

Montgomery Planning

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

July 8, 2022
Consent Agenda July 14, 2022

MEMORANDUM

TO: Casey Anderson, Chair, Montgomery County Planning Board

VIA: Jeff Server, Planner III, Upcounty Planning *JS*
Sandra Pereira, Supervisor, Upcounty Planning
Patrick Butler, Chief, Upcounty Planning *PB*

JUL 19 2022

FROM: Gwen Wright, Planning Director

RE: Corrected Resolution:
MCPB No. 22-058
Sketch Plan No. 32019002A
Park Potomac

Attached, please find the Corrected Resolution for Sketch Plan No. 32019002A, Park Potomac, MCPB No. 22-058. The Resolution was mailed out to all parties of record on June 23, 2022. Minor corrections to this Resolution have become necessary because the adopted Resolution included a typographical error related to name of the Applicant, which required corrections to the third paragraph. The revisions do not alter the conditions approved by the Planning Board and the Certified Site Plan will reflect the correct name of the Applicant identified in the attached Corrected Resolution.

Staff is requesting the Planning Board's approval so that the Corrected Resolution can be issued to all parties of record.

GW:PB:js

Attachment

cc: Sandra Pereira, Regulatory Supervisor, Upcounty Planning
Jeff Server, Planner III, Upcounty Planning

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 22-058

Sketch Plan No. 32019002A

Park Potomac

Date of Hearing: June 16, 2022

CORRECTED 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 June 19, 2019, the Planning Board, by Resolution MCPB No. 19-064, approved Sketch Plan No. 320190020 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, on May 13, 2022, Fortune Park Development Partners, LLC ("Applicant") filed an application for approval of an amendment to the previously approved sketch plan to extend the Sketch Plan's eligible period to submit a Site Plan by eighteen (18) months on the Subject Property; and

WHEREAS Applicant's application to amend the sketch plan was designated Sketch Plan Amendment No. 32019002A, Park Potomac ("Site Plan," "Amendment," 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 June 3, 2022, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

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Approved as to

Legal Sufficiency: /s/ Matthew T. Mills

M-NCPPC Legal Department

WHEREAS, on June 16, 2022, the Planning Board held a public hearing on the Application and voted to approve the Application subject to certain conditions, by motion of Commissioner Rubin, seconded by Vice Chair Verma, with a vote of 5-0; Chair Anderson, Commissioners Cichy, Patterson, Rubin and Verma voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board adopts Staff's recommendation and analysis set forth in the Staff Report and hereby approves Sketch Plan Amendment No. 32019011A, subject to the following new condition, while all other conditions of the original approval remain in full force and effect:¹

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.

BE IT FURTHER RESOLVED that all other sketch plan conditions of approval for this project remain valid, unchanged, and in full force and effect; and

BE IT FURTHER RESOLVED that having given full consideration to the recommendations of its Staff as presented at the hearing and/or as 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, with conditions of approval, that the necessary elements of the Sketch Plan, as amended, are appropriate in concept and appropriate for further review at site plan and that:

Modified Finding

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 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

¹ For the purpose 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.

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.

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.

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, Sketch 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 remains June 23, 2022, which was the date that the original Resolution was mailed to all parties of record.

* * * * *

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 Commissioner Rubin, seconded by Vice Chair Verma, with a vote 5-0, Chair Anderson, Vice Chair Verma, and Commissioners Cichy, Patterson, and Rubin voting in favor at its regular meeting held on Thursday, July 14, 2022, in Wheaton, Maryland and via video conference.



Casey Anderson, Chair
Montgomery County Planning Board