tends to be concentrated. Any visit to the shopping center will show that this portion of the parking lot is currently unused, as the enclosed pictures reveal. If the new pad site is a bank, the Applicant anticipates that bank customers will park in close proximity to that facility and, once parked, will then walk to conduct other shopping within the center, using an improved pedestrian system that is part of the Phase IA improvements. If the new pad site is a retail use, the Applicant anticipates identifying and securing a "destination use" for that site resulting in the same pattern of parking at one store and then walking to the other stores within the center. At a minimum, a prudent shopper will park "mid-point" between the pad site and the anchor stores. In either event, the new bank or retail facility will tend to spread the parking over a larger area, thus reducing parking congestion in front of Marshalls and/or Trader Joe's.

2. The vacant bay on the southeastern end of the center is being renovated to be occupied by Starbucks. This use will add a new dimension to the shopping center and will create a "draw" at the southeastern end that will, again, have the effect of spreading parking demand over a broader area, thus alleviating any parking congestion that may occur in front of Trader Joe's.

Moreover, we are all familiar with Starbucks operational patterns. The store creates a heavy need for parking spaces in the A.M. peak hour, but then "levels off" in parking demand during the rest of the day. Of course, the hours when Starbucks is busiest are those hours when most of the other shops in the shopping center are not even yet open for business. Therefore, requiring parking for Starbucks at a restaurant rate penalizes the Applicant and overstates the actual parking demand for a use which has peak parking demand periods that are completely complementary with the operation of the rest of the Center.

The remainder of the current and future vacant spaces are all at the southern end of Montgomery Village Plaza (next to Starbucks and the new pad building), with one 2,500 sf space halfway between Trader Joe's and Starbucks. Again, this will create additional parking needs in the portion of the lot that is currently under-utilized, and will help spread parking demand over the entire parking lot. There will be no additional tenants on the northern portion of the center that contains Marshalls and Trader Joe's.

E. The parking waiver facilitates a renovation of the Center without which the Center will remain stagnant and "underperforming".

When a firm such as JBGR acquires a performing shopping center such as Montgomery Village Plaza (albeit underperforming its potential), the acquirer is presented with a

dilemma about how to justify an investment to improve or activate the shopping center. Additional square footage, or introduction of another economic incentive (such as incorporating residential housing as is anticipated in Phase II), is generally the answer to incentivize the property owner to make that economic "leap of faith".

The 4.42% waiver requested is based on a desire to attract more restaurants to the Center which will add great energy and interest as well as generate parking needs generally off peak from retail stores. The Applicant can not sacrifice the amount of potential restaurant space at Montgomery Village Plaza, because the Center will ultimately not reach its full potential if such activating influences are prohibited. Restaurants are often the catalyst that underperforming retail centers need to generate the traffic and patronage needed to turn the corner. In addition, though the Montgomery Village Foundation's letter did not express this, many of the residents that we have met with have specifically requested that we add restaurants to the center. There is a dearth of available restaurant options near the Village, and residents are looking for the energy that these uses bring.

The planned renovation and redevelopment of Montgomery Village Plaza falls right in line with Park and Planning's stated objective of revitalizing older, in-fill retail centers. Montgomery Village Plaza is exactly the type of center that Montgomery County should be encouraging in its redevelopment. In order to realize the revitalization, the applicant needs the flexibility to market the vacant spaces to Tenants that are most appropriate for the center, i.e., restaurants.

In summary, we hope that after reading the attached letter you will conclude that (1) a parking waiver is needed in order to revitalize the Montgomery Village Plaza Shopping Center; (2) the Center has not in the past, nor will in the future, experience inadequate parking based on the retail mix contemplated by JBGR; (3) that unique factors related to this Center explain why parking at a rate of 5.0 spaces per thousand square feet of gross floor area is more than adequate to support the Center; and (4) the requested parking waiver is justified under these circumstances. Without the parking waiver requested, the applicant unfortunately will not have the economic incentive to proceed with the renovation and redevelopment, and likely will not proceed with the investment in the shopping center.

Thank you for your consideration of these comments. We would be pleased to provide you with any more information that you may think is necessary to support the observations set forth above.

Sincerely yours,

MILLER, MILLER & CANBY

A handwritten signature in dark ink that reads "Jody". The letters are stylized and connected, with a prominent "J" and "y".

Jody S. Kline

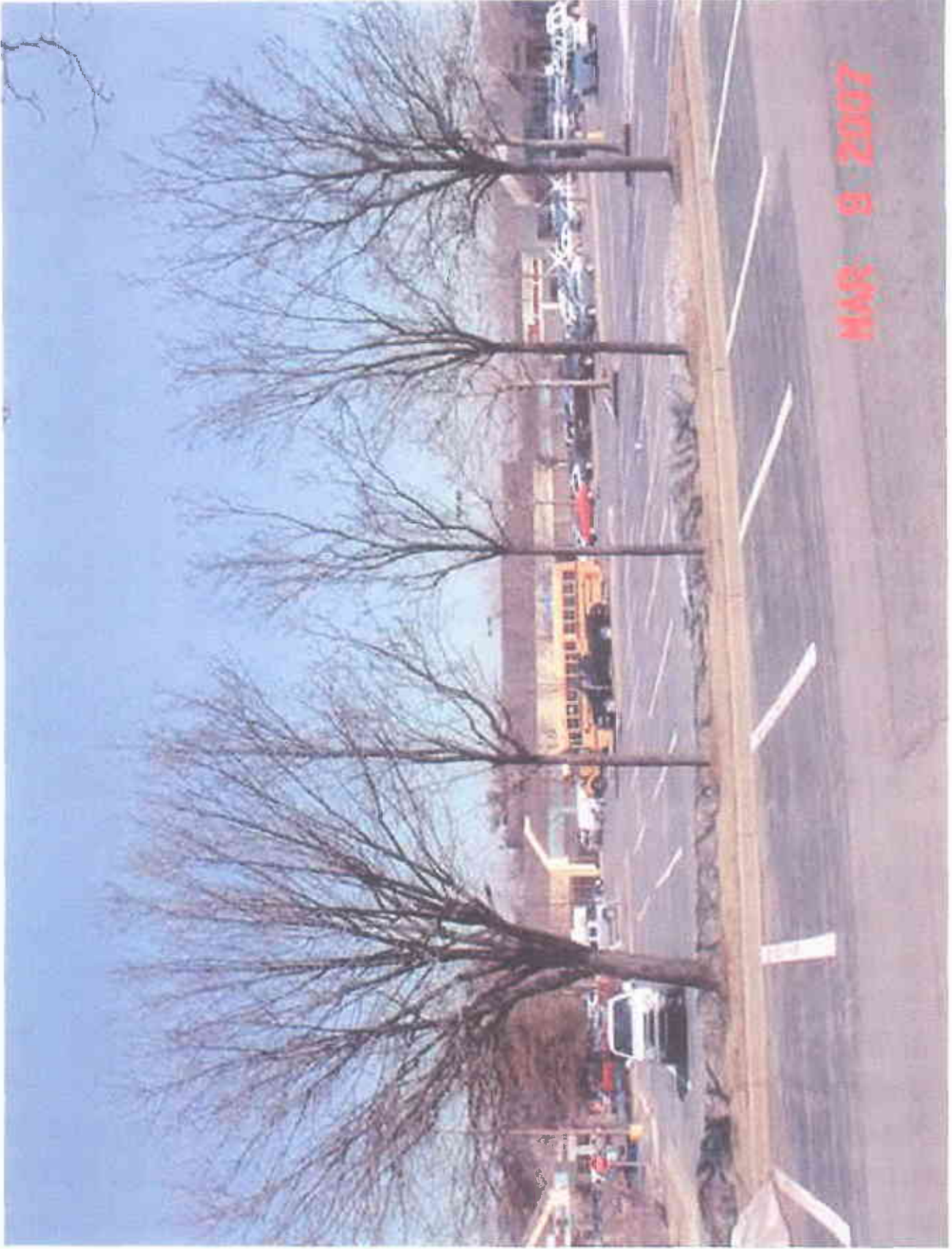
JSK/dlt

Enclosures

cc: Sue Edwards
Nancy Sturgeon
Jim Garibaldi
Carter Davis
Allen Mushinsky
Kevin Foster
Tim Longfellow
Mike Workosky
Soo Lee-Cho, Esquire







MAR 9 2007

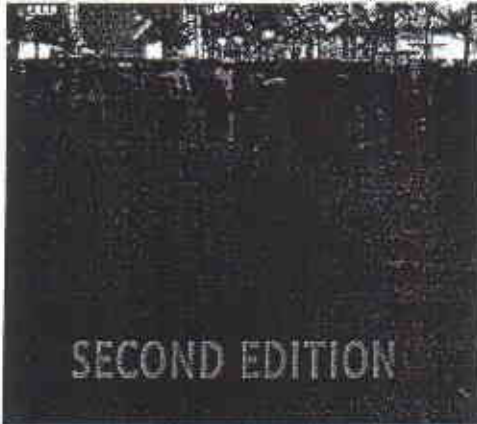
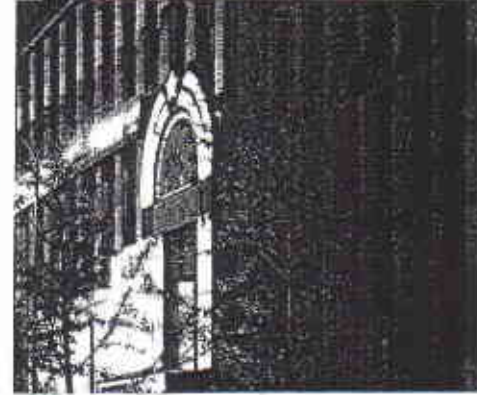
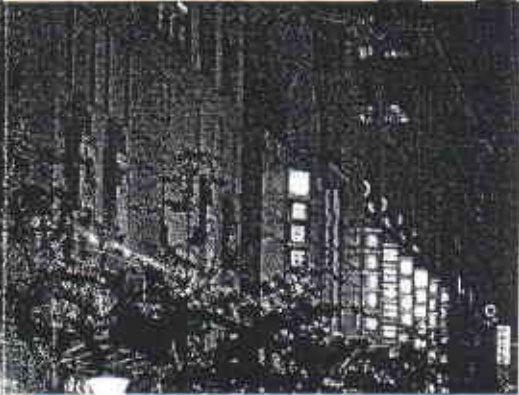
Alexandria Commons Shopping Center
Parking Utilization Assessment

TABLE 3

Time	20 Minute Customer Parking		General	H.C.	Loading	Total Occupancy	Existing Occupancy	100% Tenant Occupancy Growth (In Vehicles)	Projected Parking Occupancy (In Vehicles)																																																																																																																																			
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Gorve / Slade Associates, Inc.
1175 Herndon Parkway - Suite 600
Herndon, Virginia 20170

SHARED PARKING



SECOND EDITION

 Urban Land
Institute


International Council
of Shopping Centers

Table 2-2 Summary of Recommended Base Parking Ratios (Spaces per Unit Land Use)

Land Use	Weekday		Weekend		Unit	Source
	Visitor	Employee	Visitor	Employee		
Community Shopping Center (<400,000 sq. ft.)	2.9	0.7	3.2	0.8	/ksf GLA	1
Regional Shopping Center (400,000 to 600,000 sq. ft.)	3.2	0.8	3.6	0.9	/ksf GLA	1
Super Regional Shopping Center (>600,000 sq. ft.)	3.2	0.8	3.6	0.9	/ksf GLA	1
Fast Food Restaurant	15.25	2.25	17.5	2.25	/ksf GLA	3
Family Restaurant	9.0	1.5	12.75	2.25	/ksf GLA	3
Fast Food Restaurant	15.25	2.25	17.5	2.25	/ksf GLA	3
Nightclub	15.25	1.25	17.5	1.5	/ksf GLA	3
Active Entertainment						
Cineplex	0.19	0.01	0.26	0.01	/seat	3, 2
Performing Arts Theater	0.33	0.07	0.33	0.07	/seat	2, 1
Arena	0.27	0.03	0.3	0.03	/seat	3
Pro Football Stadium	0.3	0.01	0.34	0.01	/seat	3
Pro Baseball Stadium	0.31	0.01	0.34	0.01	/seat	3
Health Club	6.6	0.4	7.5	0.5	/ksf GLA	3
Convention Center	5.5	0.5	5.5	0.5	/ksf GLA	3
Hotel - Business	1.0	0.2	1.0	0.2	/room	3
Hotel - Leisure	0.8	0.2	1.0	0.2	/room	3
Restaurant/Lounge	10.0		10.0		/ksf GLA	3, 5
Commercial Center/Office (70,000 sq. ft. to 100,000 sq. ft.)	0.3		0.3		/ksf GFA	2
Conventional Office (<50,000 sq. ft.)	0.3		0.3		/ksf GFA	2
Residential, Rental	0.15	1.5 ²	0.15	1.5 ²	/unit	2
Residential, Owned	0.15	1.5 ²	0.15	1.5 ²	/unit	2
Office (<25,000 sq. ft.)	0.3	3.5	0.03	0.35	/ksf GFA	2
Office (25,000 to 100,000 sq. ft.) Sliding scale between						
100,000 sq. ft.:	0.25	3.5	0.03	0.32		
500,000 sq. ft.:	0.2	2.6	0.02	0.26		
Office (>500,000 sq. ft.)	0.2	2.6	0.02	0.26	/ksf GFA	2
Data Processing Office	0.25	5.75	0.03	0.58	/ksf GFA	2, 3
Medical/Dental Office	2.0	1.5	4.0		/ksf GFA	2, 3
Bank, Branch with Drive-in	3.0	1.6	3.0	1.6	/ksf GFA	2

Notes

Ratios based on peak parking spaces required with virtually 100% auto use and typical ridesharing for suburban conditions. 1.5-1.7 spaces per thousand sq. ft.

² 1.5 spaces reserved for residents' sole use, 24 hours a day; remainder shared with visitors and other uses.

Sources:

1. *Parking Requirements for Shopping Centers*, 2nd ed. (Washington, D.C.: ULI-the Urban Land Institute, 1999).
2. *Parking Generation*, 3rd ed. (Washington, D.C.: Institute of Transportation Engineers, 2004).
3. Data collected by team members.
4. John W. Dorsett, "Parking Requirements for Health Clubs," *The Parking Professional*, April 2004.
5. Harold Salzman, "Hotel Parking: How Much Is Enough?" *Urban Land*, January 1988.

The first edition of *Shared Parking* employed a single ratio of 3.0 spaces/ksf (per thousand square feet) for parking at office uses on weekdays, with 0.5 spaces/ksf on weekends. This edition stratifies office uses into six categories, four for general office with ratios decreasing as size of office space increases (3.8 to 2.8 spaces/ksf on weekdays and 0.38 to 0.28 spaces/ksf on weekends), plus separate new categories for data processing offices and medical and dental offices. In addition, a new category is now provided for bank branches with drive-in facilities.

For retail, the update of *Parking Requirements for Shopping Centers* in 1999 recommended the same parking ratios for less than 400,000 square feet of retail (4.0 spaces/ksf) but lowered the ratio for centers larger than 600,000 square feet from 5.0 spaces/ksf to 4.5 spaces/ksf. This change also results in slightly different ratios when scaled between 400,000 and 600,000 square feet. This edition recommends a similarly scaled ratio of 3.5 to 4.0 spaces/ksf for weekday parking needs, as compared with the flat 3.8 spaces/ksf ratio of *Shared Parking's* first edition. Monthly and time-of-day factors for retail have been modified considerably to represent more recent shopping patterns.

Parking Requirements for Shopping Centers also recommended that where dining and entertainment uses (including cinema) represent more than 20 percent of the total GLA, shared parking methodology should be employed. When dining and entertainment uses constitute 10-20 percent of the GLA, *Parking Requirements for Shopping Centers* recommended that the base ratio for retail be increased by 0.03 for each additional 1 percent of dining/entertainment space over 10 percent. The case studies in chapter 6 indicate that the use of shared parking methodology may be more accurate for shopping centers where dining and entertainment uses exceed 10 percent of the GLA. The case studies also confirm that it is not necessary or appropriate to further stratify retail uses such as discount superstores, big-box retail uses, and supermarkets

and drug stores (using more refined base ratios for each rather, the base ratios recommended for shopping centers should be employed for all retail tenancies).

Parking ratios for restaurants have also been considerably modified in this edition. The first edition recommended a single ratio of 20.0 spaces/ksf for both weekdays and weekends for restaurant use. This second edition separates restaurants into three categories: fine/casual dining (with bars), family restaurants (no bar), and fast-food restaurants. The Saturday ratio for fine/casual dining remains 20.0 spaces/ksf, but the weekday ratio is now 18.0 spaces/ksf, with ratios of 15.0 on Saturday and 10.5 on weekdays for family restaurants. In addition to the lower ratios, a key reason for this differentiation between restaurants with and without bars is that family restaurants have peak parking needs at noon, while fine/casual establishments peak in the evenings. Differentiation also enables analysts to employ more captive patronage (and thus a lower noncaptive adjustment) for fast-food uses than for restaurants, where the typical patron stays for an hour or more. Ratios of 15 spaces/ksf on weekdays and 14 spaces/ksf on Saturdays are recommended for fast-food restaurants.

The ratios for cineplexes have been lowered from 0.3 on weekends and 0.25 on weekdays to 0.27 and 0.2, respectively, reflecting the significant changes in the movie theater business in the last 20 years.

Separate ratios of 1.65 and 1.85 spaces/unit are now recommended as the starting points for rental and owned residential units (the same ratios are employed weekdays and weekends), rather than the single ratio of "1.0 spaces per auto owned per dwelling unit" recommended in the first edition. The latter was intended to be adjusted according to auto ownership per dwelling unit but was commonly used as simply 1.0 space/unit. For this edition, the study team concluded that it was more appropriate to give ratios reflecting auto ownership for "cornfield" residential projects and to allow adjustment for



MONTGOMERY VILLAGE FOUNDATION, INC.

10120 APPLE RIDGE ROAD
MONTGOMERY VILLAGE, MARYLAND 20886-1000

(301) 948-0110 FAX (301) 990-7071 www.mvf.org

January 22, 2007

JBG Rosenfeld Retail Properties
Attn: Carter Davis
4445 Willard Avenue - Ste 700
Chevy Chase, MD 20815

Re: Montgomery Village Plaza

Dear Mr. Davis:

I apologize for the delay in sending this letter. It was an oversight on my part. Once again, the Commercial Architectural Review Committee thanks you, Mr. Mushinsky, Mr. Kline and other representatives of JBG Rosenfeld Retail for attending the December 8, 2006 meeting.

The members unanimously approved the application from JBG Rosenfeld to redevelop the Montgomery Village Plaza -for Phase I as presented, and with conceptual approval for Phase II.

It should be noted that this review included material samples for brick, roofing, metal and canopies. Storefronts are to be aluminum and dark bronze will be used for residential windows. Pavers will be a blend of medium and dark red brick.

The Committee also reviewed the proposed landscape plan offering the comment that it was important to consider the size of the planter boxes in the plaza area in front of the retail store. In explanation of the proposed lighting plan, lights will be placed on the back of the building in the service area. Lights near the doors will meet the emergency code and all lights are in accordance with the required foot candle levels. No lights are to be placed on the perimeter of the center but what lights are to be used will have to be tall given the design of the roof.

JBG Rosenfeld was asked to submit a final signage package when it is available. Ms. Toni Negro, Vice President of the Montgomery Village Foundation noted that at the December 7, 2006 MVF Board of Director's meeting the Board agreed to support the site plan application if the Planning Board decides that there is adequate parking.

It has been a pleasure working with all representatives for JBG Rosenfeld Retail and everyone looks forward to the completion of the redeveloped center. Thank you for your cooperation throughout the non-residential review process.

Respectfully yours,

Diane B. Stasiewicz

Diane B. Stasiewicz, Director
Architectural Standards

Copy: Jody Kline, Miller, Miller & Canby





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

April 25, 2007

MEMORANDUM

TO: Joshua Sloan, Development Review Division

FROM: Nancy Sturgeon, Community-Based Planning Division *NS*
 Mary Beth O'Quinn, Community-Based Planning Division *mbq*

VIA: Sue Edwards, Team Leader, I-270 Corridor Team *Sue*
 Community-Based Planning Division

SUBJECT: Site Plan #8-2006-0400 – Montgomery Village Plaza

The subject site is Montgomery Village Plaza, a shopping center in Montgomery Village located at Lost Knife Road and Contour Road. Montgomery Village is a large planned community in Gaithersburg that began developing in the late 1960s. Montgomery Village is in the Town Sector Zone and is within the boundaries of the 1985 *Gaithersburg Vicinity Master Plan*. The subject site is in the southernmost section of the Village, known as "South Village" and is adjacent to the City of Gaithersburg; Lost Knife Road and Odendhal Avenue form the boundary between the City and the County.

Montgomery Village Plaza is a 9-acre site that currently has 112,371 square feet of retail space and 645 surface parking spaces. The primary tenants are Marshall's and Trader Joe's. The site backs up to another retail center, Montgomery Village Crossing (also known as the "Off Price Center"), at Lost Knife Road and Odendhal Avenue. Montgomery Village Crossing is similar in size and design to the subject project, with Safeway as the primary tenant. South Lake Elementary School is across Contour Road from the subject site as are the residential communities of Cider Mill, Horizon Run, Grover's Forge, and the Hamptons. Lakeforest Mall is across Lost Knife Road and Asbury Methodist Home is across Odendhal Avenue; both are in the City of Gaithersburg.

Project Description

JBG Rosenfeld Retail (JBGR) has purchased Montgomery Village Plaza and plans to redevelop the shopping center into a mixed-use project with retail and residential uses. The center was constructed in 1984 and could benefit from a "facelift" and reinvestment. In Phase I, the retail area will be reconfigured and expanded slightly. In Phase II, multi-family residential units are planned along Contour Road with an adjacent parking garage. Phase II will also include an underground parking garage that will be constructed beneath the new pad location for the Marshall's store. The final project will include 116,371 square feet of retail and 256 multi-family residential units, of which 32 will be MPDUs.

Montgomery Village Development Plan

As required by the Zoning Ordinance, a Development Plan accompanies the Town Sector Zone. The subject site is located in the South Village area, Section I-B on the Development Plan for Montgomery Village, an area that is designated for mixed use. Since the project proposed by the applicant is consistent with the uses identified for Section I-B on the Development Plan, an amendment to the Development Plan is not required.

Background on the Town Sector Zone

Montgomery County's 1964 General Plan "...On Wedges and Corridors" created a land use concept that concentrated employment and more intense development in "corridors" while maintaining open space, farmland and low density residential in "wedges". The I-270 Corridor was planned to have a series of self-sufficient corridor cities – Rockville, Gaithersburg, and Germantown – each with a planned population of up to 100,000 people. In support of the corridor concept in the General Plan, several new zoning strategies were developed to encourage new town planning and development. In the mid 1960s, the Town Sector Zone was created (along with the Planned Neighborhood Zone and the Residential Cluster Subdivision Regulations) to help implement the General Plan and accommodate development of a large, unified area by a single entity.

The purpose clause for the Town Sector Zone (59-C-7.21) states: "Such towns shall contain, insofar as possible, all of the residential, commercial, community and industrial facilities needed to make possible a town that is reasonably self-sufficient for all purposes except major employment and central business district shopping." New town density is further described in the purpose clause as: "Urban rather than rural, in order to facilitate travel between residential, commercial, employment and other types of areas and to make the most efficient use of public utilities, but low enough to permit the incorporation of large amounts of open land within the town for recreational and scenic purposes."

Unlike traditional zones, the Town Sector Zone did not specify exact development standards. Instead, the developer was required to submit an overall land use plan (development plan) and then file subdivision and site plan applications. Because the Town Sector Zone was so unconventional, there was concern upon its introduction that it would marginalize the Zoning Ordinance. As stated in the original zoning case (C-1522), however, the purpose of the zone was not to abandon public land use controls, but to allow for new forms of development: "This is why it is essential that the population density limitations, the limitations on commercial and industrial uses, and the approval and enforcement of a desirable development plan must be included in an ordinance provision of this kind. These few overall requirements substitute for the many specific and detailed regulations which would be required in traditional zoning categories."

Montgomery Village Population

The Town Sector Zone addresses "Density of Population" and specifies both an overall population figure for the total land area as well as a calculation based on persons per unit type. (Section 59-C-7.25) As suggested above, the rationale for a residential density "cap" in the Town Sector Zone appears to be a mechanism to establish an "end state" to development given the lack of specific restrictions that typically regulate such matters in conventional zoning categories. The text of the original zoning case stated that 15 persons per acre was the "typical urban density in the Washington Metropolitan area." The complete text of section 59-C-7.25 is:

The population of the town sector zone must be planned so as not to exceed 15 persons per acre based upon the total area within the town sector zone; except, that such planned population may be increased by an amount equal to the population to be housed in moderately priced dwelling units included in the development plan in accordance with Chapter 25A of this Code, as amended, provided that the total increase in population does not exceed 22 percent of the population that would otherwise be permitted.

In calculating the density, the following standards shall apply:

- (a) One-family detached dwellings shall be assumed to have an average occupancy of 3.7 persons.*
- (b) Townhouses shall be assumed to have an average occupancy of 3 persons.*
- (c) Multiple-family dwellings less than 5 stories in height shall be assumed to have an average occupancy of 3 persons per dwelling unit.*
- (d) Multiple-family dwellings 5 stories in height or higher shall be assumed to have an average occupancy of 2 persons per dwelling unit.*

Montgomery Village was created in 1965 when the Town Sector Zone was placed on 1,767 acres. Subsequently, additional land was rezoned to the Town Sector Zone as Montgomery Village expanded, particularly toward the east in the 1980s. Today, the total land area of Montgomery Village, as shown on the Development Plan, is 2,434.8 acres. The total theoretical Montgomery Village population, based on the Zoning Ordinance language (i.e., that the Town Sector Zone must not exceed 15 persons per acre of the total area within the Zone), is 36,522 people ($2434.8 \times 15 = 36,522$).

The first residential units in Montgomery Village were completed in 1967. Development continued apace over two decades and into a third decade when the East Village and Eastgate sections were added to the Town Sector Zone. It has now been 40 years since the first homes were built in the Village. An analysis of the residential density is important at this time to determine whether the total population capacity, as stipulated in the Zoning Ordinance, has been reached.

Prior to the extant application, the last residential project in Montgomery Village that was submitted to M-NCPPC was in 2002 (DPA 02-2; Site Plan #8-04005). This project, known as "Gables Rothbury," involved using a site that had been designated for an elementary school on the Development Plan for multi-family housing. In reviewing the Rothbury application, the Community-Based Planning Division analyzed the status of population density in Montgomery Village, which provided a benchmark. Prior to the 2002 Rothbury application, the last in-depth review of population density in Montgomery Village was done in 1988 in conjunction with another Development Plan Amendment

(DPA 88-1). Community-Based Planning, with assistance from the Montgomery Village Foundation, determined that the total population in market rate units, including Rothbury, was 35,098.

Subsequent to the Rothbury project, there was discussion of possible development of the Montgomery Village golf course, which led to further analysis of the existing population figures for the Village and an estimate of the remaining residential development capacity. In 2005, during the golf course discussions, the Montgomery Village Foundation did another thorough analysis of the unit types, applied the population factors, and determined that there had been some discrepancies in the calculations of units. In 2006, at the request of several County Council members, staff provided an update of the density calculations. After conferring with the Montgomery Village Foundation and reviewing the data again, staff determined, in agreement with the Foundation, that the total existing population in market rate units is 35,836 and the remaining population potential is 686 people.

Current Montgomery Village Residential Density Calculation

Phase II of the proposed project for Montgomery Village Plaza includes a multi-family residential building with 256 dwelling units. As outlined in the applicant's supplementary plan submission – "Montgomery Village Town Sector Density Analysis" - 224 market rate units and 32 MPDUs are proposed. Units that are planned in the interior of the site will be above retail and the total building height of this section is 65 feet. Units that will be built along Contour Road will be in a 5-story building (4 stories plus basement level) with a total building height of 59 feet. As stated in the Zoning Ordinance, "Multiple-family dwellings 5 stories in height or higher shall be assumed to have an average occupancy of 2 persons per dwelling unit." All 256 dwelling units in this proposed project will be in buildings that are at least 5 stories in height.

Since the proposed residential buildings are at least 5 stories in height, the occupancy rate per unit is 2 people. With 224 market rate units, the total project population is 448 persons (224 market rate units x 2 people per unit = 448 people). If this project is approved, the remaining population density in Montgomery Village would be 238 people (686 – 448 = 238), which would equate to approximately 64 single-family homes, 80 townhouse units, or 119 multi-family units (all market rate). Since Montgomery Village is nearing its residential density cap and since this project will use up the majority of that remaining density in Phase II, if the housing portion of the project does not come to fruition, the developer will be required to release the population credits by amending the site plan.

Design Issues

The applicant seeks Site Plan approval for a phased, mixed-use redevelopment of Montgomery Village Plaza, an existing commercial retail property. The applicant proposes development in two phases and seeks approval of parking waivers for each phase under Section 59-E-4.5 of the Zoning Ordinance. In Phase I, a relocated bank building is proposed. In Phase II, the plan proposes renovation of a strip retail center and a new anchor tenant structure, with a change in commercial use from general retail

to restaurant. The final build-out of Phase II will be the 256-unit residential portion, some of which has ground floor retail that will replace a portion of the existing retail space. As discussed above, the housing proposed by this project will significantly reduce the remaining allowable residential capacity in Montgomery Village.

Urban Design Concept

Development proposed for Montgomery Village Plaza offers a compatible mix of uses and desirable level of density to create a mini-mixed-use center with commercial services for the residents. The architectural scale and design achieve consistency with the surrounding area in most respects. The site represents the most desirable location for housing because of the varied services and commercial uses allowed; the location relates well to its surroundings with respect to transportation routes, bus service, nearby major retailers, elderly housing, and the public school.

Site Development and Phasing

Optimal development of the site is challenged by an architectural program, market conditions, leasing arrangements, and financing that necessitate a complex phasing plan. The interim phases are complicated by factors such as "tight" site dimensions, the continuous operation of existing leased retail space, the addition of two freestanding retail structures (approximately 30,000 square feet), the conversion of retail space to restaurant use (with increased parking requirements), as well as economics that dictate the place-holding of residential credits through housing development reserved for the final phase. Of these, the critical issue is parking—and the site design accommodations for parking.

Development Phasing and Parking

Currently, the existing development of 112,371 square feet provides 645 surface parking spaces, an amount that exceeds Zoning Ordinance requirements. This surplus adequately satisfies parking requirements for Phase I, the 3,600 square feet of construction for the bank relocation.

A parking shortfall is created by several development components in Phase II-B:

- a) A net gain of ~26,000 square feet requires, at a minimum, 130 additional parking spaces;
- b) Existing surface parking is lost to accommodate new construction;
- c) Conversion of portions of general retail space to restaurant use requires substantially higher parking ratios (5 spaces per 1,000 square feet for general retail versus 25 spaces per 1,000 square feet for restaurants).

The parking imbalance is ameliorated by the one-level underground parking garage to be constructed below the proposed anchor tenant structure. The applicant's recent drawing revisions (dated April 6, 2007) alter the architectural program to reduce the amount of restaurant patron area, increase kitchen space, and decrease general retail space, which lowers the parking requirements: the shortfall requires a parking waiver for 4.42 percent of the code-required parking for the interim project phases. The revised application does not demonstrate whether the additional kitchen space will alter the expected number of employees.

The parking deficiencies are sustained at the final build-out (Phase II-D, which includes the multi-family housing component and some additional retail) with the addition of the shared, four-story parking garage. The shortfall at final build-out is reduced to 39 spaces, 4.24 percent of the requirement.

Parking Solutions

In justifying the request for parking waivers, the applicant questions the relevance of traditional parking standards for retail centers – standards created for the lower density, auto-oriented suburbs of the 1970-80's. The applicant cites publications that support the assertion that the parking standards required by the Zoning Ordinance are outdated by current retail trends.¹

Justification for Parking Waivers

The applicant proposes the implementation of revised parking standards, as cited above, in addition to the following measures:

Revitalization, Fiscal Constraints

The applicant proposes parking waivers for Phases II-B and II-C (4.42%) and for Final build-out of Phase II-D (4.24%). The applicant asserts that the waivers are essential to the redevelopment of the site in order to:

- a) Facilitate the timely revitalization of the retail center;
- b) Accommodate financial restraints, and;
- c) Implement recent survey data that demonstrates the validity of reduced capacity parking standards for retail centers.

Site Density Distribution

The proposed plan distributes retail activity throughout the site, activating neglected corners of the property, reducing parking congestion within the surface parking areas.

Mitigation

Enhancing the Bus Service Transit Stop

The applicant will provide a “real time” electronic message board for Ride-On arrival and departures to encourage the use of public transit.

Additional Concerns Regarding Parking and Mixed-Use Development

There are ample indicators that the County's parking standards should be reviewed. The familiar image of desolate swaths of surface parking calls into question whether parking standards are overly generous. These standards should be re-evaluated as to accommodate new development models and emerging levels of use, particularly as goals for development types that encompass housing, transit, and commercial are emphasized within the context of growth policy.

¹ Urban Land Institute and International Council of Shopping Centers, *Shared Parking*.

The applicant's challenge of current parking standards is well placed, particularly with respect to "infill" retail and a shared parking complement. However, published studies of commercial shared-use parking ratios rarely include a multi-family housing component as part of the mixed-use formula. The proposed project's multi-family housing in the second phase may actually generate more parking demand than required by parking standards. Recent staff reviews of previously approved Planning Board waivers for multi-family housing point to reconsideration of residential parking standards, as well as those for commercial, especially for areas of concentrated density and for mixed-use models of development.

In an ideal world, the best possible planning for Montgomery Village Plaza would be to provide adequate parking infrastructure for the long term development of the site. The inherent flexibility of the Town Sector Zone and the mixed-use designation for this area on the Montgomery Village Development Plan may accommodate future commercial enhancements within the subject parcel itself. An additional level of underground parking (two levels), constructed within Phase I, would strengthen and sustain the orderly development of the site to:

- Support more efficient use of the site by pedestrians, residents, and shoppers;
- Enhance the size, location, and aesthetic appearance of public open spaces;
- Optimize safe pedestrian passage and activity nodes;
- Offer efficiencies for further development of the site with respect to increased commercial density and/or uses;
- Allow more cohesive future development and redevelopment of the long-term lease parcels;
- Offer greater flexibility in the housing program and design for a population who may vary in age and employment.

The costs of providing this infrastructure are well appreciated, and present numerous difficulties, as stated by the applicant. Parking waivers are best justified for interim project phases that require sequential access and staging relocations. Such is the case for this constrained site, for which parking waivers present the most logical solution. Redevelopment of existing, built sites is particularly challenging and will become more common. Staff and the Planning Board will need to better understand the interface between housing and retail parking demand within mixed-use centers. Each site will present unique challenges and a waiver of parking requirements may be desired or applied for during early phases of a project. Permanent waivers of parking requirements, however, should be carefully evaluated and not considered as precedent for subsequent projects.

Conclusion

Community-Based Planning is generally supportive of this project. Finding ways to revitalize older shopping centers is a challenge. Introducing housing as part of a shopping center redevelopment provides the residential/retail mix of uses that the Department has encouraged in recent years. This mix creates a livelier, vibrant, and more pedestrian-oriented community than would be the case if the projects were separated. Residents will have the convenience of retail stores, particularly a grocery

store, immediately adjacent to their homes. Businesses will benefit from nearby residents who are potentially regular patrons of their stores. Staff has some concerns about the requested parking waiver, as outlined above, but supports the project nonetheless.

The southern portion of Montgomery Village was originally planned for higher density housing and a greater mix of uses, with decreasing density toward the northern area. This land use pattern is indicated on the Development Plan and has generally been adhered to as the Village has built out. South Village is an appropriate location for additional housing. The subject site is a good place for mixed use and the proposed retail/residential mix is the ideal combination to generate on-site activity. Since this is potentially one of the last housing developments in Montgomery Village's Town Sector Zone, it should be a well-designed, high quality project that enhances the community.

NS:MBOQ:ha: g:\sturgeon\MV Plaza Site Plan - JBG



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

April 24, 2007

MEMORANDUM

TO: Joshua Sloan, Site Plan Reviewer
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning

FROM: Ed Axler, Planner/Coordinator EA
Transportation Planning

SUBJECT: Site Plan No. 820060400
Montgomery Village Plaza, Parcel B
Montgomery Village/Airpark Policy Area



This memorandum is Transportation Planning staff's Adequate Public Facilities (APF) review of the subject site plan to redevelop an existing 112,371-square-foot shopping center with a supermarket in the Town Sector zone.

RECOMMENDATIONS

We recommend the following conditions as part of the APF test for transportation requirements related to the subject site plan:

1. The applicant under this site plan shall be limited to the following:
 - a. In Phase I, adding a bank with drive-through windows of up to 4,000 square feet.
 - b. In Phase II, adding 256 mid-rise apartments and reducing the size of general retail use by 19,354 square feet to a maximum of 93,017 square feet.
 - c. Retaining a supermarket as part of the general retail use.

2. The applicant must submit a traffic signal warrant study at the nearby intersection of Contour Road and Odendhal Avenue that is impacted by 32 site-generated peak-hour trips. If the traffic signal is warranted, the applicant shall install the traffic signal with all associated geometric intersection changes prior to issuance of any building permit for Phase II. Refer to the attached letter from the Montgomery County Department of Public Works and Transportation (DPWT) dated January 30, 2007.
3. The applicant must provide 20 bike racks with Transportation Planning staff determining the location of the bike racks prior to approval of signature set.

DISCUSSION

Site Location and Vehicular Access Points

The proposed mixed-use development is located in the eastern quadrant of Lost Knife Road and Contour Road and northeast of Lakeforest Mall. The vehicular access points are situated at the following locations:

1. An existing full-movement access point from Lost Knife Road, aligned with the opposite access point to Lakeforest Regional Shopping Mall shall continue to be used as the service access point for the Montgomery Village Plaza and adjoining Montgomery Village Off Price Center.
2. Customers will continue to use the existing right in/right out access point on Lost Knife Road, closer to Contour Road.
3. The existing full-movement access point from Contour Road, closest to Lost Knife Road, will continue to be used by customers entering and leaving the shopping plaza.
4. The second existing access point from Contour Road, aligned with Horizon Run Road on the opposite side shall be closed and replaced with a new access point to the east for the residential parking garage.
5. The existing right-turn-out egress point onto Contour Road shall be retained for service egress from Montgomery Village Plaza and Montgomery Village Off Price Center.

Available Transit Service

Ride-On route 55 operates along Lost Knife Road and Contour Road. The Lakeforest Transit Center is located on the opposite side of Lost Knife Road within the parking area of the Lakeforest Regional Shopping Center. The Lakeforest Transit Center is served by Ride-On routes 54, 55, 56, 57, 58, and 59 and Metrobus route J-7 and J-9.

Pedestrian Facilities

Five-foot-wide sidewalks exist along Lost Knife Road and Contour Road. The site plan includes lead-in sidewalks and handicapped/ADA accommodations.

Master-Planned Roadways

In accordance with the *Gaithersburg and Vicinity Master Plan*, Lost Knife Road is designated as an arterial, A-18, with a recommended 80-foot minimum right-of-way.

Contour Road is not listed in the *Master Plan*. It connects Lost Knife Road (arterial) and Odendhal Avenue (major highway). Contour Road's right-of-way varies between 64 and 74 feet wide and it serves residential use on the north and east sides and commercial uses on the other sides.

Local Area Transportation Review (LATR)

The proposed mixed-use development would generate the following peak-hour trips within the weekday morning peak period (6:30 to 9:30 a.m.) and the weekday evening peak period (4:00 to 7:00 p.m.):

Type of Land Use	Number of Units or Square Feet	Weekday Peak Hour	
		Morning	Evening
Proposed Phase I Bank	up to 4,000 sq. ft.*	+ 2	+ 25
Proposed Phase II Displaced Retail	-23,354 sq. ft.	- 14	-144
Proposed Phase II Retained Retail	93,017 sq. ft.	+ 58	+573
Proposed Phase II Apartments	256 units	+105	+121
Proposed Phases I & II Peak-Hour Trips		+179	+863
Existing Shopping Center	112,371 sq. ft.	- 70	-692
Net Increase in Peak-Hour Trips		163	694

* Phase I is proposed to be either Phase Ia or Phase Ib and includes a bank of either 3,600 or 4,000 square feet, respectively.

A traffic study was required to satisfy the LATR, because the proposed mixed-use development generates 30 or more total peak-hour trips during the weekday morning and evening peak hours. The following table shows the Critical Lane Volume (CLV) values at the analyzed intersections:

Traffic Condition	Weekday Peak Hour	Traffic Condition			
		Existing	Background	Phase I Total	Phase II Total*
Montgomery Village Avenue and Lost Knife Road/ Christopher Avenue	Morning	1,017	1,059	1,059	1,060
	Evening	1,402	1,442	1,442	1,443
Lost Knife Road and Contour Road	Morning	225	231	231	234
	Evening	633	639	642	630
Contour Road and North Retail Site Access Point	Morning	170	171	172	169*
	Evening	475	489	509	408*
Lost Knife Road and Retail Right-Turn-In & Out Access Point	Morning	142	143	143	143
	Evening	383	387	391	373*
Lost Knife Road and Service/Employee Site Access Point	Morning	132	134	134	144
	Evening	294	298	302	297*
Contour Road and East Residential Site Access Point	Morning	115	116	116	228
	Evening	254	259	266	327
Odendhal Avenue and Russell Avenue	Morning	412	420	421	442
	Evening	744	749	751	763
Lost Knife Road and Odendhal Avenue	Morning	425	439	440	463
	Evening	855	843	872	862*
Odendhal Avenue and North Summit Avenue **	Morning	988	1,017	1,017	1,032
	Evening	1,236	1,240	1,247	1,229*

* The CLVs for these intersections are lower for the total-Phase II traffic condition than the total-Phase I traffic condition. This is due to replacement of retail space by the apartments.

** For the Odendhal Avenue/North Summit Avenue intersection, the CLVs for background, total-Phase I, and total-Phase II traffic conditions were calculated with the recently completed improvements required of another developer. These intersection improvements included a second eastbound left-turn lane on Odendhal Avenue and separate right-turn lane on northbound North Summit Avenue.

The CLVs at all intersections are less than the 1,450 congestion standard for the Montgomery Village/Airpark Policy Area and Gaithersburg City Policy Area.

EA: JB
Attachment

cc: Barbara Kearney
Chuck Kines
Jody Kline
Fiona Thomas
Mike Workosky

April 24, 2007
Revised April 27, 2007

MEMORANDUM

TO: Joshua Sloan, Site Plan Reviewer
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning

FROM: Ed Axler, Planner/Coordinator
Transportation Planning

SUBJECT: Site Plan No. 820060400
Montgomery Village Plaza, Parcel B
Montgomery Village/Airpark Policy Area

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RECOMMENDATIONS

We recommend the following conditions as part of the APF test for transportation requirements related to the subject site plan:

1. The applicant under this site plan shall be limited to the following:
 - a. In Phase I, adding a stand-alone retail pad or a bank with drive-through windows of up to 4,000 square feet.
 - b. In Phase II, adding 256 mid-rise apartments and reducing the size of general retail use by 19,354 square feet to a maximum of 93,017 square feet.
 - c. ~~Retaining a supermarket as part of the general retail use.~~

2. The applicant must submit a traffic signal warrant study at the nearby intersection of Contour Road and Odendhal Avenue that is impacted by 32 site-generated peak-hour trips. If the traffic signal is warranted, the applicant shall install the traffic signal with all associated geometric intersection changes prior to issuance of any building permit for Phase II. Refer to the attached letter from the Montgomery County Department of Public Works and Transportation (DPWT) dated January 30, 2007.
3. The applicant must provide ~~20~~ 10 inverted-U bike racks (to store 20 bicycles), ~~with Transportation Planning staff determining the location to be determined of the bike racks prior to approval of signature set as recommended by Transportation Planning staff.~~

DISCUSSION

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Available Transit Service

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DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

Isiah Leggett
County Executive

January 30, 2007

Arthur Holmes, Jr.
Director

Mr. Edward Axler, Planner Coordinator
Transportation Planning
The Maryland-National Capital
Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760



RE: Local Area Traffic Impact Study
Site Plan No. 8-20060400
Montgomery Village Plaza

Dear Mr. Axler:

We have completed our review of the applicant's Local Area Traffic Impact Study (October 5, 2006 original analysis and December 13, 2006 supplemental analysis) for this project. Our field inspection this morning concluded the physical improvements to be constructed by the developer of the Hidden Creek subdivision – at the intersection of North Summit and Odendhal Avenues have been installed – however, the exclusive eastbound left turn lane is temporarily closed to traffic. That being said, we accept the consultant's findings that all of the studied intersections will satisfy LATR criteria.

We were surprised that the applicant's study did not assess the impact of the redevelopment on the adjacent intersection of Contour Road and Odendhal Avenue. We are concerned that this additional development may necessitate the need for a traffic signal at this intersection. As a result, we respectfully request the Planning Board require the applicant to conduct a traffic signal warrant analysis at this intersection as a condition of Site Plan approval. This signal warrant analysis will need to be reviewed and approved by this Office, prior to issuance of any building permits for Phase 2. If a signal is warranted, the applicant will need to construct that facility prior to the issuance of any building permits for Phase 2.

Thank you for your cooperation and assistance. If you have any questions regarding this letter, please email me at greg.leck@montgomerycountymd.gov or call me at 240-777-2197.

Sincerely,

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

Division of Operations



DEPARTMENT OF PERMITTING SERVICES



Isiah Leggett
County Executive

MEMORANDUM

January 25, 2007

TO: Joshua Sloan, Development Review Division - MNCPPC

FROM: Sarah R. Navid
Right-of-Way Permitting and Plan Review Section

SUBJECT: Site Plan Review #820060400 Montgomery Village Plaza

We have reviewed the site plan and recommend approval with the following comments/conditions:

Contour Road

- The lay-by as shown on the 11/1006 plans is acceptable. The applicant will be responsible for posting "No Parking Any Time" signs to prohibit parking in this area. This restriction allows for stopping and standing/loading activity. Additionally, a PIE will be required to accommodate the 5 foot wide public sidewalk and a 2 foot wide maintenance strip behind the sidewalk through the lay-by.
- The proposed new driveway locations and sight distances are acceptable. The southernmost service driveway will be one-way eastbound and will be restricted to right turns only at Contour Road.
- No changes to pavement markings on Contour Road will be required.

Loading

The proposed on-site loading and circulation is acceptable.

Street Trees

Street trees will be permitted in the existing 5-foot wide lawn panels on Lost Knife Road and Contour Road adjacent to the site but because this does not conform with our current 6 foot minimum lawn panel, the species, spacing and planting requirements must be coordinated with and approved by Brett Linkletter, Highway Maintenance Section, DPWT (brett.linkletter@montgomerycountymd.gov) prior final site plan approval.

We appreciate the opportunity to provide our input on this plan.

srm/montgomeryvillageplaza.doc



Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation



January 9, 2007

Re: Montgomery County
MD 124 General File
Montgomery Village Plaza
820060400

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 Updated Traffic Impact Study Report prepared by Wells & Associates, LLC dated December 13, 2006 (received by the EAPD on December 28, 2006) that was prepared for the proposed re-development of the Montgomery Village Plaza in Montgomery County, Maryland. The Maryland State Highway Administration (SHA) comments and conclusions are as follows:

- Access to the Shopping Center that will be re-developed from the existing 112,371 square feet of Retail Development to 93,017 square feet of Retail Development and 256 Garden Apartment Units is proposed from the existing two (2) full movement site access driveways on Contour Road and the existing one (1) full movement site access driveway and one (1) right-in/right-out driveway on Lost Knife Road (both County roadways).
- The report determined that the proposed development would negatively impact the Summit Avenue North at Odendhal Avenue intersection. Therefore, the report proposed to widen northbound Summit Avenue North from the existing 1 left turn lane and 1 through/right lane –to- 1 left turn lane, 1 through lane, and 1 right turn lane. In addition, the report proposed to widen eastbound Odendhal Avenue from the existing 1 left/through lane and 1 right turn lane –to- 1 left turn lane, 1 left/through lane, and 1 right turn lane.

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

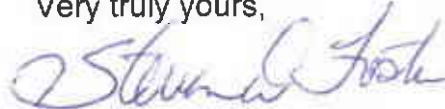


Mr. Shahriar Etemadi
Page 2 of 2

In conclusion, SHA concurs with the report findings. Therefore, SHA recommends that the M-NCPPC condition the applicant to design and construct the roadway improvements at the Summit Avenue North at Odendhal Avenue intersection as described above.

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. If you have any questions regarding the enclosed traffic report comments, please contact Larry Green at (410) 995-0090 x20.

Very truly yours,



Steven D. Foster, Chief
Engineering Access Permits Division

cc: Mr. Ed Axler, M-NCPPC Montgomery County
Mr. Ray Burns, SHA Engineering Access Permits Division
Mr. Robert French, SHA Office of Traffic & Safety
Mr. Larry Green, Daniel Consultants, Inc.
Mr. Errol Stoute, SHA Traffic Development & Support Division
Mr. Morteza Tadayon, SHA Travel Forecasting Section
Mr. Michael Workosky, Wells & Associates, LLC
Mr. Jeff Wentz, SHA District 3 Traffic Engineering

APPENDIX I

**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FOREST CONSERVATION RECOMMENDATIONS**

TO: Inspector Staff, Development Review Division

SUBJECT: Project Name Montgomery Village Plaza Date Recd 2/17/06 NRI/FSD # 4-06237E

The above-referenced plan has been reviewed by the Environmental Planning Division to determine the requirements of Chapter 22A of the Montgomery County Code (Forest Conservation Law). A determination has been made that the plan qualifies for the following exemption:

EXEMPTION:

Modification of Existing Developed Property – no more than a total of 5,000 square feet of forest will be cleared; no forest clearing within a stream buffer or on property subject to SPA WQP requirements; and does not require new subdivision plan.

NOTE: Per section 22A-6(b) of the Forest Conservation Law, Tree Save Plans may be substituted for Forest Conservation Plans on properties where the proposed development is exempt from Forest Conservation except that it involves clearing of specimen or champion trees.

This property is not within a Special Protection Area*.

* Properties within a Special Protection Area (SPA) may be required to submit a Preliminary Water Quality Plan. Contact Leo Galanko at MCDPS for information regarding the requirements (240-777-6242).

Comments:

Please Submit Mylar

Signature: 
Josh Penn, Environmental Planning

Date: 3/17/06

cc: Kevin Foster, for the applicant (Fax 301-421-4186)

APPENDIX J



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

June 16, 2006

Robert C. Hubbard
Director

Mr. Tim Longfellow, P.E.
Gutshick, Little & Weber, P.A.
3909 National Drive, Suite 250
Burtonsville, MD 20866

Re: Stormwater Management **CONCEPT** Request
for Montgomery Village Plaza
Preliminary Plan #:
SM File #: 225194
Tract Size/Zone: 9.46 ac./ T5
Total Concept Area: 9.46 ac.
Lots/Block:
Parcel(s): B
Watershed: Great Seneca Creek

Dear Mr. Longfellow:

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 under ground pipe storage. Lake Whetstone provides channel protection controls for a part of the site. On-site water quality control will be provided by flow splitting the water quality volume to one Storm Filter in Phase 1 and nine Storm Filters in Phase 2. Phase 2 will also include two manhole type Storm Filters. Ground water recharge is not required because the site is considered redevelopment.

The following **conditions** will need to be addressed **during** 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.
5. Provide structural pretreatment for all volume based Storm Filters. This includes both phases of development.
6. All drainage divides approved on the stormwater management concept plan must be strictly adhered to.
7. The existing stormwater management easement and covenant documents for the oil-grit separator will need to be terminated prior to design approval for Phase 2. Also, when Phase 2 plans are implemented the oil-grit separator will be removed. The contents of the oil-grit separator must be removed and properly disposed.

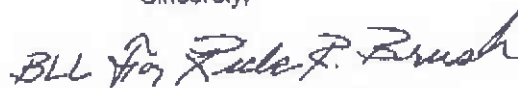


This list may not be all-inclusive and may change based on available information at the time.

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 Blair Lough at 240-777-6335.

Sincerely,



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

RRB:dm bli

cc: C. Conlon
S. Federline
SM File # 225194

ON - on -site: Acres: 9.5
QL - on-site: Acres: 9.5
Recharge is not provided

GLWGUTSCHICK, LITTLE & WEBER, P.A.**CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS**

January 11, 2007

Mr. John A. Smith
Washington Gas
Section Leader
Survey and Land Rights
6801 Industrial Road
Springfield, Virginia 22151

RE: Montgomery Village Plaza
18200 Contour Road
Landscaping in Public Utility Easement (P.U.E.)

Dear Mr. Smith:

I appreciate the opportunity to meet with you and J. Clayton Munsey yesterday at the above-referenced site. As we discussed, the owner of the property, JBG/Montgomery Village, LLC. is processing Site Plans through the Maryland National-Capital Park and Planning Commission (MN-CPPC) seeking approval to redevelop the property. As part of the redevelopment, we are requesting permission to plant landscaping material in the existing 10' Public Utility Easement (P.U.E.). It should be noted that currently there are several mature trees along with retaining walls and other items located in the P.U.E.

The property will be redeveloped in two phases. Phase I will get started immediately after all approvals are received for the project. As shown on the plans that we provided to you, some miscellaneous shrub type material will be installed near the main entrance from Lost Knife Road. This material will have no impact on the existing gas line and can be easily removed if an emergency arises. Phase 2 redevelopment will be undertaken as soon as the condominium market turns around. This may not happen for several years, but we are pursuing the approvals for this work from MN-CPPC now. The work in this phase will be more aggressive. We are proposing to remove all existing trees from the P.U.E. We will also remove the existing retaining wall (along Contour Road), which is into the P.U.E. also. Once all of the site improvements are constructed, we will complete the landscaping installation, which includes planting in the P.U.E.

Based on our verbal agreement, I understand that Washington Gas will give permission for landscape material in the P.U.E. under the following conditions:

1. The owner agrees to perform test pits at 50' intervals along the Lost Knife Road public utility easement prior to beginning tree removal in Phase 2. It is understood that the test pits are required to determine the exact horizontal and vertical location of the existing gas line.
2. Tree removal will be done in the presence of a Washington Gas representative.
3. Any damage to the gas line during the tree removal process will be repaired by Washington Gas at the owner's expense.

Mr. John A. Smith
Montgomery Village Plaza

January 11, 2007
Page 2 of 2

4. Landscape material will be planted in the public utility easement per one of the following options:
 - A. Hedge and shrub material may be planted anywhere within the P.U.E.
 - B. Trees may be planted, but a root shield must be installed 2' from the gas line.
5. The owner accepts and understands that if Washington Gas needs to do work within the P.U.E. and landscape material is damaged, it shall be replaced by the owner at the owner's expense.

I believe that this summarizes our discussion. If you have any questions, please feel free to call me so we can discuss any issues. Otherwise, please indicate your agreement with this letter by signing below. Thank you again for your time and consideration of this project.

Sincerely,



Tim Longfellow, P.E.
Project Engineer

I HEREBY AGREE ON BEHALF OF WASHINGTON GAS TO ALLOW LANDSCAPING WITHIN THE PUBLIC UTILITY EASEMENT IN ACCORDANCE WITH THE CONDITIONS SET FORTH IN THIS LETTER.



JOHN A. SMITH
WASHINGTON GAS

1-26-07
DATE:

TML/ADMIN

04LETMEM:04099.111



A PHI Company

Distribution Engineering, Maryland Division
201 West Gude Drive
Rockville, Maryland 20850
Telephone: 301-670-8700
Fax: 301-670-8718

March 6, 2007

Mr. Tim Longfellow, P.E.
Gutschick, Little & Weber, P.A.
3909 National Drive, Suite 250
Burtonsville, Maryland 20866

Re: Planting of Trees, Shrubs, Plants in a Public Utility Easement
JBG/Montgomery Village LLC
c/o JBG/Rosenfeld Retail Properties
18200 Contour Road
Gaithersburg, Maryland 20886
Tax I.D. No. 02353002

Mr. Longfellow:

We have reviewed your request to plant trees, shrubs, plants in the area of the subject public utility easement. PEPCO has no objection to the trees, shrubs, plants as, with the understanding that the trees, shrubs, plants will be planted as close as reasonably possible to the property line(s) of recorded Lots. This contingency will allow PEPCO crews to remove part of or all of trees, shrubs, plants in the surrounding easement in the event of new construction and/or the need to perform maintenance of our electric system in close proximity to the trees, shrubs, and plants. It would be JBG/Montgomery Village LLC, and their respective successors and assigns responsibility to restore the affected area to its original condition.

Prior to planting of the trees, shrubs, plants, it is JBG/Montgomery Village LLC's responsibility to contact Miss Utility at 1-800-257-7777 to request location of all underground utilities within the area. This is a free service and the request is normally handled within a few days.

If you have any questions regarding this situation, please don't hesitate to call me on (301) 548 - 4305.

Sincerely,

Engineering Supervisor

Jdr



Letter of Intent – When there is an Advance Payment
(All states except VA & NY)

Date: March 8, 2007

To: Mr. Tim Longfellow, P.E.
GLW Gutschick, Little & Weber, P.A.
Burtonsville Office Park
3909 National Drive, Suite 250
Burtonsville, MD. 20866

Re: 4A04233

Dear Mr. Longfellow,

This is in response to your request for Verizon to perform the following work: remove, place, splice, cables, pedestals, terminals on Lost Knife and Contour Road for Montgomery Village Plaza. Developer is doing a major restoration and re-design of the shopping center and road way around the site impacting Verizon facilities. This work is due to new entrances, buildings, PUE grade changes and other items developer may request. This estimate does not include the re-location of the SAI box on said premise at this time, it is unknown if the work to be done will effect this Verizon SAI box at this time.

In addition to the advance payment listed below, you will be required to provide the following: Developer/builder will provide all necessary conduits to be placed under the direction and guidance of Verizon, placing pull strings in all conduits. Customer will be required to provide backboards for terminals, electric service, grounds and bonds and 24/7 access to Verizon to place and maintain our facilities.

We have estimated that the cost of this work effort will be \$165,737 this dollar amount can/will be revised as the project gets closer to a final design by the developer but based on our initial meeting and the requirements given to Verizon this is the proposed estimated cost at this time.

Balance due Verizon	\$165,737
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This is the amount of the advance payment that you will be required to make. You must return this signed agreement, along with the full advance payment, before your work will be scheduled.

Upon job completion, you will be issued either: (1) a refund for any overpayment, or (2) an invoice, if the final actual costs exceed the advance payments received. Any unapplied portion of advance payments will be refunded to you within sixty (60) days of the final bill or cancellation of the job.

If you agree to these terms, please sign below and forward this signed letter agreement, a check for \$ 165,737 made payable to Verizon and noted with 4A04233 to:

Verizon
Attn: Sharon Duckett
Engineering Department
3901 Calverton Blvd. 3rd Floor
Beltsville, MD. 20705

For your convenience and use, we have enclosed a self-addressed envelope. If you are signing for a company or other entity, then by signing below, you warrant that you are authorized to bind the company or entity to the terms of this letter agreement.

Upon receipt of your signed agreement and advance payment, your work order will be released to our Construction Department for scheduling.

Verizon shall not be responsible to the extent its performance is delayed or prevented due to causes beyond its control, including but not limited to acts of God or the public enemy, terrorism, civil commotion, embargo, acts of government, any law, order, ordinance, regulation, or requirement of any government, fires, explosions, weather, quarantine, strikes, labor disputes, lockouts, and other causes beyond the reasonable control of Verizon.

Should you have any questions or concerns regarding these terms, please contact me at 301 595-6080.

Please be advised that the price estimate quoted above is only valid for sixty (60) days from the date of this letter. If this work request is cancelled after you have signed the agreement, you will be billed for any Engineering and Construction cost incurred after the date of signature that may include the cost to place and/or remove facilities.

If we do not receive this signed agreement and your full advance payment within this sixty (60) day period, we will assume that you do not want the work to be undertaken and the project will be **cancelled**.

Sincerely,

Sharon Duckett
Verizon – Signature

Engineering Assistant _____
Verizon - Title

I agree to the terms of this agreement:

Accepted (Signature): _____

Print Name & Title:

Company:

Billing Address:

Telephone #:

Date: