

Montgomery Planning  
**PARK POTOMAC**  
**PRELIMINARY PLAN AMENDMENT NO. 12003029B**  
**SITE PLAN NO. 820230030**



**Description**





Request to create one lot and construct a new 307-unit apartment building including 12.5% MPDUs.

Preliminary Plan No. 12003029B  
Site Plan No. 820230030  
Completed: 5-19-2023

MCPB  
Item No. 8  
6-1-2023

Montgomery County  
Planning Board  
2425 Reedie Drive, Floor 14  
Wheaton, MD 20902

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### LOCATION/ADDRESS

Park Potomac Avenue approximately 290 feet north of Montrose Road

### MASTER PLAN

2002 Potomac Subregion Master Plan

### ZONE

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

### PROPERTY SIZE

5.7 acres (Site Plan area), 54.84 acres (Preliminary Plan Amendment area)

### APPLICANT

Fortune Parc Development Partners, LLC

### ACCEPTANCE DATE

September 7, 2022

### REVIEW BASIS

Chapters 22A, 50, 59

## Summary

- Staff recommends approval of the Preliminary Plan Amendment and Site Plan, with conditions.
- The Preliminary Plan Application covers the entire 54.84 acres of Park Potomac to address modifications to the overall APF and trip reduction agreement, however the proposed changes to structures and uses is limited to approximately 5.7 acres.
- The Planning Board approved Sketch Plan No. 320190020 on June 13, 2019, to allow a maximum of 2,326,279 square feet of total development, which includes a maximum of 669,628 square feet of commercial uses and a maximum of 1,656,651 square feet of residential uses. This project is phase one of three approved by the Sketch Plan.
- Improvements will be made to the Park Potomac traffic circle to reduce vehicular turning speed and provide additional crosswalks.
- The Application provides additional public amenities and improves pedestrian circulation around the existing stormwater management facility.
- The Application provides several public benefits including Exceptional Design, Public Art, and Structured Parking.
- Staff has received a letter from the Park Potomac Coalition citing concerns over pedestrian safety. The Applicant will install traffic calming measures on Park Potomac Avenue to address these concerns.

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## SECTION 1: RECOMMENDATIONS AND CONDITIONS

### PRELIMINARY PLAN AMENDMENT 12003029B

Staff recommends approval with conditions of Preliminary Plan Amendment No. 12003029B. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.<sup>1</sup> The following Conditions #1 and 8 modify the Preliminary Plan 120030290, and Condition #27-40 are in addition to all other conditions, which remain in full force and effect:

Existing conditions modified by this Application:

1. This Preliminary 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 including a minimum of 12.5% MPDUs.
8. Prior to the issuance of any above-ground building permit for Building A/B, the Applicant must receive approval of an amendment to the Trip Reduction Agreement (TMA) from MCDOT Commuter Services, commenced in 2008. Per the 2008 Agreement, the Applicant was required to provide a trip reduction program to reduce AM and PM peak-hour trips by approximately 6%. A 2016 amendment to the TMA was drafted to provide for the development of a mobile commuter store for bus shelters.

New conditions implemented as part of this Application:

8. The Applicant must comply with binding elements of Planning Board Resolution No. 19-064 approving Sketch Plan No. 320190020, as amended by Planning Board Resolution No. 22-058 approving Sketch Plan 32019002A.
9. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated March 23, 2023, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
10. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated May 1, 2023, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water

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<sup>1</sup> For the purposes of these conditions, the term “Applicant” shall also mean the developer, the owner or any successor (s) in interest to the terms of this approval.

Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

11. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated March 26, 2023, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.
12. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (“DHCA”), in its letter dated March 8, 2023, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.
13. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
14. Before recording of a plat, the Applicant must enter into a Maintenance and Liability Agreement for the natural surface trails within the Park Potomac property. The Agreement must be recorded in the Land Records.
15. The record plat must show all necessary easements.
16. The record plat must reference the Common Open Space Covenant recorded among the Montgomery County Land Records at Book 28045 Page 578 (“Covenant”).
17. The Applicant must make improvements to the Park Potomac Avenue traffic circle to include the widening of the splitter island and extension of curb consistent with Montgomery County Department of Transportation and County Fire & Rescue guidelines as shown on the Certified Preliminary Plan.
18. The Applicant must make pedestrian safety improvements at the intersection of Cadbury Avenue and Park Potomac Avenue as shown on the Certified Preliminary Plan.
19. Before issuance of any building permit for Building A/B, the Applicant must obtain an assessment from Montgomery County Department of Permitting Services (MCDPS) for Utilization Premium Payments (UPPs) consistent with the 2020-2024 *Growth and Infrastructure Policy*, as follows:

- a. no elementary school UPP required;
  - b. no middle school UPP required; and
  - c. a Tier 2 high school UPP per unit.
20. The Applicant must provide Private Road(s) located on Parcel CC, including any sidewalks, bikeways, storm drainage facilities, street trees, street lights, private utility systems and other necessary improvements as required by either the Preliminary Plan or the Site Plan within the delineated private road area (collectively, the “Private Road”), subject to the following conditions:
- a. The Private Road must be subjected by reference on the plat to the Declaration of Restrictive Covenant for Private Roads recorded among the Land Records of Montgomery County, Maryland in Book 54062 at Page 338, and the terms and conditions in the Montgomery County Code § 50-4.3.E et seq regarding private roads. The Covenant includes, but is not limited to the following requirements/conditions:
    - i. The Applicant, at its expense, shall design, construct and maintain the Private Road.
    - ii. The Applicant, at its sole cost and expense, shall properly and continually maintain (including ordinary and capital maintenance and removal of snow, ice, litter, and other obstructions and hazards as soon as conditions reasonably allow), repair, and replace any portion of the Private Road and all improvements located within the Private Road, in good condition and repair for safe use and operation of the Private Road. The Applicant must maintain a commercially reasonable budget (operating and capital, as applicable) to address both short-term and long-term maintenance, and reserves for capital repairs. The Applicant must provide certification of the reserves to the Planning Board or its Staff every two (2) years (or every five (5) years in the event there are no below-ground parking structures in the Private Road). The reserves must be adequate to cover the costs of needed repairs.
    - iii. The Applicant must post and retain signage to notify the public that the Private Road is not publicly maintained and to provide contact information to handle complaints, concerns or questions regarding the Private Road.
  - b. Before issuance of the first building permit for Building A/B, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the Private Road has been designed and the applicable building permits will provide for construction in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified on this Preliminary Plan or a subsequent Site Plan, and that the road has been designed for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access and parking, and all necessary requirements for emergency access, egress, and apparatus as required by the Montgomery County Fire Marshal.
21. The Preliminary Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and prior to the expiration date of this validity

period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

22. The existing determination of Adequate Public Facilities, set through an original 145-month validity period granted in the resolution approving Preliminary Plan No. 120030290 mailed on July 25, 2003, and subsequently extended through the County Council's adoption of five two-year automatic extensions, will remain valid until August 25, 2025 unless otherwise extended.

23. The Preliminary Plan must contain the following notes:

a. *“Unless specifically noted on this plan drawing or in the conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of approval.”*

b. *“The Applicant must schedule an on-site preconstruction meeting with M-NCPPC inspection staff before any demolition, clearing, or grading occurs on-site. The Applicant, along with their representatives, must attend the pre-construction meeting with the M-NCPPC inspector. A copy of the approved Certified Preliminary Plan is required to be on-site at all times.”*

24. Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes:

a. Show resolutions and approval letters on the certified set.

b. Show intersection improvements at Cadbury Ave and Park Potomac Ave which enhance pedestrian and bicycle safety as approved by Staff.

## SITE PLAN 820230020

Staff recommends approval of Site Plan No. 820230030, for the construction of a 307-unit apartment building with a maximum height of 75 feet, 357 below-grade parking spaces, landscaping, and public open space improvements. The development must comply with the binding elements and conditions of approval for Sketch Plan No 320190020 as listed in the MCPB Resolution No. 19-064 dated June 19, 2019. All site development elements shown on the latest electronic version of the Site Plan, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions.<sup>2</sup>

### DENSITY, HEIGHT & HOUSING

1. Density

The Site Plan is limited to a maximum of 352,373 square feet of total development including 12.5% MPDU's on the 5.7-acre Site.

2. Height

The development is limited to a maximum height of 75 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

3. Moderately Priced Dwelling Units (MPDUs)

The Planning Board has reviewed and accepts the recommendations of Montgomery County Department of Housing and Community Affairs (DHCA) in its letter dated March 8, 2023, and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.

- a. The development must provide a minimum of 12.5 percent MPDUs or MCDHCA-approved equivalent consistent with the requirements of Chapter 25A and the applicable Master Plan.
- b. Before issuance of any building permit for any residential unit(s) in Building A/B, the MPDU agreement to build between the Applicant and the MCDHCA must be executed.

### OPEN SPACE, FACILITIES AND AMENITIES

4. Public Open Space, Facilities, and Amenities

- a. The Applicant must provide a minimum of 104,138 square feet of public open space, which is the equivalent of approximately 11% of the site area (approximately 21.78 acres) of the entire 54.84-acre tract.
- b. Before the issuance of use and occupancy certificates for Building A/B, public open space and recreation improvements to the existing stormwater management facility must be

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<sup>2</sup> For the purposes of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor (s) in interest to the terms of this approval.



completed as shown on the Certified Site Plan. Landscaping materials may be installed within six months or during the following growing season after the improvements are completed.

- c. Prior to release of the first building permit for Building A/B, the Applicant must provide a trail entrance identification sign for each trail entrance at the public open space on Parcel E and Parcel F, and at the trailhead entrance near the Montrose Road overpass on Parcel X.

5. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the *CRT Zone Incentive Density Implementation Guidelines* for each one.

a. Connectivity between Uses, Activities, and Mobility Options

i. Minimum Parking

The Applicant must not construct more than 357 parking spaces.

b. Quality Building and Site Design

i. Architectural Elevations

Final elevation design must be shown on the Certified Site Plan. The exterior architectural elements must be substantially similar to architectural elevations as shown on the Certified Site Plan and as determined by M-NCPPC Staff.

ii. Exceptional Design

The Applicant must construct the building in a manner consistent with the architectural elevations included in the Certified Site Plan.

iii. Public Art

a. The Planning Board has reviewed and accepts the recommendations of the Art Review Panel as described in their letter dated November 9, 2022 and incorporates them as conditions of approval.

b. Before the issuance of use and occupancy certificates for Building A/B, the Applicant must provide for and install the public art concept as presented to the Planning Board's Art Review Panel on November 9, 2022, and illustrated in the Certified Site Plan. Any significant changes to the concept must be presented to the Art Review Panel and approved by M-NCPPC Staff before the Certified Site Plan. As determined by the Public Art Coordinator, significant changes to the concept may require a Site Plan Amendment.

c. The Certified Site Plan must contain site details that clearly indicate the overall dimensions, prescribed materials, necessary lighting fixtures, footers and fasteners to ensure adequate safety and proper inspection of the artworks by the Arts and Humanities Council of Montgomery County ("AHCMC") and Montgomery County Department of Permitting Services ("DPS").

d. The appropriate signage should also be clearly visible, specifically identifying the title of the piece, artist name, materials, completion date, and overall dimensions.

- e. Before final inspection of the public artwork, the Applicant must submit to the Public Art Coordinator of the Maryland–National Capital Park and Planning Commission (M-NCPPC) at least three images of the artwork(s) on-site and information regarding the 1) associated project number, 2) title of the piece, 3) date of completion, 4) description of materials used, and 5) address. This information will be added to the existing inventory of the public artworks throughout the County (<http://www.mcatlas.org/art/>).
  - f. Before final inspection of the public artwork, the Applicant must submit to the Public Art Coordinator of M-NCPPC, a maintenance agreement consistent with the policies and procedures of the 2018 *Montgomery County Art Review Panel Policies and Procedures for the Optional Method of Development*.
- iv. Structured Parking
- The Applicant must provide all on-site parking spaces within a below-grade structure.
- c. Protection and Enhancement of the Natural Environment
- i. Cool Roof
- The Applicant must provide a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum SRI of 25 for slopes above 2:12.
6. Maintenance of Public Amenities
- The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to the required public art installation and new structures associated with the stormwater management facility open space such as fitness or play equipment, benches, sculptural elements, trees, landscaping, walkways, and other material installed by the Applicant.

## TRANSPORTATION & CIRCULATION/ADEQUATE PUBLIC FACILITIES (APF)

7. Transportation
- a. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated March 1, 2023 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.
  - b. Before the issuance of any building permit for Building A/B, the Applicant must obtain approval of a Project-based Transportation Demand Management Plan (TDM) from the Montgomery County Department of Transportation (MCDOT).
  - c. Before issuance of any Use and Occupancy Certificate for Building A/B, the Applicant must construct a six-foot wide sidewalk along the street frontage surrounding Building A/B and construct the crosswalk improvements at the traffic circle intersection as shown on the certified site plan, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

- d. Before issuance of any Use and Occupancy Certificate for any residential unit in Building A/B, the Applicant must construct traffic-calming intersection improvements at Cadbury and Park Potomac Avenues, and modifications to the existing traffic circle at Park Potomac Avenue and the Private Road.

## SITE PLAN

### 8. Noise Mitigation

- a) Before the issuance of the first building permit for Building A/B, the Applicant must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatments that the building shell for residential dwelling units affected by exterior noise levels projected at or above 65 dBA Ldn, will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b) If any changes occur to the Preliminary Plan or Site Plan which affect the validity of the noise analysis dated July 11, 2022, acoustical certifications, and/or noise attenuation features, a new noise analysis will be required to reflect the changes and new noise attenuation features may be required.
- c) Before issuance of any residential unit for Building A/B of any Use and Occupancy Certificate or Final Inspection, whichever is relevant, for any of the noise impacted units, a Professional Engineer must certify to the Planning Department and the MCDPS that the noise impacted units have been constructed in accordance with the certification of an engineer that specializes in acoustical treatments.
- d) For all noise impacted residential dwelling units, the Applicant must disclose in writing to all prospective purchasers that those homes are impacted by transportation noise. Such notification may be accomplished by inclusion of this information and any measures to reduce the impacts in brochures and promotional documents and must be included in any noise impacted sales contracts, any illustrative site plan(s) on display within any sales related offices(s); in Homeowner Association documents; with all Deeds of Conveyance of noise impacted units; and by inclusion on all signature subdivision and site plans.

### 9. Lighting

- a. Before certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b. All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- c. Deflectors will be installed on proposed exterior fixtures to prevent excess illumination and glare.
- d. Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by streetlights within the right-of-way.
- e. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

- f. On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

10. Site Plan Surety and Maintenance Agreement

- a. Before issuance for Building A/B of any above-grade building permit, sediment control permit, or Use and Occupancy Certificate, whichever comes first, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:
  - ii. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
  - iii. The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, outdoor recreational facilities associated with the stormwater management facility open space (plant materials, pergola, benches, sculptural elements, fitness equipment, play equipment), the abutting private road and sidewalks, private utilities, paths and associated improvements of development, including sidewalks, storm drainage facilities, street trees and streetlights. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
  - iv. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

11. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved before the approval of the Certified Site Plan.

12. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the stormwater management concept approval letter, development program, and Site Plan resolution on the approval or cover sheet(s).
- b. Add the following notes:
  - i. *“M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading.”*
  - ii. *“Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services.”*
  - iii. *“Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and*

*sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.”*

- iv. *“The Applicant must schedule a preconstruction meeting (pre-con), preferably on-site, with staff from the Department of Permitting Services (DPS) responsible for Certified Site Plan conformance and compliance, upon approval of the Certified Site Plan (CSP). The pre-con must occur before any site development work commencement and before any work that is covered by the site plan surety and maintenance agreement. The Applicant, along with their representatives, must attend the pre-con with DPS CSP Staff. A copy of the approved Certified Site Plan along with any subsequent amendments is required to be on-site at all times.”*
- c. Include approved Fire Department Access Plan in the Certified Site Plan.
- d. Show intersection improvements at Cadbury Ave and Park Potomac Ave, which enhance pedestrian and bicycle safety as approved by Staff.
- e. Modify data table to reflect development standards approved by the Planning Board.
- f. Ensure consistency of all details and layout between Site Plan Area and the landscape plans.

## SECTION 2: COMMUNITY OUTREACH

The Applicant has complied with all application submittal, noticing, and sign posting requirements under Division 7.5 of the Zoning Ordinance.

The Applicant held a pre-submittal public meeting on July 12, 2022 related to the Preliminary Plan Amendment and Site Plan. The meeting was held at The Perry apartments located at 12430 Potomac Avenue.

Staff has received two letters dated January 5, 2023 and March 3, 2023 from the Park Potomac Coalition (Attachment E). The letters expressed concern over pedestrian safety, increased vehicular traffic, speeding, and a request for traffic-calming measures on Park Potomac Avenue.

In a response letter dated January 19, 2023 (Attachment E), the Applicant indicated they had conducted additional outreach for approximately the last three calendar years with the Park Potomac Coalition to discuss the proposed project updates, design, and schedules. During the meetings, residents voiced concerns about vehicular traffic on Park Potomac Avenue. In their letter, the Applicant summarized their actions as follows:

- Analyzed how the change in use (commercial to residential) has reduced planned traffic volume and parking demand. A traffic study was prepared that confirmed the applications are consistent with the approved Sketch Plan 320190020 in terms of conditions and development scenarios approved in the Sketch Plan.
- Investigated whether additional “cut-through” trips on Park Potomac Avenue would be generated by Potomac Woods, a mixed-use development to be located north of the Park Potomac site in the city of Rockville. A traffic study indicated that Potomac Woods would generate 14 to 15 additional trips on Park Potomac Avenue during the AM/PM hours. The study determined that the additional trips were minimal and did not substantially impact the current traffic volume along Park Potomac Avenue.
- Completed a traffic study to determine current vehicular speeds on Park Potomac Avenue. Average speed north of Cadbury Avenue is 18 MPH. Average speed south of Cadbury Avenue is 21 to 24 MPH.

On March 27, 2023, Planning staff met with members of the Park Potomac Coalition to receive additional community feedback. Discussed were suggestions of additional pedestrian crosswalks on Park Potomac Avenue, safety concerns at the intersection of Park Potomac and Cadbury Avenues, and unwanted through-traffic on Park Potomac Avenue. To address these matters, the Applicant will make the following improvements to the roadway, which are supported by MCDOT and Staff:

- Install a calming measure at the traffic circle and the private drive which is intended to slow vehicular traffic;

- Install calming measures at the intersection of Park Potomac Avenue and Cadbury Avenue which are intended to slow turning movements in the intersection and vehicle speed through the intersection; and
- Complete crosswalk crossings near the traffic circle on Park Potomac Avenue, which are currently demarcated with a curb cut.

## SECTION 3: SITE DESCRIPTION

### VICINITY

The Subject Property is located in the northwest quadrant of the intersection of I-270 and Montrose Road as shown in Figure 1 (“Subject Property or “Property”).

The Property is further identified on Tax Map GQ123 and GQ343 as well as Plat Nos. 23029, 23030, 23031, 23032, 23025, 23407, 23736, 23960, and 24661 consisting, collectively, of 54.84 acres (gross tract) (“Preliminary Plan Area”).

The area subject to the current Site Plan Application is located within the Preliminary Plan Area and identified on Plat No. 23736 as Parcel CC, Parcel DD, Parcel EE, Parcel H, Parcel NN consisting of 5.7 acres (“Site Plan Area”).

The Preliminary Plan Area and Site Plan Area are both located within the 2002 *Potomac Subregion Master Plan* (“Master Plan”).

The Property is generally located in the northwest quadrant of the interchange with Montrose Road and I-270 and extends north to the City of Rockville boundary and west to Seven Locks Road. West of the Property across Seven Locks Road is Potomac Woods Park and the Potomac Woods development. North of the Property is the Seven Locks Shopping Center, and east of the Property across I-270 is Tower Oaks; both located within the City of Rockville. South of the Property, across Montrose Road, is a neighborhood of single-family attached and detached homes and the upper reaches of Cabin John Regional Park (Figure 1).



Figure 1 – Vicinity map with the Property and Preliminary Plan (red outline) and the Site Plan Area (dashed line)

## PROPERTY DESCRIPTION

The Preliminary Plan Area and Site Plan Area are zoned CRT (Commercial/Residential Town) 1.25, C-0.5, R-0.75, H-100T. Property to the north, south, and west are also located in the same CRT zone (Figure 1, Figure 2, Figure 3). Land to the east is not zoned because it is public right-of-way for I-270. The Property is approximately 1,200 feet south of the City of Rockville boundary line.

Currently, the Preliminary Plan Area is mostly developed as a mixed-use center, as permitted by existing Preliminary Plan No. 120030029, Site Plan No. 82004150 (including all amendments) and Site Plan No. 820040120 (including all amendments) for Park Potomac. The gross tract area of the entire Park Potomac development consists of 54.84 acres of land that is divided into two different site plan applications (Nos. 820040120 and 820040150). Site Plan No. 820040120 was approved by the Planning Board on February 12, 2004 for the construction of 150 townhouse units, which are fully occupied and located immediately west of the Site Plan Area. The 54.84-acre Preliminary Plan Area is developed as a mixed-use site with multi-family condominiums, apartments, office, and retail.



The Site Plan Area consists of 5.7 acres which includes 2.73 acres of undeveloped land on Parcel DD and Parcel EE, 1.47 acres of land used for open space/stormwater management on Parcel H, 0.63 acres of land on Parcel NN used for open space/stormwater managements, and 0.88 acres of land used and reserved for a private drive on Parcel CC.

Due to necessary changes and conditions required by Sketch Plan No. 320190020, the Site Plan Area includes 5.7 acres of land covered by approved Site Plan Nos. 820040120 and 820040150. Site Plan No. 820230030 amends this limited area only. The conditions of Site Plan Nos. 820040120 and 820040150 will remain in full force and effect, except as modified by Site Plan No. 820230030.

The Site Plan Area is located at the northwest quadrant of the intersection of I-270 and Montrose Road and fronts Park Potomac Avenue. As mentioned, with the exception of I-270 corridor to the east, the Site Plan Area and its adjacent properties are zoned CRT. Directly to the north of the Site is an office building and parking garage, and to the east is The Perry apartment building. To the west and south are the I-270 highway corridor and interchange for Montrose Road.

The development pattern of the Property has forest conservation and lower density residential uses in the west, multi-family rental and condo buildings in the middle, and office and retail use to the east adjacent to I-270. Existing forest conservation easements create a buffer between the development and Seven Locks Road. Within the eastern portion of the Property adjacent to I-270 are undeveloped areas, which are graded and have existing approvals for hotel and office uses. Stormwater management and an interchange with Montrose Road take up most of the Property's southern portion with forest conservation easements and a stream located in the southernmost portion of the Property south of Montrose Road. Generally, the terrain is highest in the northeast portion of the Property, and slopes to the south and to the west toward the off-site streams.

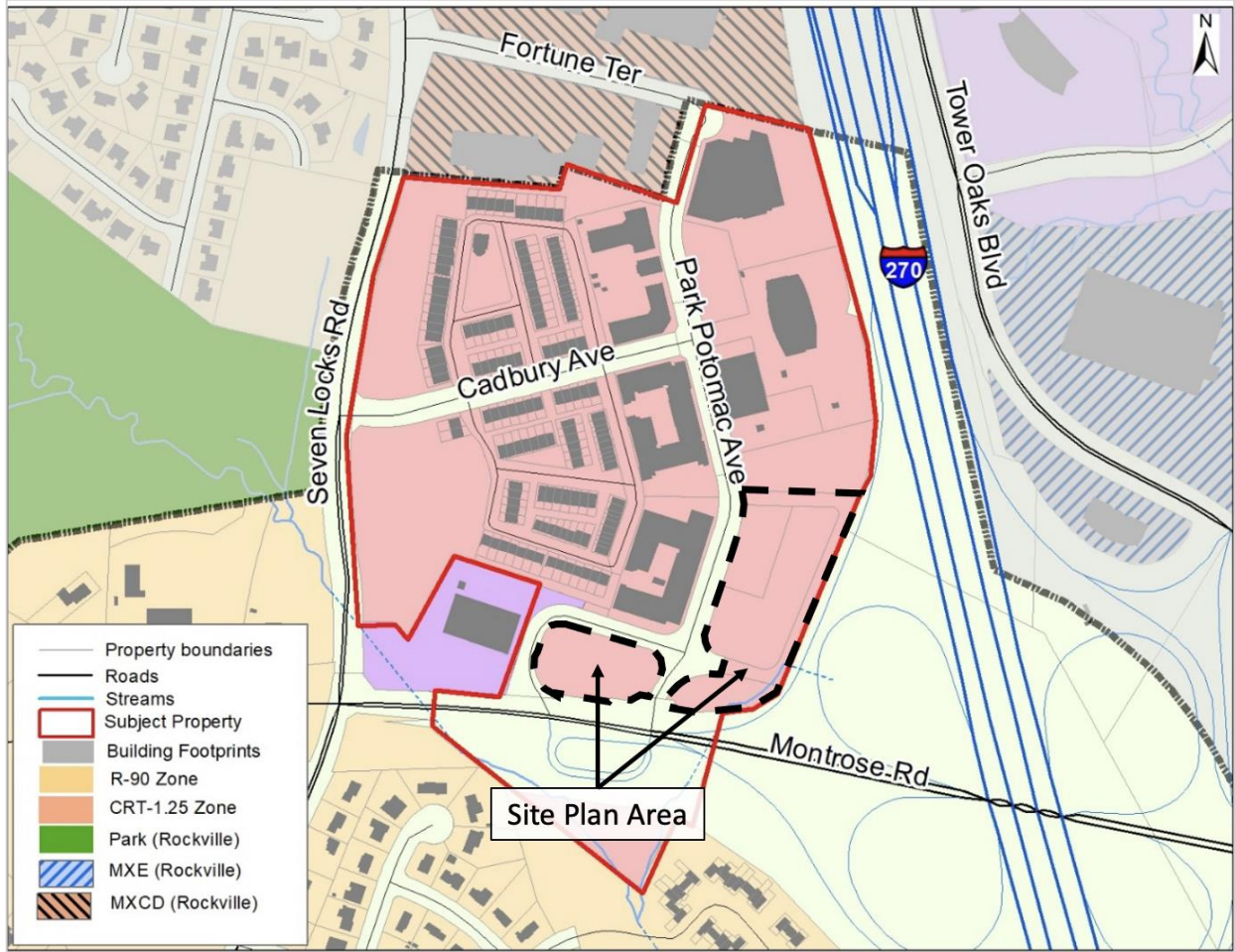


Figure 2 - Zoning Map with Property and Preliminary Plan boundary (red outline) and the Site Plan Area (dashed line)

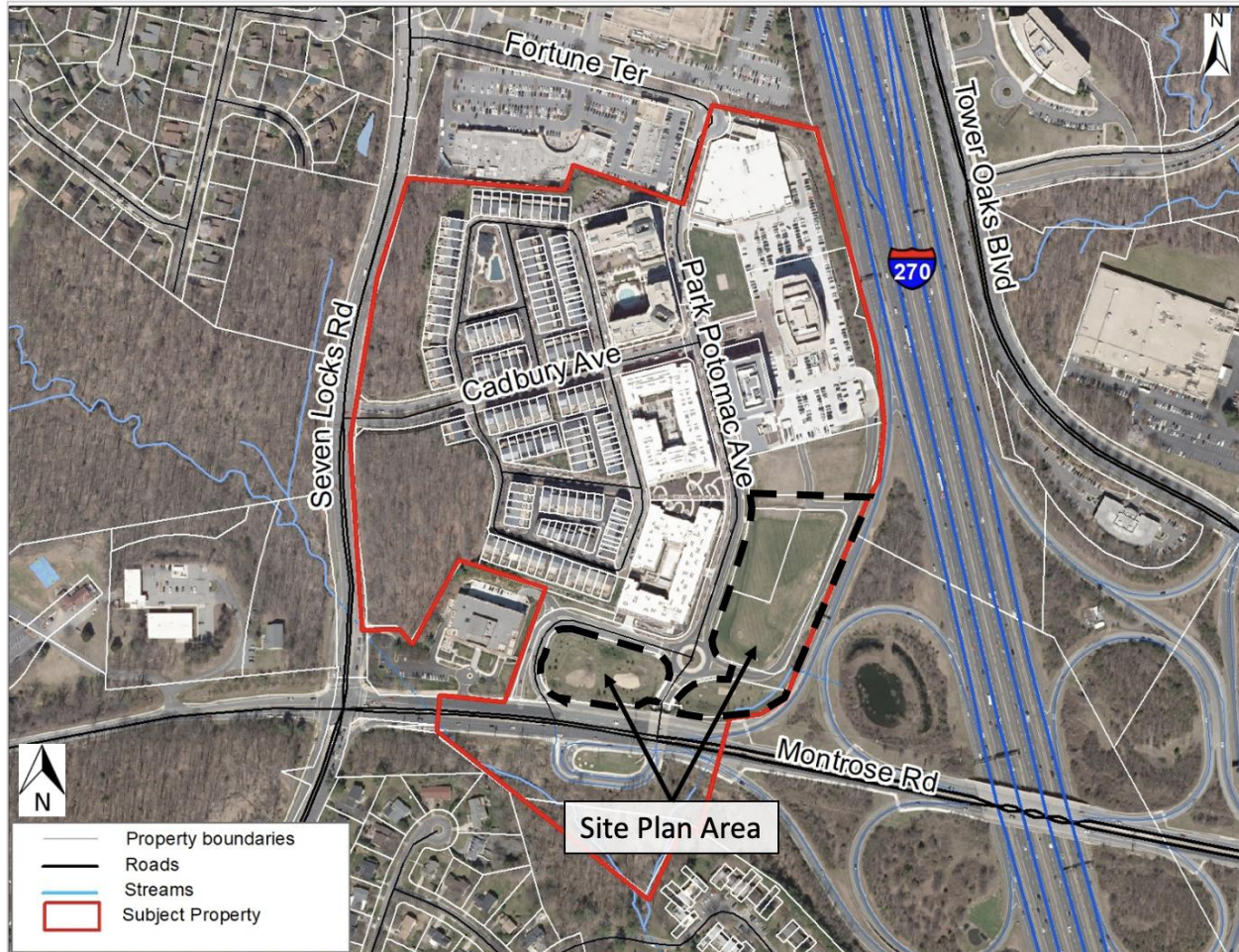


Figure 3 - Aerial map with Property and Preliminary Plan boundary (red outline) and the Site Plan Area (dashed line)

## SECTION 4: PROJECT DESCRIPTION

### PREVIOUS APPROVALS

#### SKETCH PLAN 320190020 AND 32019002A

These sketch plan approved up to 2,326,279 square feet of total development (which included 1,693,406 square feet of existing development), including up to 1,656,651 square feet of residential use, and up to 669,628 square feet of commercial uses. Sketch Plan No. 320190020, dated June 19, 2019, increased the previously approved residential density and decreased the commercial density.

The binding elements of Sketch Plan No. 320190020 were as follows:

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 of the Sketch Plan were illustrative.

Sketch Plan No. 32019002A, approved on June 22, 2022, extended the allowable time for the submittal of a site plan under Section 59.7.3.3.G of Zoning Ordinance to December of 2023.

#### PRELIMINARY PLAN 120030290

Preliminary Plan No. 120030290 was approved by Planning Board resolution dated July 25, 2003. It 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.

#### PRELIMINARY PLAN 12003029A

Preliminary Plan Amendment No. 12003029A was approved by Planning Board resolution dated April 30, 2008. The amendment maintained a cap of 850,000 square feet of non-residential uses, while increasing retail uses by 115,000 square feet to a maximum of 145,000 square feet. The amendment also added a 156-room hotel to the allowed mix of non-residential uses.

#### SITE PLAN 820040120

By an opinion dated February 19, 2004, the Planning Board approved Site Plan No. 820040120 to allow the construction of 150 single-family attached units on the western 34 acres of the Park Potomac

property, including a large area of forest conservation, and new interchange ramps from Montrose Road.

#### SITE PLAN 820040150, AS AMENDED

The eastern 20 acres of the 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. These site plans have been amended a total of 13 times. The following is a brief summary of the more substantial amendments areas covered with the Site Plan Area.

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.

82004015C: Widen steps from the sidewalk to the public plaza; add SWM intake grates, and modifications to the landscape plans.

82004015D: 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.

82004015E: 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.

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

82004015G: 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 and deletion of decorative walls.

82004015H: Reallocation of office and retail uses, and addition of outdoor seating area for Building E. Adjustments to site tabulations.

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

82004015J: 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.

82004015K: 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.

82004015L: 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.

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.

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## PROPOSAL

The Applicant proposes to consolidate two platted parcels into one platted parcel for the construction of a 307-dwelling unit, five story multi-family residential structure including 12.5% MPDUs utilizing the optional method of development. The application provides public benefits, open spaces, recreation facilities, and master plan recommended improvements as well as an amendment to the Adequate Public Facilities (APF) approval and associated documents which pertain to the 54.84-acre Preliminary Plan Area (“Application”). The Preliminary Plan covers the entire 54.84 acres of Park Potomac to address modifications to the overall density, APF and trip reduction agreement; however, the proposed changes to structures and uses is limited to approximately 5.7 acres. The Site Plan area covers 5.7 acres on existing Parcel CC, Parcel DD, Parcel EE, Parcel H, Parcel NN of Block H.

### PRELIMINARY PLAN AMENDMENT NO. 12003029B

- Consolidate existing Parcels DD and EE, Block H into proposed Parcel PP, Block H to accommodate an apartment building (Building A/B) containing 307 multi-family units;
- Submit supporting data confirming proposed development scenarios comply with the trip cap associated with the valid APF determination;
- Address previously approved private drive between proposed Building A/B and future Building C;
- Include previously approved 2016 trip reduction agreement with additional minor modifications;
- Provide off-site traffic-calming measures to improve pedestrian safety movements on Park Potomac Avenue.

SITE PLAN NO. 820230030

- Construct a five story (75 foot maximum) multi-family residential building (Building A/B) with 307 dwelling units, including 12.5 percent (39 units) MPDUs, and 357 below-grade parking spaces;
- Provide additional public open space and improve pedestrian circulation with new walking paths and other amenities around the existing stormwater management facility; and
- Improve wayfinding signs to the existing trail system.

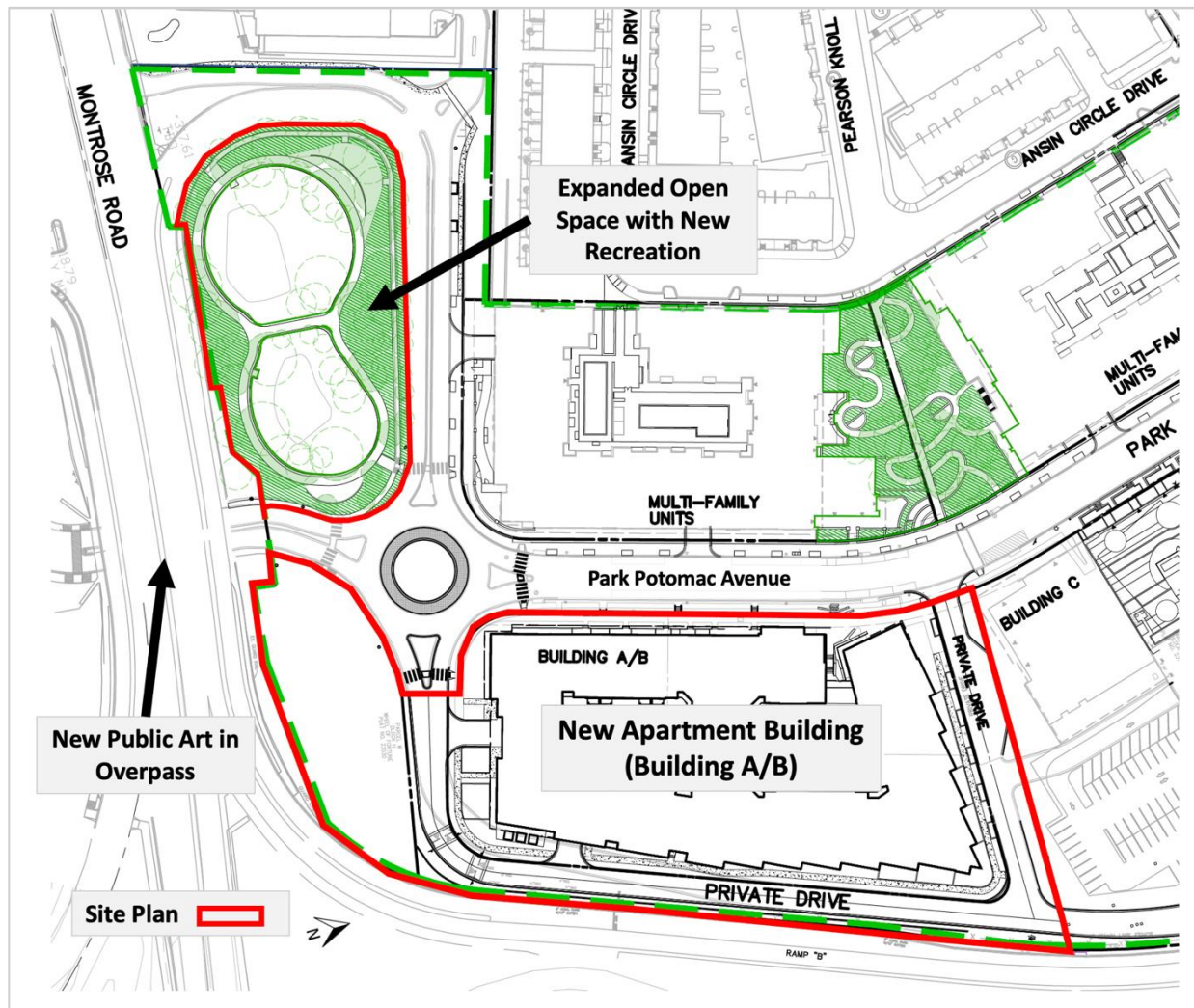


Figure 4 - Proposed Site Plan with new apartment building, expanded public open space, recreation, and public art



*Figure 5 - Rendering of northwest view looking south on Park Potomac Avenue*



*Figure 6 - Rendering showing the bridge entrance along Park Potomac Avenue*





*Figure 7 - Rendering of northwest entry view on Park Potomac Avenue*



*Figure 8 - Rendering of southwest side view along Park Potomac Avenue*



*Figure 9 - Rendering southwest view from the traffic circle looking north toward Park Potomac Avenue*



*Figure 10 – Rendering of southeast view along I-270*



*Figure 11 - Mural view from I-270*



*Figure 12 – Rendering northeast mural view*

**SECTION 5: PRELIMINARY PLAN AMENDMENT 12003029B  
FINDINGS AND ANALYSIS**

This Preliminary Plan Amendment applies to the entire 54.84 acres of Park Potomac to address modifications to the overall density, APF and trip reduction agreement; however, the proposed changes to structures and uses is limited to approximately 5.7 acres for the consolidation of two platted parcels to create one (1) lot for a maximum density of up to 352,373 square feet of residential uses. This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. The Application has been reviewed by other applicable State, County and City agencies.

- 1. The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.**

The Preliminary Plan meets all applicable sections of the Subdivision Regulations. The size, width, shape and orientation of the proposed lot is appropriate for the location of the subdivision, taking into account the recommendations of the Master Plan, and for the multi-family building type and use contemplated for the Property.

The lot was reviewed for compliance with the dimensional requirements for the CRT-1.25 C-0.5, R-0.75, H-100T as specified in the Zoning Ordinance. The lot will meet all the dimensional requirements for area, frontage and can accommodate the multi-family structure which can reasonably meet the width and setbacks requirements in that zone. A summary of this review is included in Table 1. The Application is proposed under the optional method in accordance with Section 4.5.4 of the Zoning Ordinance. The Preliminary Plan has been reviewed by other applicable county agencies, all of whom have recommended approval.

*Table 1 - CRT 1.25, C-0.5, R-0.75, H-100T Zone, Optional Method, Section 59.4.5.4*

CRT-1.25 C-0.5, R-0.75, H-100T	Allowed/Required by the Zone	Approved by Sketch Plan 320190020	Proposed for Approval
Preliminary Plan Area	N/A	N/A	54.84 acres
Lot Size (Parcel PP)	N/A	N/A	2.73 acres
Proposed Residential Square Footage	N/A	N/A	352,373 sq. ft.
FAR (Floor Area Ratio Residential)	0.75 FAR	0.69 FAR (1,656,651 sq. ft.)	0.69 FAR (1,656,651 sq. ft.)
Commercial	0.50 FAR	0.28 FAR (669,628 sq. ft.)	0.28 (669,628 sq. ft.)
Total FAR	1.25 FAR (2,986,085 sq. ft.)	0.97 FAR (2,326,279 sq. ft.)	0.97 FAR (2,326,279 sq. ft.)

CRT-1.25 C-0.5, R-0.75, H-100T	Allowed/Required by the Zone	Approved by Sketch Plan 320190020	Proposed for Approval
Remaining Sq. Ft. Allowed under Sketch Plan	280,500 sq. ft. (Unbuilt Commercial)		
MPDUs	12.5% (39 DUs)	12.5%	12.5% (39 DUs for Building A/B)
Open Space			
Public Open Space	10%	10%	11%
Common Open Space	10%	32.2%	32.5%
Minimum Lot Area	N/A	N/A	N/A
Minimum Lot Width at B.R.L.	N/A	N/A	N/A
Maximum Lot Coverage	No limit	N/A	No limit
Principle Building, Min. Setbacks (for all lots)	Determined at site plan	Determined at site plan	Determined at site plan
From Public Street (Front/side)	Determined at site plan	Determined at site plan	Determined at site plan
Front	Determined at site plan	Determined at site plan	Determined at site plan
Side (Abutting Site Boundary)	Determined at site plan	Determined at site plan	Determined at site plan
Side (End unit)	Determined at site plan	Determined at site plan	Determined at site plan
Side (Internal Unit)	Determined at site plan	Determined at site plan	Determined at site plan
Rear (Abutting Site Boundary)	Determined at site plan	Determined at site plan	Determined at site plan
Rear (Alley)	Determined at site plan	Determined at site plan	Determined at site plan
Max. Building Height	100 ft.	100 ft.	75 ft. or less
Parking			
Residential (Parcel PP)	182 – 276 spaces	N/A	357 spaces
Bicycle Parking – Short Term	5 spaces	N/A	5 spaces
Bicycle Parking – Long Term	95 spaces	N/A	95 spaces
Site Plan Required	Yes	Yes	Yes

## **2. *The Preliminary Plan substantially conforms to the Master Plan***

The Preliminary Plan substantially conforms to and implements the recommendations of the 2002 *Potomac Subregion Master Plan*. The Preliminary Plan Area is identified in the Master Plan as Fortune Parc which at the time was a collection of undeveloped properties in the R-90 and R-200 zones. The Preliminary Plan Area was recommended for rezoning to the I-3 zone with the recommendation for Transferable Development Rights (“TDRs”), or a possible MXP floating zone if TDRs are not allowed under I-3. The Preliminary Plan Area recommendations emphasize the addition of TDRs and residential uses because the Master Plan seeks 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 within the Preliminary Plan Area do not exceed the vehicle trip generation rates equal to an all-office project build with an FAR of 0.5 which this Preliminary Plan Area meets.

Land use and design guidelines for the Preliminary Plan Area include preserving the forest on the southwestern portion of the 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, the buildings orientations toward the street, and parking adjacent to the highway.

The Preliminary Plan Area is mostly developed (one undeveloped parcel remains) and has met these recommendations and guidelines found in the Master Plan during the implementation of previous approvals. The Preliminary Plan Area was developed under the I-3 zone and has utilized 101 TDRs as part of the previous residential development. The identified road connections and main streets 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 Preliminary Plan has been reviewed under the CRT zone because the prior Sketch Plan brought the entire Preliminary Plan Area under the umbrella of the current Zoning Ordinance in effect on October 30, 2014. The application of CRT zoning was placed on the Preliminary Plan Area as part of the county-wide rezoning in 2014. Consistent with approved Sketch Plan No. 320190020, the Applicant also proposes to modify the allowed uses on the proposed Parcel PP of the Preliminary Plan Area to allow for a multi-family residential use instead of the office use approved by existing Preliminary Plan. The previous preliminary plan approvals under the I-3 zone have capped the development densities to those recommended by the Master Plan. On page 52, the Master Plan recommends that density will not exceed 800,000 square feet of office, street retail and hotel, 300 apartments and 150 single family homes. 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 Preliminary Plan the ability to add a 352,373 sq. ft. multi-family residential building with 307 residential units above the Master Plan

recommendation. The Applicant's Statement of Justification (SOJ) (Attachment A) 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 Preliminary Plan Area was given CRT 1.25; C-0.5, R-0.75, H-100T as part of a special analysis to be consistent with the mixed-use vision of the Master Plan, since the standard conversion of I-3 into the new Zoning Ordinance would have been an EOF zone. 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. 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. This results in 281,522 square feet of approved but 'unused' residential density, therefore the proposed residential building on proposed Parcel PP is only 70,851 sq. ft. of an expansion from the original preliminary plan approvals and complies with the approved Sketch Plan No. 320190020. Finally, at the time of Sketch Plan, the Applicant's traffic consultant looked at the existing development's trip generation, including four different scenarios for full build-out that included adding additional residential density, showing how the Sketch Plan would generate equal or fewer trips than currently approved for and deemed Master Plan compliant for creating less trips than an office project developed at 0.5 FAR. The traffic study submitted as part of the Preliminary Plan application follows one of these development scenarios.

Staff agreed at the time of Sketch Plan approval that the transition from the I-3 zone to the CRT zone did increase the zoned density above the currently built residential density and acknowledges that the residential FAR is less than what was originally approved. The additional residential dwelling units help address the Master Plans priority in creating a vibrant mixed-use development for the Preliminary Plan area, and that the final mix of uses was given an ultimate trip cap. The Preliminary Plan proposal of converting two unbuilt office buildings into one additional residential building and retaining two additional non-residential buildings does stay within the trip cap and continues to provide an employment emphasis. The Preliminary Plan also meets all other property, land use, and design guidelines found in the Master Plan as well as the approved Sketch Plan No. 320190020 and No. 32019002A. Therefore, the Preliminary Plan substantially conforms to and implements the recommendations of the Master Plan.

### ***3. Public facilities will be adequate to support and service the area of the subdivision***

#### **ROADS AND TRANSPORTATION FACILITIES**

Park Potomac Avenue is an arterial street with a dedicated right-of-way width of 70 feet with two travel lanes. No additional right-of-way dedication is necessary. The Master Plan does not specifically identify Park Potomac Avenue or provide it with any designation, but it functions as a secondary street. Per section 49-32 (d)(4) a secondary residential street must have a minimum 60-foot right-of-way.

The area along proposed Parcel PP consists of approximately 420 feet of frontage along Park Potomac Avenue, 218 feet along the south private drive, and 485 feet along the west private drive. The 2018 *Bicycle Master Plan* does not envision any bicycle facility recommendations for Park Potomac Avenue. Consistent with 2021 *Complete Streets Design Guidelines* (“CSDG”), the Applicant proposes to construct six-foot-wide sidewalks on all four sides of the Site Plan Area, including the Park Potomac Avenue frontage and the private drive that circumvents the building. Pedestrian connections will also be improved with the existing sidewalk that extends past the roundabout and Montrose Road overpass.

The Applicant also proposes changes at the Park Potomac Avenue roundabout, and the Cadbury and Park Potomac Avenues intersection. As an additional pedestrian safety measure, the Applicant will improve the roundabout by widening the existing splitter island as well as tightening the curb radii. Extended mountable curbs and curb islands, designed to decrease vehicular speeds and vehicle turning movements, are proposed at the Cadbury and Park Potomac intersection. The planned upgrades reflect the need to avoid conflict with the existing stormwater infrastructure and its operation. These proposed improvements are consistent with MCDOT and County Fire and Rescue design standards regarding fire department vehicle access, adequate curb radii, and lane widths.

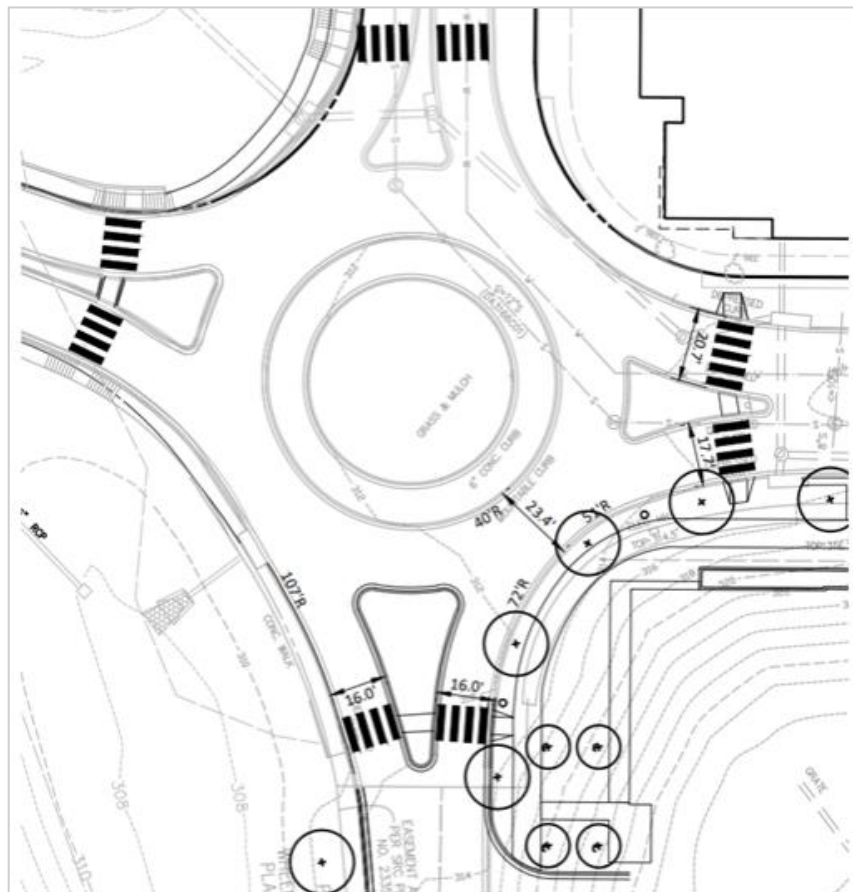


Figure 13 - Reconfigured Park Potomac Avenue traffic circle and additional crosswalks



## Local Area Transportation Review (LATR)

Consistent with Local Area Transportation Review (LATR) requirements for projects generating more than 50 peak-hour trips, the Applicant has completed a Transportation Impact Study. The Site Plan Area is projected to add an additional 382 net new AM peak-hour trips, and 422 PM peak-hour trips. Existing trips from 2022 counts were calculated at 820 AM peak-hour trips and 1,179 PM peak-hour trips. In total, the estimated net new person trips would equate to 1,202 AM peak-hour trips and 1,601 PM peak-hour trips.

No additional APF period will be granted as part of the Application. The 12 years of APF validity granted with Preliminary Plan 120030290 in addition to the automatic 2-year extensions for all applications with valid APFs granted by the County Council. This Applicant has not requested any additional validity period. Given the extended APF period for this project, it should be sufficient time to get a new plat filed and construct the building proposed in the Application.

## OTHER PUBLIC FACILITIES AND SERVICES

Other public facilities and services are available and adequate to serve the proposed lots. The Site Plan Area is in the W-1 and S-1 water and sewer service categories, respectively, and will utilize public water and sewer.

The Application was reviewed by the MCDPS, Fire Department Access and Water Supply Section, and a Fire Access Plan was approved on March 26, 2023 (Attachment D). The Fire Department Access Plan indicates that fire access will be provided utilizing the public and private street infrastructure around proposed Parcel PP in order to access the perimeter of the building from all four sides. Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the 2020-2024 *Growth and Instructure Policy* (“GIP”) in effect at the time that the Application was accepted.

## SCHOOL FACILITIES TEST

The Application is served by Ritchie Park Elementary School, Julius West Middle School and Richard Montgomery High School. Based on the FY23 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

Table 2 - Applicable School Adequacy

School	Projected School Totals, 2026				Adequacy Status	Adequacy Ceilings		
	Program Capacity	Enrollment	% Utilization	Surplus/ Deficit		Tier 1	Tier 2	Tier 3
Ritchie Park ES	411	308	74.9%	+103	No UPP	188	205	247
Julius West MS	1,432	1,364	95.3%	+68	No UPP	194	355	570
Richard Montgomery HS	2,241	2,713	121.1%	-472	Tier 2 UPP			313

The school adequacy test determines the extent to which an applicant is required to make a Utilization Premium Payment (UPP) based on each school’s adequacy status and ceilings, as determined in the Annual School Test. Under the FY23 Annual School Test, Ritchie Park Elementary School and Julius West Middle School do not require any UPP as identified in (Table 2). However, Richard Montgomery High School requires a Tier 2 UPP. If the Application is estimated to generate more students than the identified ceilings, then additional UPPs or partial payments at multiple tiers may still be required.

### Calculation of Student Enrollment Impacts

To calculate the number of students generated by the Application, the number of dwelling units is multiplied by the applicable School Impact Area student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low-rise multifamily unit, or high-rise multifamily unit.

With a net of 307 multi-family high-rise units that are not age-restricted, the Application is estimated to generate the following number of students based on the Site Plan Area’s location within a Turnover Impact Area:

Table 3 - Estimated Student Enrollment Impacts

Type of Unit	Net Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
SF Detached	0	0.185	0.000	0.108	0.000	0.154	0.000
SF Attached	0	0.225	0.000	0.123	0.000	0.159	0.000
MF Low-rise	0	0.107	0.000	0.058	0.000	0.070	0.000
MF High-rise	307	0.051	15.657	0.024	7.368	0.030	9.210
TOTALS	307	-	15	-	7	-	9

As shown in (Table 3), on average, this Application is estimated to generate 15 elementary school students, seven middle school students and nine high school students. The number of students

generated for elementary school students and middle school students does not exceed the adequacy ceilings identified for each school in (

Table 2), however, a Tier 2 high school UPP per unit is required.

**4. All Forest Conservation Law, Chapter 22A requirements are satisfied**

Final Forest Conservation Plan 820040120 was approved on February 15, 2013 as part of the related Site Plan (Attachment F). The Applicant provided a redlined markup of the approved Final Forest Conservation Plan demonstrating this proposal would not expand the limits of disturbance beyond what was already approved as part of the approved Final Forest Conservation Plan 820040120; therefore, the Final Forest Conservation Plan 820040120 remains valid and was not revised or amended as part of this Application.

**5. All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.**

The Preliminary Plan received an approved stormwater concept plan from the Montgomery County Department of Permitting Services, Water Resources Section on May 1, 2023 (Attachment D). The Application will meet stormwater management goals through the Environmental Site Design (ESD) utilizing micro-bioretenment, modular wetlands, and a green roof. Any volume not able to be treated in ESD measures will receive treatment in two existing surface sand filters.

**6. Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.**

There is no evidence, actual notice, or constructive notice of a burial site on the Site Plan Area. The Site Plan Area is not included in the Montgomery County Inventory.

**7. Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.**

There are no other applicable provisions specific to the Preliminary Plan Area that are necessary for approval of this Application.

## SECTION 6: SITE PLAN 820230020 FINDINGS AND ANALYSIS

Pursuant Section 59.4.5.4.A.1, in the CRT zone, a Site Plan must be approved under Section 59.7.3.4 for any development on a property with an approved Sketch Plan. Sketch Plan No. 320190020 was approved on June 13, 2019, for the Site.

**1. *When reviewing an application, the approval findings apply only to the site covered by the application.***

The findings herein apply only to the Site Plan Area and supersede the findings for Site Plan No. 820040120 and Site Plan No. 820040150 for only the geographic area covered by the Site Plan Area. While Site Plan No. 820230030 amends these limited areas, the condition of the original Site Plan Nos. 82004012 and 82004015 remain in full force and effect for the remaining portions of land and satisfy all applicable development standards.

**2. *To approve a Site Plan, the Planning Board must find that the proposed development:***

**a) *satisfies any previous approval that applies to the site;***

Sketch Plan No. 320190020 applies to the Site and was approved by the Planning Board (MCPB No. 19-064, June 19, 2019) subject to five binding elements and eight conditions. The area subject to the Sketch Plan includes all 54.8 acres consisting of the area commonly known as the Park Potomac community. The Site Plan satisfies this previous approval with the following Binding Elements:

- Maximum density and height
- Approximate location of lots and public dedications
- General location and extent of public open space
- General location of vehicular access points
- Public benefit schedule

The Site Plan conforms with the binding elements and conditions of approval of Sketch Plan No. 320190020, as amended, and Preliminary Plan Amendment No. 12003029B. The proposal is within the established density and height limitations, provides appropriate design elements that are responsive to the public benefits schedule, and includes the required public open space, public dedications and a through-block connection.

**b) *satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;***

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

- c) satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;**

This section is not applicable as the Site’s zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

- d) satisfies applicable use standards, development standards, and general requirements under this Chapter;**

The Site Plan satisfies applicable use standards, development standards, and general requirements for the multi-unit living use in the Commercial Residential Town (CRT) Zone, under the Optional Method Development in Section 4.5.4. Pursuant to Section 59.3.1.6, the proposed multi-unit living use is a permitted use in the CRT zone. Table 4, Table 5, and Table 6 show the Application’s conformance to the development standards of the CRT zone, vehicular parking, off-street loading spaces, and bicycle parking requirements.

**i. Division 4.5.4 Optional Method CRT Zone**

*Table 4 - Development Standards for CRT 1.25, C-0.5, R-0.75, H-100T Zone, Optional Method, Section 59.4.5.4*

Development Standard	Permitted/ Required	Approved by Sketch Plan 320190020	Proposed/Provided by Site Plan 820230030
Net Area (Site Plan) <sup>3</sup>	n/a	43.17 acres	5.7 acres
Residential (FAR/GFA)	0.75 FAR 1,791,651 sq. ft.	0.75 FAR 1,786,651 sq. ft.	352,373 new sq. ft. 1,656,651 total sq. ft.
Commercial (FAR/GFA)	0.5 FAR 1,194,434 sq. ft.	0.28 FAR 669,628 sq. ft.	None proposed
Total Density (FAR/GFA) <sup>3</sup>	1.25 FAR 2,986,085 sq. ft.	0.99 FAR 2,359,079 sq. ft.	0.86 2,045,779 sq. ft.
MPDU requirement (minimum)	12.5%	12.5% or more	12.5%
Building Height (maximum)	100 feet	100 feet	75 feet
Public Open Space (minimum) <sup>3</sup>	10% of multi-family, commercial area (81,588 sq. ft.)	10% (81,688 sq. ft.)	11% (104,138 sq. ft.)
Common Open Space (minimum) <sup>3</sup>	10% of townhouse area (96,517 sq. ft.)	31.9% (303,148)	32.5% (303,148 sq. ft.)
Principle Building, Min. Setbacks (for all lots)	0 feet	Determined at Site Plan	0 feet
Front Setback	0 feet	Determined at Site Plan	0 feet

<sup>3</sup> Permitted and approved, per approved Sketch Plan No. 320190020.

Development Standard	Permitted/ Required	Approved by Sketch Plan 320190020	Proposed/Provided by Site Plan 820230030
Side Street Setback	0 feet	Determined at Site Plan	0 feet
Side Setback (End unit)	Not applicable	Not applicable	Not applicable
Side Setback (Internal Unit)	Not applicable	Not applicable	Not applicable
Rear Setback	0 feet	Determined at Site Plan	0 feet
Rear Setback (Alley)	4 feet	Determined at Site Plan	Not applicable
Rear Setback (between lot and site boundary)	Not applicable	Not applicable	Not applicable

*Table 5: Parking (Section 59.6.2.4.B) and Loading (Section 59. 6.2.8.B.1) Requirements*

Use	Metric	Baseline Minimum Spaces	Baseline Maximum Spaces	Proposed Unbundled Spaces
One Bedroom	132 units	66	165	-
One Bedroom, MPDU	20 units	10	25	-
Two Bedroom	100 units	75	150	-
Two Bedroom, MPDU	19 units	10	29	-
Three Bedroom	36 units	27	72	-
Total Vehicle Parking	307 Units	188	441	357
Off-street Loading Space	One off-street loading space is required for multi-living uses with 50 units and above. The Site Plan provides one loading space inside the below-grade garage.			

*Table 6 - Bicycle Parking Requirements, Section 59.6.2.4.C*

Bicycle Parking	Spaces Provided
Calculated at 0.5 spaces per unit, up to a maximum of 100 spaces (59-6.2.4.C)	
Short Term	5
Long-Term	95
Total Bicycle Parking	100

ii. **Division 4.7 Optional Method Public Benefits**

In accordance with the Zoning Ordinance, Section 59.4.7.1, the Site Plan proposes 26 public benefit points in three categories to satisfy the requirements of Connectivity and Mobility, Quality Building and Site Design, and Protection and Enhancement of the Natural Environment.

As approved by Sketch Plan No. 320190020, a minimum of 63.02 points is required across three phases of development: Phase I (Building A/B), Phase 2 (Building C), and Phase 3 (Building F). The Site Plan is Phase I and proposes a total of 25.65 points of the 63.02 public benefit points approved by the Sketch Plan application.

*Table 7 - Public Benefit Calculations, Section 59.4.7*

Public Benefit	Maximum Points Allowed	Approved by Sketch Plan 320190020, Phase 1	Proposed for Phase 1
<b>Connectivity and Mobility (59.4.7.3.C)</b>			
Minimum Parking	10	3	3
<b>Quality Building and Site Design (59.4.7.3.E)</b>			
Exceptional Design	10	5	5
Public Art	15	0	10
Structured Parking	20	6	6
<b>Protection and Enhancement of the Natural Environment (59.4.7.3.F)</b>			
Cool Roof	10	1.65	1.65
Total Points	50 minimum points required for three phases.	15.65	25.65

**CONNECTIVITY AND MOBILITY**

**Minimum Parking**

The Applicant requests three points for Phase 1 for the provision of fewer parking spaces than the maximum allowed. The maximum public benefit points available for minimum parking are 10 points. Points for this incentive are granted on a sliding scale, with zero points granted for providing the maximum number of parking spaces to 10 points granted for providing no more than the minimum maximum number of parking spaces. Based on the formula set forth in the Incentive Density Implementation Guidelines, the Site Plan is eligible for ten public benefit points in this category.

The Application provides 357 parking spaces, which is 84 fewer spaces than the maximum. Staff supports the allocation of three public benefit points for minimum parking for Phase 1.



## QUALITY BUILDING AND SITE DESIGN

### Exceptional Design

The maximum public benefit points available for exceptional design are 10 points. The Applicant requests five public benefit points for Phase 1 for providing a building and site design that enhance the character of the Park Potomac community setting. The Site Plan provides a site design that will contribute to a sense of place and serve as a landmark feature in the community.

The Site Plan provides a building with a distinctive modern design that is respectful of the existing development in the neighborhood (Figure 5, Figure 6, Figure 7, Figure 8). The building on all four sides includes well-articulated façades that respond to its visibility from I-270 (Figure 10), Park Potomac Avenue, and its gateway location into the community. Of particular note is the colorful art feature facing the traffic circle entrance (Figure 9) and the playful graphics featured on the façade facing the I-270 corridor (Figure 11, Figure 12). The Site Plan also provides patios with private outdoor space for residents. The building incorporates a contemporary palette of metal, stone, and masonry materials, which contribute to the proposed building's exceptional design.

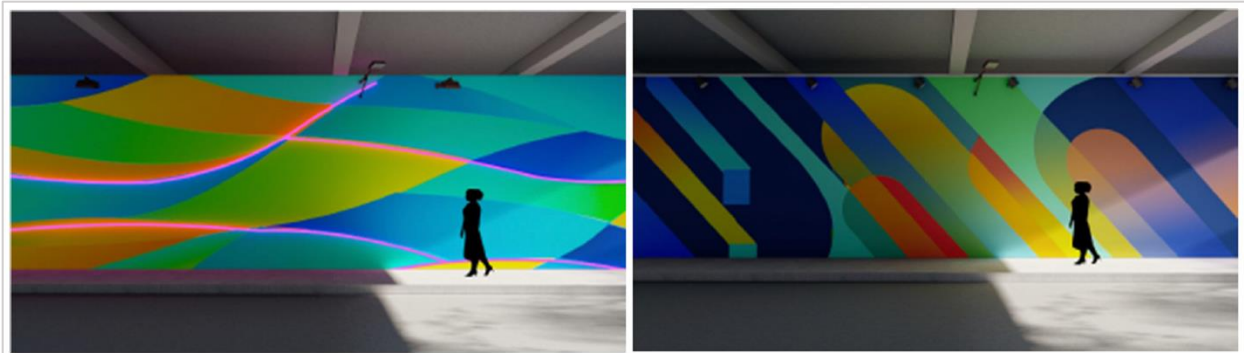
The architecture creates a sense of place that is respectful of the existing character of the neighborhood and at a scale that is compatible with the similar buildings in the community. The building's unique shape, massing with multiple insets, balconies, terraces, and use of contemporary and traditional materials, create a building that is both visually appealing and will enhance the public realm. Staff supports five public benefit points for exceptional design for Phase 1.

### Structured Parking

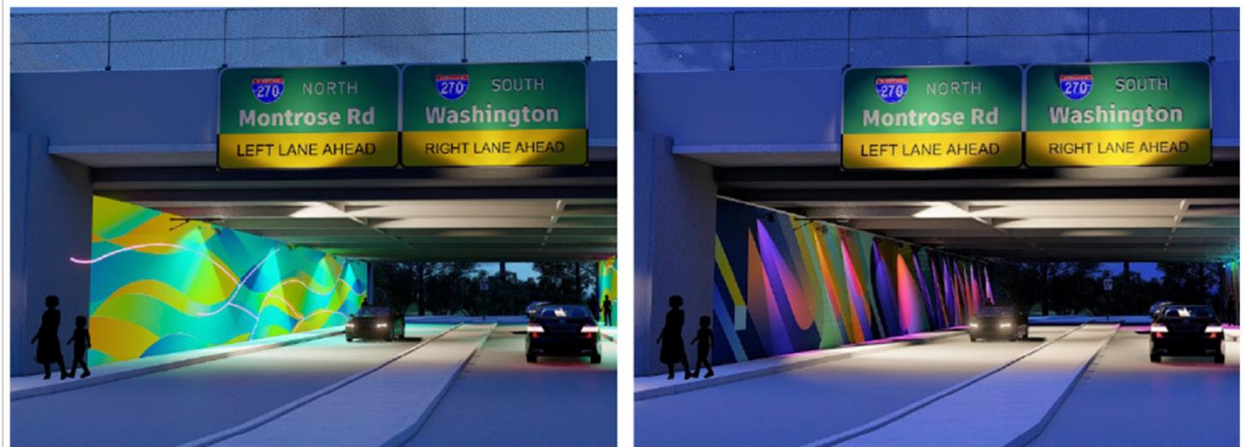
The Applicant requests six public benefit points for Phase 1 for providing structured parking. The proposal includes below-grade structured parking with 357 spaces. All on-site parking will be provided in the subsurface garage. The *CR Zone Incentive Density Implementation Guidelines* grants points on a sliding scale based on the percentage of total on-site spaces to be provided in a below-grade parking structure. The proposed parking scheme qualifies for 20 public benefit points as 100 percent of the proposed parking spaces for the Site Plan will be located in a subsurface parking structure. Staff supports the request for six public benefit points for Phase 1.

### Public Art

The maximum public benefit points available for public art are 15 points. The Applicant requests 10 points for Phase 1 for providing a public art mural and lighting inside the overpass of Montrose Road. The mural concept would enhance both sides of the concrete underpass with unique lighting to highlight the artist's design (Figure 14). In a letter dated November 9, 2022, the Art Review Panel indicated its support for the proposed mural and has recommended approval (Attachment D). As the proposal meets the applicable criteria, staff supports the requested ten public benefits for the public mural art and lighting for Phase 1.



**Two murals presented at daytime: Option 1 (LEFT) and Option 2 (RIGHT)**



**Two murals presented at night: Option 1 (LEFT) and Option 2 (RIGHT)**

*Figure 14 – Two options proposed for the public art mural inside the Montrose Road overpass*

## PROTECTION AND ENHANCEMENT OF THE NATURAL ENVIRONMENT

### Cool Roof

The maximum public benefit points available for cool roof are 15 points. The Applicant requests 1.65 points for Phase 1 for providing a cool roof area. The Site Plan will meet the minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum SRI of 25 for slopes above 2:12. Staff supports the request for 1.65 public benefit points for a cool roof for Phase 1.

### iii. **Division 59-6 General Development Standards**

#### **(1) Division 6.1 Site Access**

Site access is safe and adequate for the proposed use. The Site Plan Area is located near the interchange of I-270 and Montrose Road, with frontage on Park Potomac Avenue. Proposed Building A/B will have adequate pedestrian access to/from Park Potomac Avenue and will have adequate access to parking and loading from the proposed private street adjacent to I-270. Park Potomac

Avenue is an arterial street with an approximate right-of-way width of 70 feet with two travel lanes. No additional right-of-way dedication is necessary. The Applicant will construct a six-foot wide sidewalk around the perimeter of the building and improve the crosswalks near the traffic circle. Wayfinding signs will be installed to guide individuals to the trailhead located on the south side of the Montrose Road overpass. This on-site trailhead connects with the neighboring homeowner's association trail and with Greenleaf Avenue, which leads to the Cabin John trailhead on Goya Drive. Additionally, to satisfy Condition No 5b of Sketch Plan No. 320190020 to improve wayfinding, the Applicant will install a trailhead entrance sign at each entrance on Cadbury Avenue along Parcel E.

### ***(2) Division 6.2 Parking, Queuing and Loading***

As shown in Table 6 and Table 6, the Site Plan satisfies Division 6.2 parking, queuing, and loading. The Site Plan proposes a subterranean parking structure that provides 357 unbundled private parking spaces, which is within the maximum/minimum (187/441 spaces) range of required vehicle parking spaces. Included in the total parking spaces are spaces for eight handicapped, seven motorcycle, four car-sharing, and 20 electric car charging stations. Additionally, 100 bicycle parking spaces are provided with five short-term and 95 long-term spaces. The Site Plan also includes one interior loading space and dock.

### ***(3) Division 6.3 Open Space and Recreation***

As shown in Table 4, the Site Plan exceeds the minimum requirements for public open space requirements. Sketch Plan No. 320190020 requires a minimum of 303,148 square feet (32 percent of the townhouse areas) of common open space and a minimum of 81,688 square feet (10 percent of other building types) of public open space across the 21.8-acre area. As part of this Application, additional new public open space is provided at the Montrose Road entrance area which is being integrated with the existing stormwater management facility in coordination with DEP and DPS-SWM (Figure 15). The expanded open space will include new walking paths, seating, playscape, fitness and sculptural elements, and additional trees and bioretention plantings.

As shown on the Applicant's Demand, Supply and Adequacy report (Attachment I), prepared to demonstrate compliance with the Recreation Guidelines, the Site Plan demonstrates adequacy and provides both on-site and off-site recreational facilities for all age groups. For the on-site Site Plan Area, the Applicant will provide the following recreation facilities: garage bicycle parking, indoor fitness room, resident lounge, interior courtyard garden, multi-purpose lobby, internet café, and a lounge/pool area to comply with the Recreational Guidelines.



*Figure 15 – Rendering of expanded public open space and new recreation amenities at an existing stormwater management facility with walking path, playscape, fitness elements, seating, bioretention plantings, and trees*

**(4) Division 6.4 General Landscaping and Outdoor lighting**

Landscaping and outdoor lighting provided as part of the Site Plan is adequate. The proposed elements along Park Potomac Avenue, the rear service road, and the new block connection are consistent with Division 6.4 General Landscaping and Outdoor Lighting. Landscaping and trees are provided around the periphery of the Site Plan Area. Additionally, the Applicant will provide five additional off-site shade trees on the south side of the private service drive to increase the canopy adjacent to the roadway. Lighting is provided in appropriate locations around the Site Plan Area and building to ensure safe and attractive nighttime illumination.

**(5) Division 6.5 Screening**

This provision is not applicable because Division 6.5 only regulates Standard Method; the Site Plan is being reviewed under the Optional Method.

**e) Satisfies the applicable requirements of:**

**i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and**

DPS approved a Combined Stormwater Management Concept/ Site Development Stormwater Management Plan on May 1, 2023. The plan proposes to meet required stormwater management

goals via Environmental Site Design (ESD) utilizing micro-bioretenment, modular wetlands, and a green roof. Any volume not able to be treated in ESD measures will receive treatment in two existing surface sand filters.

ii. **Chapter 22A, Forest Conservation.**

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. The Applicant provided a redlined drawing of approved Final Forest Conservation Plan 820040120, which was approved on February 15, 2013 as part of the Site Plan, demonstrating that the proposal is consistent with the approved Forest Conservation Plan (Attachment F). This Application does not propose an expansion to the limits of disturbance as shown on the approved Final FCP 820040120; therefore, the Final Forest Conservation Plan 820040120 remains valid and was not revised or amended as part of this Application.

**f) Provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;**

The Site plan for Building A/B provides safe, well-integrated parking, circulation patterns, building massing, open spaces and site amenities. The building fronts on Park Potomac Ave and includes a colorful art feature most visible as one enters the community at the gateway entrance. Oriented close to the street edge and public realm, the building creates a strong but comfortable presence that fosters an inviting pedestrian experience. All parking, loading, trash collection, and pick-up and drop-off activities will occur on-site in the rear and out of the public right-of-way. The Site Plan proposes two driveways access from a private drive, which reduces conflict for pedestrians and other vehicles on Park Potomac Avenue. Pedestrian safety and connectivity will be improved with the enhanced streetscape improvements along the Site Plan Area frontages and with a new private drive connection with Park Potomac Avenue along the northern side of the Site Plan Area.

**g) Substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;**

A detailed discussion of substantial conformance with the Master Plan is under the Preliminary Plan findings of the Staff Report. The Site Plan substantially conforms to the recommendations included in the 2002 *Potomac Subregion Master Plan*.

In addition, the Site Plan will achieve the following Master Plan's goals:

*Create a grid of intersecting street consisting of short blocks 200 to 400 feet long, organized around major axes and a "Main Street."*

The Site Plan will incorporate a new private drive along the northern portion of the Site Plan Area, which will break up the frontage along Park Potomac Avenue, a "main street," so that it is no more than approximately 400 feet between intersection.

*Locate public and private community facilities and open spaces within and adjacent to centers.*

As described above in these findings, the Site Plan will improve an existing stormwater management facility which is within the community. The facility will incorporate additional public open space, recreational elements, paths, and amenities.

*Locate buildings along streets to create a strong street definition.*

The Site Plan provides a zero setback along all the street frontages, which creates a strong visual definition for pedestrians, bicyclists, and motorists moving along Park Potomac Avenue and the adjoining private drives.

*Provide attractive streetscaping, generally consisting of a row of street trees along the curb and adequately sized sidewalks.*

As described above in these findings and shown on the landscape plan, the Site Plan provides an attractive streetscaping and street trees along all frontages. Attractive landscaping and trees are provided around the Site Plan Area, along the street frontages, as well as near I-270 and the private road.

## NOISE GUIDELINES

The Environmental Section of the 1993 *General Plan Refinement for Montgomery County* contains multiple objectives directing Staff to protect future residents from unacceptable noise levels. The 1983 Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development (“Noise Guidelines”) contains strategies for mitigating the impact of transportation noise on new residential development.

The Applicant submitted a Noise Analysis dated June 6, 2022 for the proposed residential Building A/B to determine impacts from existing and future transportation related noise on the proposed residential units and the outdoor recreation areas for these units (Attachment G). Based on the Noise Guidelines, this Application is subject to the 65 dBA Ldn noise level for the outdoor activity areas and 45 dBA Ldn for indoor areas. The Noise Analysis concluded that future traffic noise levels will be below 65 dBA Ldn in all of the proposed outdoor areas. Therefore, no outdoor mitigation is needed for these areas.

The Noise Analysis concluded that future noise levels at the upper floor locations of proposed residential building A/B along the eastern, southern, and northern facades will exceed 65 dBA Ldn, up to 75 dBA Ldn. Therefore, higher rated construction materials such as walls, exterior doors, and windows will be necessary to achieve an interior level of 45 dBA Ldn for interior areas (Figure 16).

In response to the results of the Noise Analysis, the Applicant provided a Building Shell Analysis dated July 11, 2022, for the proposed residential building A/B (Attachment H). The Building Shell Analysis determined that wall modifications and higher rated windows and doors will be required in several

areas. As conditioned, mitigation through the use of varied construction materials as described in the Building Shell Analysis may be required to provide adequate mitigation for indoor spaces impacted by transportation related noise.

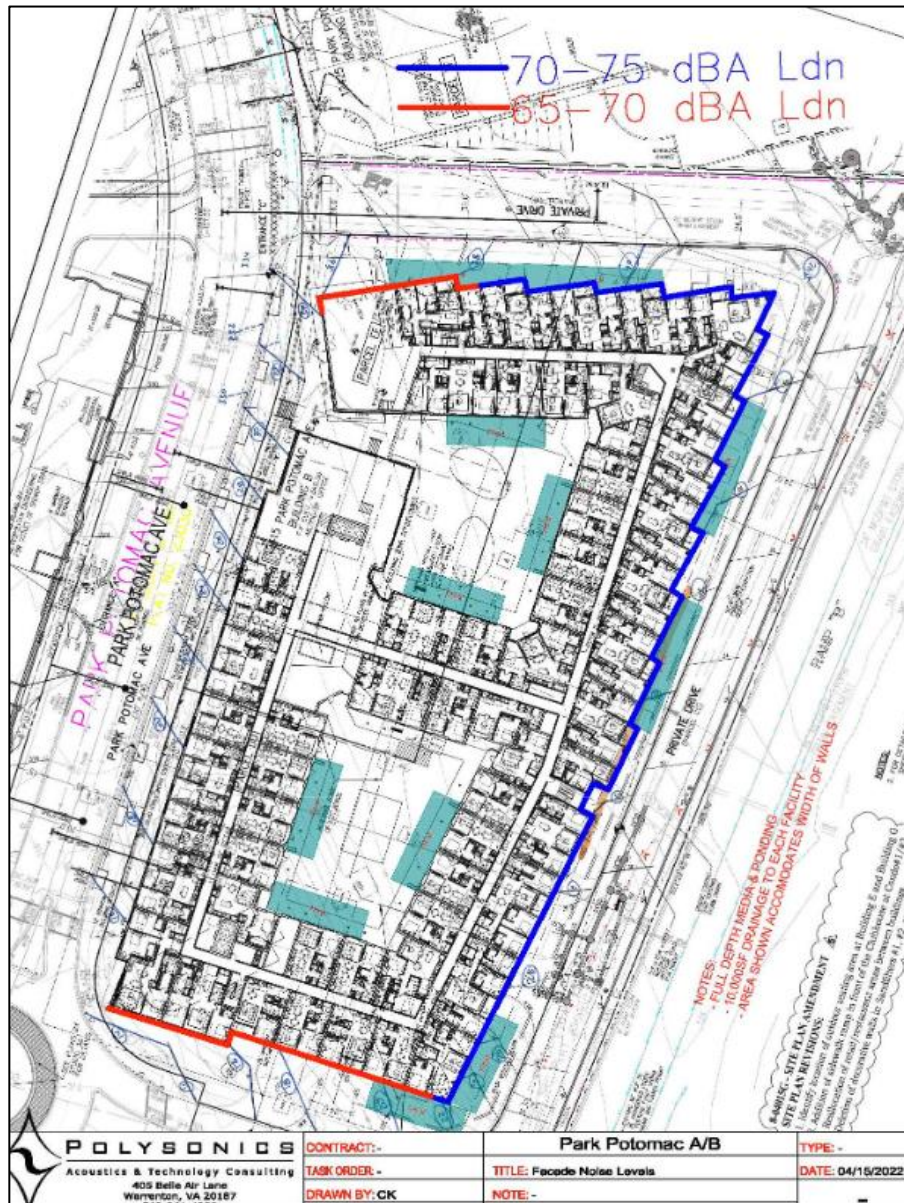


Figure 16 - Noise Analysis – Building Facade Noise Levels

***h) will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served***

**by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;**

A detailed discussion of the adequacy public facilities analysis under the Preliminary Plan findings of the Staff Report, public facilities are adequate to support the Site Plan.

**i) on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and**

The Site Plan Area is not located in a Rural Residential or Residential Zone. This requirement is not applicable to this Application.

**j) on a property in all other zones, is compatible with existing, approved or pending adjacent development.**

The Site Plan is compatible with existing, approved or pending adjacent development. The proposed 75-foot maximum height residential building is appropriate to the setting. Building A/B is infill development within an existing mixed-use community. It mirrors the established development pattern of surrounding area in density, massing, and architectural treatment. Adjacent properties are zoned for similar height maximums and a mix of densities. The majority of existing development proximate the Site Plan along Park Potomac Avenue is developed similarly. Land to the east and south are the corridors of Montrose Road and I-270, which separate Building A/B from property further to the east and south. There are no other known pending applications on adjacent development.

**3. To approve a Site Plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.**

This provision is not applicable, as this Site Plan does not include a restaurant with a drive-thru.

**4. For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.**

This provision is not applicable, as the Site Plan Area was not zoned C-1 or C-2 on October 29, 2014.



## SECTION 7: CONCLUSION

As conditioned, the Preliminary Plan Amendment and Site Plan applications each satisfy the findings under Sections 59.7.3.4 and the applicable standards of the Zoning Ordinance, substantially conform to the recommendations of the 2002 *Potomac Subregion Master Plan* and satisfy the findings of the Subdivision Regulations and Forest Conservation Law. Therefore, Staff recommends approval of the Preliminary Plan Amendment and Site Plan subject to the conditions in this report.

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### ATTACHMENTS

*Attachment A: Statement of Justification*

*Attachment B: Preliminary Plan and Site Plan*

*Attachment C: Prior Approvals*

*Attachment D: Agency Letters*

*Attachment E: Community Correspondence*

*Attachment F: Redlined Markup of Approved Final Forest Conservation Plan 820040120*

*Attachment G: Noise Analysis*

*Attachment H: Building Shell Analysis*

*Attachment I: Recreation Guidelines Report*