

PARK POTOMAC
SKETCH PLAN AMENDMENT NO. 32019002A

Description

Request to extend the Sketch Plan's eligible period to submit a Site Plan by an additional eighteen months, from June 2022 through to December 2023.

No. 32019002A

Completed: June 3, 2022

MCPB

Item No. 10

June 16, 2022

Montgomery County
Planning Board

2425 Reedie Drive, Floor 14
Wheaton, MD 20902

Planning Staff

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LOCATION/ADDRESS

Northwest quadrant of the interchange of Montrose Road and I-270

MASTER PLAN

2002 Potomac Subregion Master Plan

ZONE

CRT 1.25, C-0.5, R-0.75, H-100T

PROPERTY SIZE

Approximately 54.84 acres

APPLICANT

Wisconsin Avenue Properties, LLC

ACCEPTANCE DATE

May 13, 2022

REVIEW BASIS

Chapter 59



Summary:

- On June 19, 2019, the Planning Board approved Sketch Plan 320190020 to allow the construction of up to 2,326,279 square feet of development, including up to 1,656,651 square feet of residential and up to 669,628 square feet of commercial.
- Section 59.7.3.3.G of the Zoning Ordinance states that if a sketch plan is approved, a site plan must be submitted within three years of the date of the sketch plan resolution.
- The Applicant states that due to several reasons, including design and engineering issues for the new buildings, the COVID-19 Pandemic, and considerable market uncertainties, unexpected delays have occurred and requests an eighteen-month extension of this provision from June 2022 through to December 2023.
- The Amendment will not result in any changes to the original Sketch Plan proposal.
- Staff recommends **approval** of the Applicant's request to extend the time period for which a site plan must be filed through December 2023.

SECTION 1: RECOMMENDATIONS AND CONDITIONS

SKETCH PLAN 32019002A

Staff recommends approval of Park Potomac, Sketch Plan Amendment No. 32019002A, to extend the Sketch Plan's eligible period to submit a Site Plan by eighteen months, from June 2022 through to December 2023, on 54.84 acres of land zoned CRT 1.25, C-0.5, R-0.75, H-100T. All conditions of Sketch Plan 320190020 remain in full force and effect with the addition of Condition 9 below:

New Condition:

9. Site Plan submittal

The associated site plan, in conformance with Section 59.7.3.3.G of the Zoning Ordinance, must be submitted within eighteen (18) months of the date of the resolution for Sketch Plan Amendment No. 32019002A.

SECTION 2: PROJECT DESCRIPTION

PREVIOUS APPROVALS

Preliminary Plan Nos. 120030290 and 12003029A

The Preliminary Plan that covers the Subject Property was designated No. 120030290 and was approved by Planning Board Resolution dated July 25, 2003 ("Preliminary Plan"). The Preliminary Plan approved a combination of up to 830,000 sq. ft. of office, up to 30,000 sq. ft. of retail, and up to 15,000 sq. ft. of restaurant, so long as the total non-residential uses did not exceed 850,000 square feet. In addition, the approval was for 450 multi-family units and 150 one-family attached units in the I-3 Zone. The Preliminary Plan was amended as Plan No. 12003029A by Planning Board Resolution dated April 30, 2008, which kept the cap of 850,000 sq. ft. of non-residential uses but increased the total amount of retail allowed by 115,000 sq. ft. to a maximum of 145,000 sq. ft. and added a 156-room hotel to the allowed mix of non-residential uses.

Site Plan No. 820040120

By Opinion dated February 19, 2004, the Planning Board approved Site Plan No. 820040120 to allow the construction of 150 one-family attached units on the western 34 acres of the Subject Property, including a large area of forest conservation, and the new interchange ramps from Montrose Road onto the Subject Property.

Site Plan No. 820040150, as amended

The eastern 20 acres of the Subject Property was approved for Site Plan No. 820040150 by Planning Board Resolution dated March 19, 2004, for 450 multi-family dwelling units, 820,000 square feet of office use and 30,000 square feet of retail use in the I-3 Zone. The Site Plan has been amended a total of 13 times since then. A full list of the Site Plan amendments can be found in Attachment C. The following is a brief summary of the more substantial amendments to the Subject Property.

82004015A – Modified the building heights of the multi-family structures to be up to 100 feet tall as high-rise condominiums.

82004015B – Added retail to the ground floor of three buildings, and increased the total retail on the Property to 145,000 sq. ft.

82004015F – Modified existing landscaping and included the extension of Park Potomac Avenue north to intersect with Fortune Terrace.

82004015I – Converted the remaining unbuilt high-rise condominium buildings into five story tall apartment buildings.

82004015M – This amendment was withdrawn, and the requested modifications were included as part of the N amendment.

82004015N – Amendment N reallocated retail space from unbuilt Building F and transferred it to existing Building E to allow for a 3,500 square foot expansion of the Founding Farmers restaurant.

82004015O – This amendment was withdrawn.

82004015P – Amendment P added a 31-foot free-standing pylon sign on the Subject Property.

Sketch Plan No. 320190020

On June 19, 2019, the Planning Board approved Sketch Plan No. 320190020, MCPB No. 19-064 (Attachment A), for the construction of up to 2,326,279 square feet of development, that included up to 1,656,651 square feet of residential uses and up to 669,629 square feet of commercial uses on approximately 54.84 acres, under the optional method of development requirements of the CRT Zone.

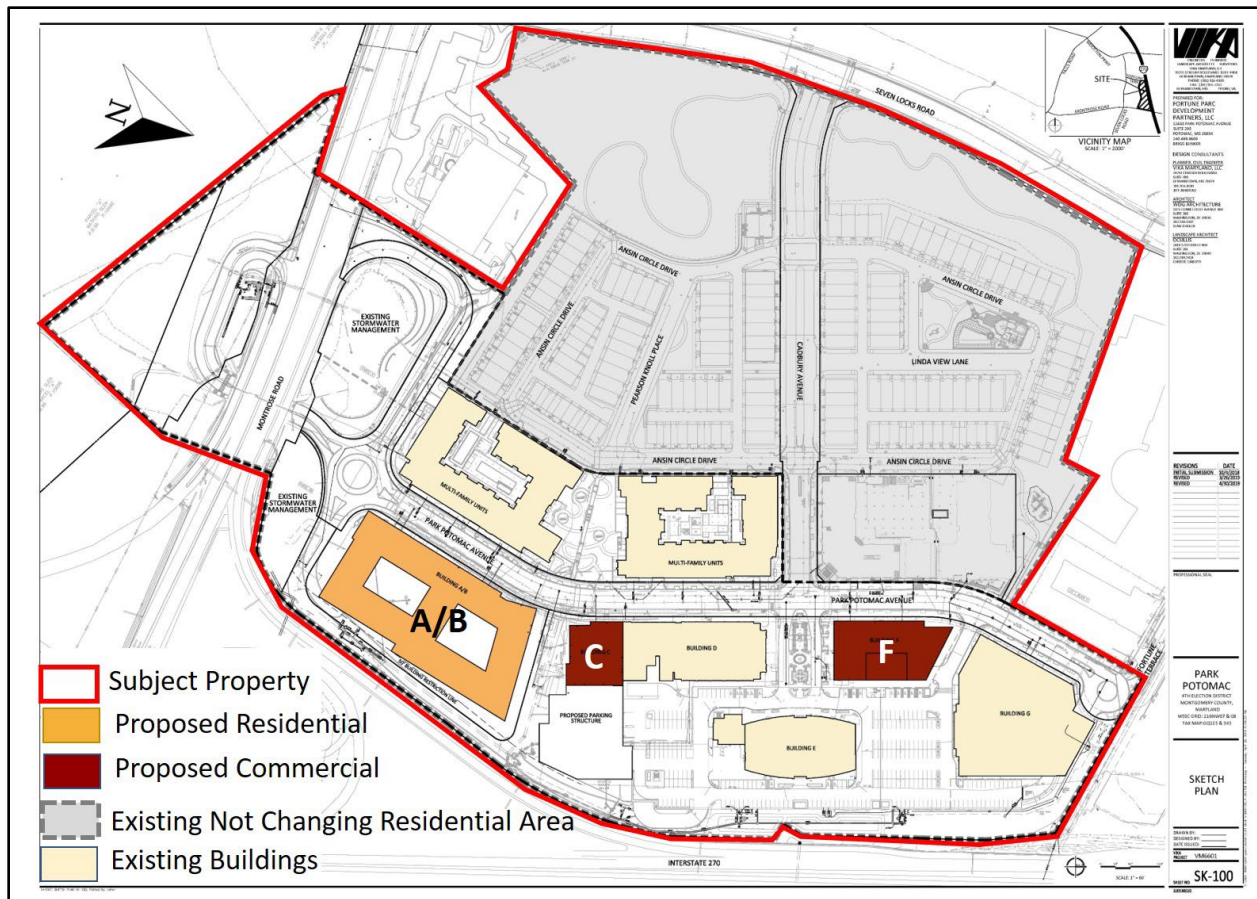


Figure 1 - Approved Sketch Plan

As shown in Figure 1, while the Sketch Plan boundary covered the entire Park Potomac property, the changes were limited to three proposed new buildings including office, multi-family residential, and non-residential uses. The remaining buildings, open areas and circulation remained generally unchanged.

PROPOSAL

The proposed Sketch Plan Amendment is procedural in nature and results in no change to the original proposal, with the sole purpose of allowing additional time for submittal of the required site plan. Section 59.7.3.3.G of the Zoning Ordinance states:

If a sketch plan is approved, a site plan under 7.3.4 must be submitted within 36 months after the date the resolution is sent, unless a longer period is established by the resolution.

Sketch Plan No. 320190020, MCPB Resolution No. 19-064, was mailed on June 19, 2019 (Attachment A) and did not establish a longer period. Based on the above Zoning Ordinance provision, a site plan

must be submitted by Monday, June 20, 2022¹. The Applicant submitted this proposed Sketch Plan Amendment on May 13, 2022, prior to the site plan submission deadline. In the Applicant's Statement of Justification (Attachment C), the Applicant noted that complex design and engineering issues related to the new buildings on the Subject Property, as well as integrating them within the context of the existing mixed-use development, connected with the COVID-19 Pandemic, and on-going market uncertainties have resulted in unavoidable delays in finalizing a site plan design.

SECTION 3: SKETCH PLAN 32019002A FINDINGS AND ANALYSIS

The Planning Board approved Sketch Plan No. 320190020 (MCPB No. 19-064) for the construction of up to 2,326,279 square feet of development, that included up to 1,656,651 square feet of residential uses and up to 669,629 square feet of commercial uses on approximately 54.84 acres.

Sketch Plan Amendment No. 32019002A proposes to extend the Sketch Plan's eligible period, per Section 59.7.3.3.G, to submit a Site Plan by eighteen months, from June 2022 through to December 2023. Except as modified below, the Sketch Plan Amendment does not alter the intent, objectives, or requirements in the originally approved Sketch Plan, and all other findings remain in effect.

8. *Establish a feasible and appropriate provisional phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

The Application is envisioned to be built within three identified phases of development, each tied to one of the buildings. The limitations set forth by Section 59.7.3.3.G of the Zoning Ordinance require submittal of a site plan within 36 months (three years) after the date of the resolution mailing, unless a longer period is established by the resolution. The original Sketch Plan Resolution (MCPB 19-064) was mailed on June 19, 2019 and did not establish a longer period. The Applicant initially submitted this Application to extend the submittal period on May 13, 2022, prior to the site plan submission deadline. In the Applicant's Statement of Justification, the Applicant noted that complex design and engineering issues related to the new buildings on the Subject Property, as well as integrating them within the context of the existing mixed-use development, connected with the COVID-19 Pandemic, and on-going market uncertainties had resulted in several unavoidable delays in finalizing a site plan design.

¹ Thirty-six months from June 19, 2019 falls on Sunday, June 19, 2022. As per Section 59.1.4.1.C.1 of the Zoning Ordinance, "[i]f the law requires or allows a person to perform an act by a specific date, but the specific date is a Saturday, Sunday, or legal holiday, the person may perform the act on the next day that is not a Saturday, Sunday, or legal holiday."

Based on the Application's design and engineering complexities on the Subject Property, combined with integrating the proposed buildings within the context of the existing mixed-use development, the Applicant's request to allow additional time, until December 2023, is a reasonable request and will not alter the Applicant's ability to deliver the Application within the three phases as previously approved.

SECTION 4: COMMUNITY OUTREACH

The Applicant has met all proper signage, noticing, and pre-submission meeting requirements for the submitted Application. As of the date of this Staff Report, Staff has not received any correspondence from the community regarding this Application.

ATTACHMENTS

Attachment A: Sketch Plan Resolution MCPB No. 19-064

Attachment B: Applicant's Statement of Justification

Attachment C: Application Amendment History



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

MCPB No. 19-064
Sketch Plan No. 320190020
Park Potomac
Date of Hearing: June 13, 2019

JUN 19 2019

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review sketch plan applications; and

WHEREAS, on October 25, 2018, Fortune Park Development Partners LLC ("Applicant") filed an application for approval of a sketch plan for construction of up to 2,326,279 square feet of development including up to 1,656,651 square feet of residential and up to 669,628 square feet of commercial on 54.84 acres of CRT 1.25, C-0.5, R-0.75, H-100T zoned-land, located in the northwest quadrant of the interchange of Montrose Road and I-270 ("Subject Property") in the Potomac Policy Area and 2002 Potomac Subregion Master Plan ("Master Plan") area; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320190020 Park Potomac ("Sketch Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated May 31, 2019, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on June 13, 2019, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain binding elements and conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320190020, Park Potomac, for construction of up to 2,326,279 square

Approved as to
Legal Sufficiency:

feet of development including up to 1,656,651 square feet of residential and up to 669,628 square feet of commercial on the Subject Property, subject to the following binding elements and conditions:¹

A. Binding Elements. The following site development elements are binding under Section 59-7.3.3.F of the Montgomery County Zoning Ordinance:

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public open space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements are illustrative.

B. Conditions. This approval is subject to the following conditions:

1. Density

The Sketch Plan is limited to a maximum of 2,326,279 square feet of total development including up to 669,628 square feet of commercial development and up to 1,656,651 square feet of residential development.

2. Height

The development is limited to a maximum height of 100 feet, as shown on the Sketch Plan.

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59.7.3.3.I. Total points must equal at least 50 and be chosen from at least three categories as required by Section 59.4.5.4.A.2. The requirements of Division 59.4.7 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit. Final points will be established at Site Plan approval.

- a. Connectivity and Mobility, achieved through Minimum Parking
- b. Quality Building and Site Design, achieved through Architectural Elevations, Exceptional Design, Public Art, and Structured Parking; and
- c. Protection of the Natural Environment, achieved through Cool Roof.

4. Public Benefit Phasing

- a. The Applicant shall meet four of the six design criteria from the category of Quality Building and Site Design, Exceptional Design, during the Site Plan

¹ For the purpose of these binding elements and conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

review for Building A/B, and Building F, and shall meet two of the six criteria for Building C. Each of the six categories shall be met at least once through the three phases.

- b. The Architectural Elevations public benefit shall be reviewed as part of the Site Plan for Building C.

5. Open Space and Amenities

- a. The Applicant must provide a minimum of 300,000 square feet (31% of townhouse area) of Common Open Space and a minimum of 81,588 square feet (10% of other building type area) of Public Open Space on-site per the design criteria listed in the Zoning Ordinance and as generally depicted on the Sketch Plan. The final location, design and sizes of the open spaces will be finalized at Site Plans.
- b. The Site Plan that includes construction details for Building A/B shall include a review of the Public Open Space identified as Parcel E on the Sketch Plan for visibility and wayfinding purposes.
- c. The new Public Open Space area identified as the Montrose Road Entrance Area shall be completed prior to issuance of Use & Occupancy certificates for two out of the three buildings proposed by the Sketch Plan.
- d. The Public Art installation shall be completed prior to the issuance of Use & Occupancy certificates for the last of the three buildings reviewed by the Sketch Plan.

6. Moderately Priced Dwelling Units (MPDUs)

The Applicant must provide a minimum of 12.5% of the total new units as Moderately Priced Dwelling Units. The development must provide MPDUs in accordance with Chapter 25A.

7. Transportation

At the time of Preliminary Plan, the Applicant must address the following:

- a. Submit the necessary documentation to allow for the existing Adequate Public Facility determination to be updated. These documents should be a consolidated document including a copy of the updated traffic counts performed in 2017 and 2019, how the agreed upon trip cap of 1,725 vehicles in the peak hour peak period is reached, an explanation for how differing development scenarios including the requested mix of uses will remain at or under the trip cap, and a request to amend the Trip Reduction Agreement.
- b. Provide the appropriate justification to Staff for private streets as defined in Section 50.4.3.E.4.b of the Subdivision Code, including anticipated final road cross-sections and construction standards including any sidewalks, for the existing drive located east of future buildings A/B and C, and the new street connection to be located between buildings A/B and C
- c. Provide for a new pedestrian connection from the Subject Property to the north side of Montrose Road that avoids pedestrians crossing the slip ramps from

Montrose Road onto the Subject Property. Timing of the construction of this pedestrian connection shall be determined at Preliminary Plan.

8. Future Coordination for Preliminary and Site Plan

In addition to any other requirements for Preliminary Plans under Chapter 50 and Site Plans under Chapter 59, the following must be addressed when filing a Preliminary or Site Plan, as appropriate:

- a. Ensure adequate Fire and Rescue access to all buildings and structures;
- b. Provide final design details for all new or renovated Public and Common Open Space areas;
- c. Submit a Noise analysis showing noise impacts to residential building A/B and including any necessary mitigation for interior spaces;
- d. Receive an approval of a Stage I SWM concept plan as part of a Preliminary Plan, and subsequent Stage II SWM plans with each Site Plan;
- e. Show compliance with the Recreation Guidelines for any new residential development;
- f. Coordinate with the Public Art Review Panel prior to submitting the Site Plan that would include the Public Art installation.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of the Zoning Ordinance, the Board finds that as conditioned the necessary elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan and that:

1. *The Sketch Plan meets the objectives, general requirements, and standards of the Zoning Ordinance.*

a. Development Standards

The Subject Property includes approximately 54.84 acres zoned CRT 1.25, C-0.5, R-0.75, H-100T. The data table below demonstrates the Application's conformance to the applicable development standards of the zone.

Sketch Plan Data Table, CRT zone		
Development Standard	Permitted/ Required	Approved
Gross Tract Area	n/a	54.84 acres (2,388,868 sq ft)
Net Lot Area	n/a	43.17 acres (1,880,282 sq ft)
Density (GFA/ FAR)		
Residential Density	0.75 FAR (1,791,651 sq ft)	Up to 0.75 FAR (1,786,651 sq ft)
Commercial Density	0.50 FAR (1,194,434 sq ft)	Up to 0.28 FAR (669,628 sq ft)
Total FAR/GFA	1.25 FAR (2,986,085 sq ft)	Up to 0.99 FAR (2,359,079 sq ft)
Max. Building Height	100 ft	100 ft
Min. Site Wide Public Open Space	10% of Multi-Family & Commercial Site Area (81,588 sq ft)	10% (81,688 sq ft)
Min. Site Wide Common Open Space	10% of Townhouse Site Area (96,517 sq ft)	31.9% (303,148 sq ft)
MPDUs	12.5% Min ²	12.5% or more
Parking	2,475-4,138 spaces	2,475 spaces

b. General Requirements

i. *Site Access*

The Sketch Plan provides adequate access to each of the uses located on the Subject Property. The three new Buildings will abut a street with sidewalks providing both vehicle and pedestrian access, and the existing network of streets and sidewalks adequately provide access to all existing buildings and uses.

ii. *Parking, Queuing, and Loading*

The existing parking is adequate for the existing development, and the new Buildings will be built accompanied with adequate parking and loading opportunities. New residential Building A/B will have access to an exclusive parking garage and loading areas on the back of the Building. Building C will be built with an associated expansion of the existing parking structure and can load from a new street extension. The parking for Building F has already been

² While the Park Potomac site is located within an identified high-income planning area now subject to 15% minimum MPDUs, the Sketch Plan Application was accepted as complete before the initiation date of Bill 38-17. MPDU's only apply to the new development approved by the Sketch Plan.

constructed within the existing parking garage and loading can occur from the side of the building adjacent to the at-grade parking.

iii. *Open Space and Recreation*

The Sketch Plan provides for more than 10% of both Common and Public Open Space. At least 10% Common Open Space is required for the portion of the Subject Property developed with townhouses and the Sketch Plan provides for approximately 34% of that area as Common Open Space. The Common Open Space is located in existing forest conservation areas with a natural surface trail network, and also includes parcels with a playground and clubhouse. The 10% Public Open Space requirement for the portion of the Subject Property associated with other uses is met through an existing central plaza adjacent to Buildings D, E and F, an existing playground north of the high-rise condominiums, an open space between the existing apartment buildings, and a new open space that will be implemented adjacent to the stormwater facilities near Montrose Road.

iv. *General Landscaping and Outdoor Lighting*

Room to provide for landscaping and lighting consistent with the requirements of Chapter 59 is provided with the Sketch Plan.

C. Requirements of the CRT Zone

i. *Implement the recommendations of the applicable Master Plan*

The Sketch Plan implements the recommendations of the Potomac Master Plan. The analysis of the Master Plan recommendations is further found in Finding 2 in this Resolution.

ii. *Target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses.*

The Sketch Plan does not re-develop a single-use commercial area but does provide for a mix of uses primarily parked with structured parking.

iii. *Encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street.*

The Sketch Plan provides for a variety of housing types including the existing townhouse, condominium and multi-family rental housing types, and proposes additional multi-family development. The Sketch Plan also provides for a variety of retail and service spaces currently

occupied by restaurants, retailers and a grocery store. Additional retail opportunities will be provided within the new construction. The Subject Property is adjacent to the interstate, major highways, and is serviced by three ride-on bus routes and a private Metro shuttle allowing for multiple types of access. For all new development there will not be parking provided between the buildings and the street.

- iv. *Allows a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods.*

The Sketch Plan provides for a mix of uses, densities and building heights that ensure compatibility with adjacent neighborhoods. The boundary along Seven Locks Road was placed in a conservation easement to protect forest and buffer the development from one-family developments to the west. The highest density high-rise residential and office is located adjacent to the interstate. Mid-height development and townhouses are located toward the center of the Subject Property. The new buildings will be of similar scale to the existing ones with mid-rise multi-family and office located in the mixed-use area.

- v. *Integrate an appropriate balance of employment and housing opportunities.*

The Sketch Plan provides an appropriate balance of employment and housing opportunities. The existing development is a mix of housing, retail and office development and the additional new development will continue the mix of housing and employment uses with one new multi-family building and two new office buildings.

- vi. *Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.*

The Sketch Plan proposes to meet the public benefit requirements achieving more than 50 points from three categories, consistent with the requirements of Section 59.4.5.4.A.2. The analysis of the public benefit categories is further explained in Finding 7 of this Resolution.

- 2. *The Sketch Plan substantially conforms to the recommendations of the Master Plan.*

The Sketch Plan substantially conforms to and implements the recommendations of the 2002 Potomac Subregion Master Plan (Master Plan). The Subject Property is identified in the Master Plan as Fortune Parc, which prior to the Master Plan was a collection of undeveloped properties in the R-90 and R-200 zones. The Master Plan recommended for rezoning to the I-3 zone

with the recommendation for TDRs, or a possible MXPD floating zone if TDRs are not allowed under I-3. The Property recommendations emphasize the addition of TDRs and residential uses to avoid creating a “sterile environment of a single-use office park”. Specific recommendations further include creating a mixed-use center with employment, housing and retail opportunities, providing a shuttle or other transit connection to Metro, and ensuring the final combination of uses and densities on the Property do not exceed the vehicle trip generation rates equal to an all-office project build with an FAR of 0.5.

Land use and design guidelines for the Subject Property include preserving the forest on the southwestern portion of the Subject Property, creating a “main street” through the site that connects to Montrose Road, providing an additional connection to Seven Locks Road, providing a residential neighborhood with a variety of housing types and community facilities, and locating the office uses east of the “main street” with a height limit of eight stories, orienting the buildings toward the street, and parking adjacent to the highway.

The Subject Property is already partially developed under the I-3 zone (optional method with TDRs) and has met these recommendations and guidelines found in the Master Plan. The identified road connections and main street have been built and a mix of office and multi-family residential buildings with ground floor retail line the main street. A wide variety of residential uses have been built with adequate amenity spaces, and the Applicant has provided shuttle service to the Metro system.

The Sketch Plan Application brings the Subject Property review under the CRT zone which was placed on the Property as part of the county-wide rezoning in 2014. The existing approvals under the I-3 zone have capped the development densities to those recommended by the Master Plan on page 52, including that density will not exceed 800,000 square feet of office, street retail and hotel, 300 apartments and 150 single family homes, with an additional 150 dwelling units available as part of a TDR program. The final combination of densities must not exceed trip generation rates equal to an office project at 0.5 FAR. The Applicant is requesting through the Sketch Plan the ability to add a 352,373 sq. ft. residential building with up to 293 residential units above the Master Plan recommendation. The Applicant’s Statement of Justification (SOJ) states that under the previous I-3 zone, density was typically measured as number of dwelling units, whereas the new CRT zone measures density as a function of FAR. In 2014, the Property was given CRT 1.25; C-0.5, R-0.75, H-100T as part of a special analysis because the standard conversion for I-3 was EOF, which does not allow the amount of retail the Master Plan envisioned. The R 0.75 allows for almost 1.8 million sq. ft. of residential uses, which is more than the approximately 1.3 million sq. ft. currently built.

Further, the Applicant contends that the original approvals for Park Potomac envisioned all of the multi-family as large condominium units that average 2,244 square feet in size, however 290 of the units were built as rental apartments averaging only 1,290 square feet each, resulting in 281,522 square feet of approved but 'unused' residential density. Therefore, the proposed residential building is only 70,851 sq. ft. of an expansion from the original approved FAR. In addition, the Applicant's traffic consultant looked at the existing development's trip generation to confirm that the new mix of uses would create equal to or less trips than previously approved, which was found to conform to the Master Plan recommendation of creating less trips than an office project developed at 0.5 FAR.

The Board finds the CRT zone did increase the allowed zoned density above the currently built residential density and acknowledges that the constructed residential FAR is less than what was originally approved. Multiple recommendations within the Master Plan discussion emphasize creating a vibrant mixed-use development is a priority for the Subject Property, and that the final mix of uses was given an ultimate trip cap. The Sketch Plan converting two unbuilt office buildings to a residential building and retaining two more unbuilt non-residential buildings stays within the previous trip cap, continues to provide an employment emphasis, and meets all other property, land use, and design guidelines found in the Master Plan. Therefore, the Sketch Plan substantially conforms to and implements the recommendations of the Master Plan.

3. *The Sketch Plan satisfies, under Section 7.7.1.B.5 of the Zoning Ordinance, the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

The Sketch Plan is not subject to a Development Plan or Schematic Development Plan.

4. *The Sketch Plan satisfies the green area requirement in effect on October 29, 2014.*

There were no green area requirements in effect on October 29, 2014.

5. *The Sketch Plan achieves compatible internal and external relationships between existing and pending nearby development.*

The Sketch Plan provides compatible internal and external relationships between existing and pending nearby development. The Sketch Plan includes new infill development within an existing mixed-use community. Each of the new buildings will be a mid-rise structure, surrounded by other mid and high-rise structures or adjacent to the interstate. The existing development on the

Subject Property was laid out in a way that established compatible external relationships with the townhouse development and conservation easements adjacent to and opposite other residential development, and the more intense uses nearest to the interstate. The Sketch Plan will also be compatible with the proposed mixed-use predominantly residential redevelopment proposed in the City of Rockville just north of Fortune Parc Terrace, which will have a similar scale and type of housing as found in Park Potomac.

6. *The Sketch Plan provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.*

The Sketch Plan provides for satisfactory vehicular, pedestrian, and bicyclist access, circulation, parking and loading. The existing development on the Subject Property provided adequate access to each building with an existing network of roads and alleys that include sidewalks and accommodations for bicycles. Each existing use also has provided the necessary amount of on-site parking. The new buildings will integrate with the existing roads and sidewalks, with one new section of street to be built between Building A/B and Building C improving circulation, and an improved sidewalk connection to Montrose Road will be provided enhancing pedestrian access. An expansion of the existing primary public parking garage will accommodate the parking for Buildings C and F, and an integrated parking garage will serve Building A/B. Each of the new buildings will also provide bicycle parking consistent with the Zoning Code and has shown where loading can be provided. The details for amending the APF for Park Potomac were reviewed to confirm the methodology for determining the trip cap, how many trips under that cap the current development is, and how the planned development will remain under that cap.

7. *The Sketch Plan proposes an outline of public benefits that supports the requested incentive density and is appropriate for the specific community.*

Taking into account the considerations in Section 59-4.7.1.B, including the recommendations and objectives of the Sector Plan and any applicable design guidelines, the Incentive Density Implementation Guidelines, the size and configuration of the site and its relationship to adjacent properties, similar public benefits nearby, and additional enhancements related to the individual public benefits, the Planning Board finds that the following outline of public benefits supports the Applicant's request for incentive density and is appropriate for the community surrounding the site. Final determination of public benefit point values will be determined at Site Plan(s).

Public Benefits Categories		
Public Benefit	Incentive Density Points	
	Max Allowed	Approved In Concept
59.4.7.3C: Connectivity and Mobility		
Minimum Parking	10	10
59.4.7.3E: Quality of Building and Site Design		
Architectural Elevations	20	10
Exceptional Design	10	10
Public Art	15	10
Structured Parking	20	18.02
59.4.7.3F: Protection and Enhancement of the Natural Environment		
Cool Roof	10	5
TOTAL		63.02

Connectivity and Mobility

Minimum Parking: Up to 10 points are available based on a formula for how close the provided parking is to the minimum required parking. The Applicant plans to provide the minimum parking required. The final details of the quantity and type of parking will be determined during Site Plan review; however, the Board supports the request for this category at this time.

Quality of Building and Site Design

Architectural Elevations: The Applicant requests 10 out of a possible 20 points for providing architectural elevations during the construction of Building C. 10 points are available for agreeing to a minimum amount of transparency on the ground floor, a minimum spacing between doors, and utilizing design priorities from the Master Plan or design guidelines. The Board finds Building C is an appropriate location to apply the category because it helps extend the Main Street context down Park Potomac Avenue, and the Building will be on a new corner. The final details of the architecture will be determined at Site Plan, but the Board supports the request for this category at this time.

Exceptional design: The Applicant is requesting all 10 possible points for providing exceptional design which requires meeting all six elements. Buildings A/B and F will both provide at least four of the exceptional design elements to be eligible for at least 5 points and combined the two buildings will cover all six elements. The details of compliance with the criteria will be reviewed at Site Plan, but the Board supports the request for this category at this time.

Public Art: Up to 15 points are available for providing public art. 7.5 points are appropriate for fulfilling at least five of the eight public art goals, with more or fewer points available based on the total number of goals achieved. The permanent light installation will be under the current dark underpass under Montrose Road, creating a real gateway into the community. The details will be reviewed by the Art Review Panel with the Site Plan; however, the Planning Board supports the request for points for this category at this time.

Structured Parking: Up to 20 points are available for providing structured parking, based on the provided formula. Providing most parking in structures, mostly below grade is encouraged in all mixed-use developments, especially more suburban locations, therefore the Board supports the request for utilizing the structured parking category at this time.

Protection and Enhancement of the Natural Environment

Cool Roof: The Applicant has requested five points for providing a cool roof with a minimum solar reflectance index of 75 on roof slopes below a ratio of 2:12 on a property greater than one acre in size. Final roof details will be determined at Site Plan, but the Board supports the current category request at this time.

8. The Sketch Plan establishes a feasible and appropriate phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.

The Sketch Plan establishes a feasible and appropriate phasing plan for all elements of the Application. There are three identified phases of development, each tied to a Building. Phases may happen in any order based on economic conditions. The visibility improvements to the existing playground will happen with the construction of Building A/B, the new open space area near Montrose Road with the occupancy of whichever Building is second built, and the public art tied to the last building occupancy. No dedications are needed, and the new roadway connection will open upon the completion of Buildings A/B and C. Below is the table outlining the anticipated provision of public benefits across the three phases.

Public Benefit Phasing Schedule				
	Phase 1, (Bldg A/B)	Phase 2, (Bldg C)	Phase 3,(Bldg F)	Total
Connectivity & Mobility				
Minimum Parking	3	4	3	10
Quality Building & Design				
Architectural Elevations	0	10	0	10
Exceptional Design	5	0	5	10
Public Art	0	0	10	10
Structured Parking	6	6.01	6.01	18.02
Protection of Nat. Env.				
Cool Roof	1.65	1.65	1.70	5
Total	15.65	21.66	25.71	63.02

BE IT FURTHER RESOLVED that the Board's approval of a sketch plan is in concept only and subject to further review at site plan, when, based on detailed review the Board may modify the Sketch Plan's binding elements or conditions based on the Montgomery County Code, the Master Plan, or other requirements; and

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that all binding site development elements shown on the latest version of Park Potomac, Plan No. 320190020 received by M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUN 19 2019 (which is the date that this Resolution is mailed to all parties of record); and

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Vice Chair Dreyfuss, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Cichy and Patterson voting in favor, and Commissioner Fani-González absent at its regular meeting held on Thursday, June 13, 2019, in Silver Spring, Maryland.



 Casey Anderson, Chair
 Montgomery County Planning Board

DEVELOPMENT APPLICATIONS AND REGULATORY COORDINATION
ADOPTED RESOLUTION ROUTING SHEET

Plan No: 320190020
Plan Name: Park Potomac
MCPB No: 19-064

DATE RECEIVED FROM CHAIRMAN'S OFFICE: 6/17

Reviewed/Routed By:

Date:

1. ROUTED TO AREA TEAM

LEAD REVIEWER:

A) DARC Admin
Name: Michelle

W

6/17

2. REVIEWED BY AREA TEAM

LEAD REVIEWER: B.B

- A) Resolution Reviewed for layout and typos; and found to be okay
B) Resolution Routed back to DARC Admin identified above

B.B
B.B

6/18
6/18

3. RESOLUTION MAILING:

A) Resolution mailing list includes:

- a) all registered hearing speakers (from Technical Writers), b) all individuals who sent correspondence in response to the staff report, and c) the applicant/attorney/engineer.

- B) Resolution date stamped (2 places)
C) Resolution mailed

4. RESOLUTION CLOSEOUT:

- A) Original and 1 copy of Resolution to Technical Writer
B) Copy of Resolution to Legal
C) Copy of Resolution to the Board Chair's Office
D) Copy of the Resolution to File

5. HANSEN UPDATE:

- A) Resolution Mailing Date and Validity Periods added to Hansen
B) Resolution and mailing list scanned into DAIC



April 22, 2022

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Casey Anderson, Esq., Chair and
 Members of the Montgomery County Planning Board
 2425 Reedie Drive, 14th Floor
 Wheaton, Maryland 20902

Re: Amendment to Sketch Plan No. 320190020 (Park Potomac): Request to Extend Date for Submission of Site Plan

Dear Chair Anderson and Members of the Montgomery County Planning Board:

Fortune Parc Development Partners LLC (the “Applicant”), seeks to extend the date for submitting a site plan after the sending of the resolution approving Sketch Plan No. 320190020 – Park Potomac (the “Sketch Plan”) by an additional eighteen (18) months to and including December 19, 2023. As discussed in greater detail below, granting this request is appropriate in light of Applicant’s diligence to advance the Park Potomac development while responding to evolving market demand.

By way of background, the Montgomery County Planning Board (the “Planning Board”) approved the Sketch Plan via the adoption of Resolution MCPB No. 19-064 mailed on June 19, 2019 (the “Resolution”). Under Section 59.7.3.3.G of the Montgomery County Zoning Ordinance (the “Zoning Ordinance”), a site plan application must be submitted within 36 months after the date a sketch plan resolution is sent, unless a longer period is established by the resolution. As the Resolution did not set a longer validity period, a site plan would need to be submitted by Monday, June 20, 2022.¹ Applicant is in the process of preparing development applications for Park Potomac. These efforts have been ongoing with Applicant’s

¹ Thirty-six months from June 19, 2019 falls on Sunday, June 19, 2022. Per Section 59.1.4.1.C.1 of the Zoning Ordinance, “[i]f the law requires or allows a person to perform an act by a specific date, but the specific date is a Saturday, Sunday, or legal holiday, the person may perform the act on the next day that is not a Saturday, Sunday, or legal holiday.”

Casey Anderson, Esq., Chair and
Members of the Montgomery County Planning Board
April 22, 2022
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development team for the last several months. In view of the complex engineering and design issues related to new buildings on the Park Potomac site and appropriately integrating them in the context of the existing mixed-use development, this process is still ongoing. Applicant anticipates submitting concurrent applications for amending the underlying preliminary plan (Preliminary Plan No. 120030290, as amended, the "Preliminary Plan"), amending the Sketch Plan, and the site plan(s) for the next phase of development of Park Potomac before the end of the year. Thus, Applicant will therefore not be in a position to file a site plan application before the June 20, 2022 date set by Section 59.7.3.3.G of the Zoning Ordinance. Accordingly, Applicant is requesting to extend the deadline for submitting a site plan by eighteen (18) months to and including December 19, 2023.

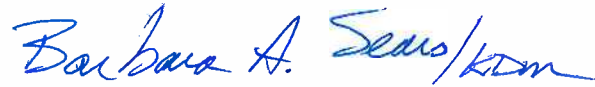
Extending the Zoning Ordinance's deadline for submitting a site plan after Sketch Plan approval is suitable for several reasons. Applicant is the master developer of the Park Potomac property and has been committed to its successful phased growth as a dynamic mixed-use community over the last 20 years. Since the approval of the Sketch Plan in 2019, Applicant has devoted significant time and resources to planning the next phase of development of Park Potomac. This has included, among other things, assessing economic conditions, marketing sites to future development partners, and working with consultants in diverse disciplines to prepare development applications. Applicant has continued these efforts in the face of numerous challenges and considerable market uncertainty during the COVID-19 pandemic. As noted above, Applicant remains committed to the future of Park Potomac and anticipates concurrently submitting an amendment to the Preliminary Plan, Sketch Plan, as well as one or more site plans, in the near future. The additional time requested by Applicant will be used to continue the preparation of development applications, meet with Planning staff, conduct public outreach in accordance with Zoning Ordinance procedures, and update plans based on the feedback received.

Applicant is excited to build upon the success of Park Potomac in the upcoming phase of development by offering a vibrant mix of uses convenient to a variety of mobility options, meeting market demand, and proposing a thoughtful array of public benefits. We look forward to working with you on this request, as well as the future phases of development at Park Potomac.

Casey Anderson, Esq., Chair and
Members of the Montgomery County Planning Board
April 22, 2022
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Very truly yours,

MILES & STOCKBRIDGE P.C.



Barbara A. Sears



Phillip A. Hummel

cc: Josh Etter
Kofi Meroe

Previous Approvals

Application	Approval Date	Brief Description
Preliminary Plan No. 120030290	Presented: July 3, 2003 (mailed July 25, 2003)	Approved the abandonment of an unimproved Public Right-of-Way, maximum 835,000 square feet of general office space, maximum 30,000 square feet of general retail, 15,000 square feet of restaurant or an equivalent increase in general office and/or retail uses (based on peak hour trips for the restaurant use), 450 garden apartment units, and 150 one-family attached units on 54.9 acres of land zoned I-3 and O-M
Preliminary Plan Amendment 12003029A	Presented: June 21, 2007 (mailed April 30, 2008)	150 townhouse units, 450 High-rise apartment units, 145,000 square feet of general retail use, 570,000 square feet of general office use, 156 guest rooms for a hotel on 59.84 acres of land zoned I-3 and O-M.
Site Plan No. 820040150	Presented: March 18, 2004 (mailed March 19, 2004)	450 multi-family dwelling units (including 61 MPDUs), 820,000 square feet of office use, 30,000 square feet of retail use on 20.28 acres of land zoned I-3. Parking and building setback waivers were also approved (specifically between stations 541+01.93 to 541+55.95).
Site Plan No. 82004015A	Presented: May 4, 2006 (mailed January 12, 2007)	Approved the substitution of two 4-story apartment buildings with one 10-story and one 8-story condominium buildings in approximately the same locations. The maximum building height is 100 feet with a total of 450 multi-family dwellings (including 61 MPDUs). Parking configuration and tabulations were changed to include below grade parking (Increased parking by 151 spaces).
Site Plan No. 82004015B	Presented: June 21, 2007 (mailed September 19, 2007)	Modifications to the allowable density of retail use in the multifamily Buildings 1, 2, 3, 4, 5, 6 at the ground-floor. Reductions to the amount of allowable density within the mixed-use Buildings A, B and D. Increase to the amount of allowable density (max 115,000 sf. of restaurant/ retail uses) within the mixed-use building C, E, and F, which includes a grocery store (46,026 sf.) and reduce the max gross floor area of retail for mixed-use Building G. Redesign of public plaza, pedestrian access and streetscape. Add a roadway connection from Montrose Rd (east-

Application	Approval Date	Brief Description
		bound) thru the existing tunnel to Park Potomac Ave. Extension of median on Cadbury Ave.
Administrative Site Plan No. 82004015C	Approved March 6, 2008	Widen steps from the sidewalk to the public plaza; add SWM intake grates, and modifications to the landscape plan.
Administrative Site Plan No. 82004015D	Approved June 16, 2008	Redesign the main entrance of Buildings 1 and 2, the roundabout on Park Potomac Ave., revise the SWM, eliminate 5 parking spaces and modify the landscape planting at Building E.
Administrative Site Plan No. 82004015E	Approved July 28, 2009	Minor site adjustments to building heights (Building 1 and 2), grades for SWM pond, street lighting locations, bollard locations at the plaza (near Building E), surface parking layout (Building G), planters (Building E and G), and lighting photometrics. Revisions to plaza layout and the addition of a "zone of influence" for the condominiums and commercial buildings.
Limited Site Plan No. 82004015F	Presented: October 8, 2009 (mailed October 26, 2009)	Addition of roadway connection from Park Potomac Avenue to Fortune Terrace, wrought-iron fence around the pool pump room. Relocation of bike racks. Adjustments to the brick paver lead walks and landscape for Condo Building #1.
Administrative Site Plan No. 82004015G	Approved October 14, 2010	Adjustments to the outdoor seating areas at Building E and G. Addition of sidewalk ramp at the Clubhouse in Condo Building #1. Reallocation of retail/restaurant uses. Deletion of decorative walls.
Administrative Site Plan No. 82004015H	Approved January 13, 2012	Reallocation of office and retail uses, and addition of outdoor seating area for Building E. Adjustments to site tabulations.
Limited Site Plan No. 82004015I	Presented (July 26, 2012) (mailed September 12, 2012)	Modifications to the building heights, footprint and unit-mix within Buildings 3, 4, 5 and 6. The unit-mix changed the overall parking tabulations. A portion of the median on Cadbury Avenue was deleted from the Site Plan. The Lighting and Landscape Plans were also revised on Parcels KK and LL.

Application	Approval Date	Brief Description
Administrative Site Plan No. 82004015J	Approved August 2, 2013	Installation of generators and associated concrete pads; modifications to the circulation system within the central garden area; addition of outdoor seating areas; addition of lifeguard station to the amenity plaza of Buildings 5 and 6; deletion of retaining walls; and revision to the Landscape Plan.
Consent Site Plan No. 82004015K	Presented May 25, 2014 Approved June 3, 2014	Enlarge GFA of Building D by 13,000 sq ft and reduce GFA of Building B by 13,000 sq ft. Increase parking by 29 spaces, and minor modifications to landscape elements.
Administrative Site Plan No. 82004015L	Approved August 28, 2015	Increase GFA of Building A by 20,835 (+22,000 office, -1,165 retail), and decrease GFA of Building C by 20,835 (-22,000 office, + 1,165 retail), and slight adjustment to the building footprint for Building C.
Amendment 82004015M	Withdrawn	Approve a temporary parking plan in front of Building F that would allow areas shown as handicap parking to remain general parking up to and until Building F was completed.
Amendment 82004015N	Approved June 3, 2018	Transfer 3,500 square feet from building F to building E to expand the Founding Farmers restaurant, and associated modifications to circulation and parking.
Amendment 82004015O	Withdrawn	Application was filed following Site Plan Amendment No. 82004015N and subsequently withdrawn.
Amendment 82004015P	Approved February 3, 2020	Addition of a 31-foot free-standing pylon sign on the Subject Property.