



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

MCPB
11/29/07
Item # 12

MEMORANDUM – Development Plan Amendment

DATE: November 19, 2007

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief, Development Review Division *RK*
Ralph Wilson, Acting Zoning Supervisor *RW*

FROM: Carlton W. Gilbert, Planner Coordinator *CW Gilbert*
(301) 495-4576

SUBJECT: **Development Plan Amendment No. DPA-07-2:** Pettit Companies, applicant, - an amendment to the approved development plan associated with (G-420) to permit the construction of three commercial buildings consisting of 66,000 square feet; Planned Neighborhood (PN) Zone; located at the southwest corner of Woodfield Road and Muncaster Mill Road/Snouffer School Road, Gaithersburg MD (Flower Hill Village Professional Center)

Master Plan: 1985 Approved and Adopted Gaithersburg Vicinity Master Plan

PUBLIC HEARING: December 7, 2007

STAFF RECOMMENDATION:

APPROVAL of the Development Plan Amendment 07-2, to allow construction of three additional commercial/office buildings totaling 66,000 square feet in the Flower Hill Professional Center.

SUMMARY AND BACKGROUND

The applicant, Pettit Companies, is proposing to amend Development Plan No. G-420, approved June 25, 1985 in the Planned Neighborhood (PN) zone for Parcel 31. The property is at the southwest corner of the intersection of Woodfield Road and Muncaster Mill Road/Snouffer School Road in Gaithersburg. Specifically, the applicant seeks to construct three additional commercial/office buildings, totaling 66,000 square feet, in the Flower Hill Subdivision, also known as the Flower Hill Professional Center. The

applicant is proposing a two-story, 12,000 square foot office building on Parcel A-3; a two-story, 24,000 square foot commercial building with underground parking on Parcel A-4, and a two-story, 30,000 square foot office building, with ground floor commercial use and associated surface parking, on Parcel A-9, which is currently unimproved.

The subject property is part of a larger property considered together with the original Development Plan that consists of eight parcels (A-3, A-4, A-5, A-6, A-7, A-8, A-9, and A-10), only three of which are the subject of this requested amendment (A-3, A-4 and A-9). As shown on the attached development plan, the existing uses on the site consist of one two-story office building on Parcel A-3, and three two-story office buildings on Parcel A-4. Parcel A-5 consists of a single-story commercial building occupied by McDonald's Restaurant. Parcel A-6 contains a one-story building currently operated as an automobile filling station. Parcel A-7 consists of a single-story building occupied by Provident Bank and there is a one-story convenience store located on Parcel A-8. Parcel A-10 is developed with common access drives, providing access and circulation throughout the property.

The existing development was approved by the Planning Board on March 26, 1986 (Site Plan No. 8-85107). The Site Plan Enforcement Agreement for Parcel 31, approved by the Planning Board on June 2, 1986, was for 90,370 square feet of commercial/retail space, including 14,370 square feet of retail and 76,000 square feet of office. If approved, the existing and proposed development on Parcel 31 will total approximately 156,370 square feet.

Records show that the existing uses on the property were developed in accordance with the Development Plan, Preliminary Plan, and Site Plan approved by the Montgomery County Planning Board. However, an existing note on Plat No. 17861 states that the development and use of Parcel A-3 to A-9 shall be limited by the terms of the site plan enforcement agreement dated June 2, 1986 between the applicant and the Planning Board. In this regard, any additional development must be approved by the Planning Board and the applicant is restricted from constructing additional buildings or adding floor area above the approved amount without the successful completion of an adequate facilities review by the Planning Board.

In light of this information, it is the purpose of this application to seek for increased development on the site, provided it can be shown that the public facilities are now adequate to accommodate the proposed new development.

Property Description

The subject property (Parcel 31) is a triangular shaped property that consists of approximately 15 acres of land. The property is bordered by Washington Grove Lane to the southeast, Muncaster Mill Road / Snouffer School Road to the northeast, Woodfield Road to the northwest, and Flower Hill Way to the southwest. As previously noted, the application proposes the additional development of a two-story office building on Parcel A-3, a two-story commercial building on Parcel A-4, and a two-story office building, and

associated surface parking, on Parcel A-9. The two-story office building proposed on Parcel A-4 will include a restaurant and a 35-car underground garage. The two-story office building on vacant Parcel A-9 will include a Health Club consisting of 14,500 square feet on the ground floor. Access to the property will consist of two existing vehicular entrances and one new access point from Woodfield Road on the north side of the property, leading to a private access road that runs the length of the development. There are two entrances from Washington Grove Road located on the south side of the property and on the west side of the property. There is one entrance from Flower Hill Way.

Surrounding Area

Staff defines the surrounding area to be generally bounded by Montgomery County Airpark to the north, Airpark Road to the east, Mid-County Highway to the south, and Goshen Road to the west. Parcel 30, across Flower Hill Way from Parcel 31, contains the Giant Foods Grocery and other retail uses and was also approved by G-420. Across Woodfield Road from Parcel 31, 2,025 units of mixed housing exist on PN zoned land. The Emory Grove (residential) Subdivision, on R-60 zoned land, is just southeast of the site across Washington Grove Lane.

Intended Use Approval Procedures

The proposed development is in accordance with the current Development Plan. Final design of the proposed development will be reviewed by the Montgomery County Planning Board at the time of preliminary plan amendment and site plan review. The applicant must submit a site plan in accordance with Section 59-D-3 of the Zoning Ordinance before any development of the site may take place. The applicant is anticipating that the project will be constructed in a single phase, with the timing for full build-out being subject to market conditions. No additional dedication of land or arterial roads is required for this development.

Additionally, this development plan amendment must be reviewed by the Hearing Examiner and by the District Council. If the District Council approves the amended development plan, the plan must be certified and filed as provided in section 59-D-1.64.

ANALYSIS

A. Master Plan Recommendation

The proposal conforms to the Land-Use Plan of the 1985 Approved and Adopted Gaithersburg Vicinity Master Plan, showing Parcel 31 for Retail/Commercial Use, and with the Zoning and Highway Map, which designate Planned Neighborhood (PN) Zoning for the site. Additional language on page 49 describes the significance of the PN zoning for the Flower Hill Planned Neighborhood and for the subject site:

The P-N Zone area for Flower Hill today is 266 acres and is planned for approximately 1,300 dwelling units. The developer of the planned neighborhood also owns several other adjoining parcels and would like to combine these areas with the Flower Hill development to form a unified community. The Flower Hill community, when completed, will be oriented to a centrally-located 24-acre park/school proposed in the development plan for this site.

This Plan recommends the addition of 60 acres to the Flower Hill Planned Neighborhood. One parcel (Area 32) is recommended to encourage the development of garden apartments in accord with the provisions of the Flower Hill P-N Zone. Two other parcels (Areas 30 and 31) which are recommended for inclusion in the Flower Hill P-N are recommended for commercial and office development.

Also relating to commercial development, the Plan recommends on page 4 that,

A convenience retail shopping center, at least ten acres in size, be provided, along existing MD 124 to serve existing and future residential development.

Further, the Technical Appendix of the Plan states on page 36,

In order to achieve a greater geographical balance of convenience shopping, this Plan recommends an additional site in the Airpark area for a full-size convenience shopping center to serve the Flower Hill Planned-Neighborhood.

Outreach and Compatibility—Staff was in attendance on October 24, 2007 when the proposal was presented to the Flower Hill Central Corporation representing the homeowner's association west of the subject project. Representatives questioned whether access would be from existing roads, and the status of the State project for the intersection improvements to MD 124 and Snouffer School Road. They also asked about parking and lighting and the handling of trash and loading. The applicant previously presented the project to the same Board in the spring of 2007, and received no objections. The President of the Parkside Homeowners Association at Flower Hill asked staff on September 28, 2007 whether sufficient replacement parking for the proposal would be provided, and relayed general concerns about traffic in the project vicinity, but did not oppose the project. The applicant noticed the project to adjacent and confronting homeowners and homeowners' associations on September 7, 2007.

The proposal conforms with the Master Plan's general land-use and zoning recommendations which calls for PN zoning and "community unity" for the Flower Hill neighborhood. Nevertheless, with the planned neighborhood designation, the Plan is attaching qualities associated with "planned developments", such as plentiful open space and landscaping, attractive and cohesive design, and good pedestrian links to the subject site.

Although the application has features to support its approval, the current submission appears to be creating three unrelated commercial buildings to an existing planned development, rather than a unified planned development with such expected characteristics as plentiful open space and planting, appropriate buffering with neighboring residential developments, and generous connecting pedestrian links. The application should be carefully reviewed at Site Plan to ensure compatibility with the surrounding Flower Hill community and the adjacent Emory Grove Subdivision.

Several issues are important for consideration at the time of subsequent reviews:

- (1) Reduce the intensity of development on Parcel A-9, providing more open space, and more trees and other landscaping as buffering between the proposed building and parking area and the Emory Grove Subdivision along Washington Grove Lane.
- (2) Plant a row of native deciduous trees along Parcel 31's northeast edge with Woodfield Road (MD 124) and along the southeast edge of Flower Hill Way, planted about forty-five feet off-center; and
- (3) Enhance the pedestrian circulation system on Parcel 31, especially providing safe and convenient links to adjacent residential developments, including the Washington Grove subdivision, and within the existing development, including to Parcel A-9.

B. Transportation

The following information is Transportation Planning staff's Adequate Public Facilities (APF) review of the application.

If this DPA is approved by the District Council, the APF test would occur at the Planning Board's public hearing for the future preliminary plan (i.e., the current preliminary plan will be amended). Preliminary Plan No. 1-85218 was approved in 1986 to create Parcel 31 and limit the types of land uses and their maximum square footage. Three years later in 1989, Preliminary Plan No. 1-89244 was approved to subdivide Parcel 31 into the current 7 lots with the same limits on the types of land uses and their maximum square footages.

RECOMMENDATIONS

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

1. The development is limited to an additional 66,000 square feet of commercial uses for an estimated total of 157,000 square feet (i.e., total to be confirmed or adjusted at APF review) consisting of the following land uses:
 - a. General office space: An additional 59,300 square feet.

- b. Health/fitness club space: An additional 3,500 square feet.
 - c. High turnover restaurant use: An additional 3,200 square feet.
- 2. At time of APF review, the applicant must satisfy the County Council's newly enacted *FY 2007-2009 Growth Policy* that includes:
 - a. For Local Area Transportation Review (LATR), satisfying a lower Critical Lane Volumes (CLV)/congestion standards for each policy area and
 - b. A Policy Area Mobility Review (PAMR) test that requires trip mitigation of developments located in certain policy areas.
- 3. The applicant must work with the Maryland State Highway Administration (SHA) regarding their Contract No. MO632A11, to reconstruct and widen Woodfield Road (MD 124) between Midcounty Highway and Warfield Road.
- 4. At preliminary plan review, the applicant must provide and show a more detailed plan of the necessary lead-in sidewalks, internal sidewalks, pedestrian crosswalks, handicapped ramps, and adequate pedestrian access in the southeastern corner of the subject site (i.e., or in the northwestern corner of the Washington Grove Lane/Flower Hill Way intersection).
- 5. The applicant must provide inverted-U bike racks for customers and employees with the ultimate number and location to be determined at preliminary plan review.

Transportation Planning staff finds that there are reasons to believe that the application will satisfy the APF test at preliminary plan review -- including the new lower CLV/congestion standards for the LATR test and the newly enacted PAMR test. The traffic impact by the proposed commercial center expansion should have no adverse impact on the safety and adequacy of the transportation system with the necessary infrastructure improvements typically required by the County, SHA, and the Montgomery County Planning staff.

Local Area Transportation Review

The table below shows that the number of additional peak-hour vehicular trips generated by the proposed commercial center expansion within the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.):

Proposed Types of Land Use	Additional Square Feet	Additional Weekday Peak-Hour Vehicular Trips	
		Morning	Evening
General Office Use	59,300 sq. ft.	93	105
Health/Fitness Club	3,500 sq. ft.	4	14
High Turnover Restaurant	3,200 sq. ft.	37	20
Total Additional Square Feet and Trips	66,000 sq. ft.	134	139

The additional vehicular trips shown on the table above are only the new trips and exclude the pass-by trips associated with the restaurant -- where the pass-by trips refer to those trips that only stop at the subject site on the way to and from other locations.

A traffic study is required to satisfy the LATR because the existing commercial center and proposed expansion generate 30 or more peak-hour trips during the weekday morning and evening peak hours. Based on the results from the submitted traffic study, the attached table shows the Critical Lane Volumes (CLV) at the nearby analyzed intersections. Since this plan was submitted after January 1, 2007, the CLV values must be less than the newly enacted and lower congestion standards in the *FY 2007-2009 Growth Policy*. At all of the intersections, the CLV values do not exceed the appropriate and now lowered congestion standard for the Montgomery Village/Airpark Policy Area or Derwood Policy Area. Thus, no intersection improvements would be required at these analyzed intersections.

Policy Area Mobility Review

With the County Council's enactment of the *FY 2011 Growth Policy* on November 13, 2007, the APF test now includes an area-wide transportation test, Policy Area Mobility Review (PAMR). Thus, Transportation Planning staff now must find that there is a "reasonable probable fruition" that this development would satisfy the PAMR test.

An applicant may be required to satisfy the new PAMR requirement to mitigate new vehicular trips generated by the proposed new land uses. The requirement of 100%, partial, or no trip mitigation is determined from the combined Relative Arterial Mobility (RAM) and Relative Transit Mobility (RTM) score for each policy area as given on the approved PAMR chart. The RAM and RTM measures the relative speeds of auto and transit trips, respectively, during the weekday evening peak hour within the policy area. The subject development is located in the Montgomery Village/Airpark Policy Area that does not require mitigation. Thus at this time, there is a "reasonable probability of fruition" that this development can satisfy the PAMR test at the preliminary plan's future APF test.

C. Environmental

Countywide Environmental Planning staff has recommends approval of this development plan amendment application.

Discussion

An approved Natural Resource Inventory/Forest Stand Delineation is part of the submittal package. A Forest Conservation Plan exemption was issued because this is a modification of an existing developed property, with no more than a total of 5,000 square feet of forest to be cleared; no forest clearing within a stream buffer or on property subject to Special Protection Area/Water Quality Plan requirements. A limited amended subdivision plan is required, but this does not change the Forest Conservation Plan exemption. There are three specimen trees off site, but construction on the subject site will not impact these trees. A Tree Save Plan is not required. The site is not in a Special Protection Area or Primary Management Area. There are no streams, wetlands, steep slopes or erodible soils on the subject property.

Stormwater Management

An approved Stormwater Management Plan will be required prior to Site Plan approval.

D. Market Analysis – Section 59-C-7.33(1) requires that the applicant submit a market analysis of the local trade area indicating a need for the amount of commercial use proposed. Pettit Management Services Inc. contracted with the consulting firm Robert Charles Lesser and Company (RCLCO) to prepare a market analysis for Office, Restaurant, and Health Club. RCLCO, in its analysis, has relied on data from several sources including such industry standard bearers as CoStar and Claritas.

Consultant's Conclusions

The consultant, RCLCO, finds that “there is a deficiency of new local-serving office space in the market, which could be met in part by the proposed development.” RCLCO also finds that there exists an opportunity for more full-service restaurants in the trade area—up to 41,500 sq. ft. of new space could be absorbed. They further suggest that there is nearly 81,000 sq. ft. of unmet demand in the trade area for fitness center(s). The applicant’s proposed development only captures a fraction of the trade area’s potential: 12,000SF 2-story office building; 24,000SF 2-story office and restaurant; and a 30,000SF 2-story office building and health club.

Staff Review

Analysis by Research and Technology staff finds that the applicant’s market analysis sufficiently demonstrates that, at least in theory, the trade area(s), as defined by the applicant, could absorb additional commercial space. RCLCO addresses demand for each use: restaurant, fitness center, and Class B office (see attached memorandum).

E. Other Issues

Green Area – None Required.

Setbacks – None Required.

Landscape and Lighting – No Landscape or Lighting Plan was submitted with this application. Both plans will be reviewed at the time of site plan review.

Parking – The total parking required for the uses on Parcels A-3, A-4, A-8, and A-9 is 472 parking spaces. Based on the plans submitted by the applicant, the applicant is providing 479 spaces which will provide adequate parking for the proposed and existing uses on the subject parcels. The parking analysis shown on the attached table was developed based on the requirements for parking (Section 59-E) in the Zoning Ordinance for the proposed uses. Details concerning parking lot lighting and landscape will be submitted in conjunction with the subsequent Site Plan application.

F. 59-D-1.6 – Approval by District Council

59-D-1.61 – Findings

Review and approval of a DPA is governed by Sections 59-D-1.61 and 59-D-1.7 of the Zoning Ordinance, which requires the District Council to make specific findings before approving an amendment to a previously approved development plan. In general, the District Council must find that the development plan fulfills the “purposes and requirements” of the PN zone as enumerated in Section 59-C-7.31. The required specific findings are intended to ensure that the overall purpose of the zone is served by approval of the development plan or any amendment thereof.

The five specific finding as set forth in Section 59-D-1.61 are:

(a) That the zone applied for is in substantial compliance with the use and density indicated by the master plan or sector plan, and that it does not conflict with the general plan, the county capital improvements program or other applicable county plans and policies.

Staff finds that the amended development plan satisfies this standard. The Master Plan document which covers the subject property is the July 1990 Amended Gaithersburg Vicinity Master Plan. The Plan recommended that a “convenience retail shopping center, at least ten acres in size, be provided along existing MD 124 to serve existing and future residential development.” The Plan stated further, that “areas 30 and 31 ... are recommended for commercial and office development. The P-N zone provides site plan review which will allow the Planning Board to influence the arrangement of buildings, landscaping, lighting and parking configuration.” The proposed use detailed in this development plan amendment application is in compliance with the

recommendations of the Plan, and in fact, compatibility and compliance with the Plan has been previously established with prior approvals. Commercial density in the P-N zone is not specified in either the Zoning Ordinance or in the Plan, allowing flexibility to determine density in accordance with compatibility with adjacent development in the zone and the needs of the community.

(b) That the proposed development would comply with the purposes, standards, and regulations of the zone as set forth in article 59-C, would provide for the maximum safety, convenience, and amenity of the residents of the development and would be compatible with adjacent development.

The proposed additional development at the subject property is of the same nature as the existing development in the DPA, namely retail and office. By incorporating additional retail and office space in the Flower Hill PN Zone, the DPA allows the applicant to offer new and current tenants additional commercial space, which is in great demand and in short supply. Current tenants will be able to expand, and continue to provide services to residents, while also providing additional employment opportunities for those who live nearby. Public facilities are currently in place to serve additional development, having been required and built in accordance with prior subdivision approvals. The amended development plan satisfies the purposes, standards, and regulations of the PN zone and provides for the safety and convenience of the residents of the development.

(c) That the proposed internal vehicular and pedestrian circulation systems and points of external access are safe, adequate and efficient.

Internal vehicular and pedestrian circulation, as shown on the plan drawings, and as detailed in the traffic study, have been demonstrated to be safe, adequate and efficient.

(d) That by its design, by minimizing grading and by other means, the proposed development would tend to prevent erosion of the soil and to preserve natural vegetation and other natural features of the site. Any applicable requirements for forest conservation under Chapter 22A and for water resource protection under Chapter 19 also must be satisfied. The district council may require more detailed findings on these matters by the planning board at the time of site plan approval as provided in division 59-D-3.

This amended development plan proposes new structures in an area which is already developed as part of the Flower Hill Subdivision. The original development satisfied forest conservation requirements, and a landscape plan, which is compatible with existing conditions on the site, will be implemented. Water quality, along with a comprehensive stormwater management plan, will be reviewed at the time of site plan review.

(e) That any documents showing the ownership and method of assuring perpetual maintenance of any areas intended to be used for recreational or other common or quasi-public purposes are adequate and sufficient.

A Declaration of Covenants, Conditions and Restrictions for Flower Hill Business Association, Inc. was recorded among the Land Records of Montgomery County. This document confirms ownership and perpetual maintenance of common areas, as well as easements for the purpose of repair, maintenance and access to public or quasi- public facilities on the subject Property. Covenants were reviewed and found sufficient for the purposes of ensuring perpetual maintenance of common areas at the time of prior approvals. Common area maintenance has been in place and in operation for more than 17 years and will not be disrupted by the additional development set for in the proposed development plan amendment.

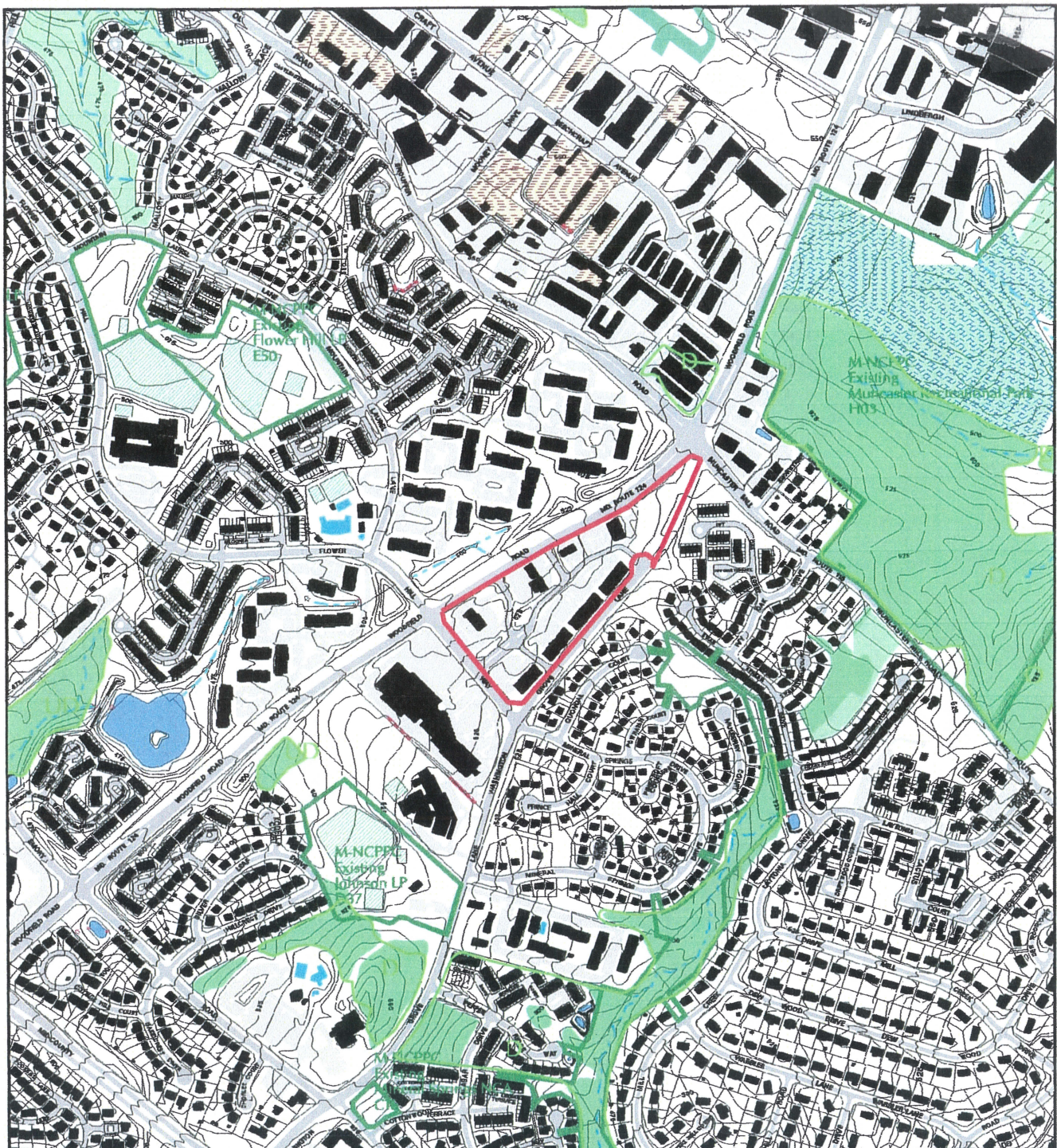
Overall, the proposed development plan amendment will be in the public interest because it promotes the health, safety, morals, comfort and welfare of the residents of the community by providing more of the type of commercial development called for in the Master Plan without adverse affects on public facilities. The proposed project will provide sit-down restaurant use in an area where there is little choice beyond fast-food, allow a major tenant to expand and possibly relocate jobs to the area, and increase much needed office space near existing residential development. The proposed development plan amendment is therefore in the public interest, and conforms to the Master Plan, the requirements of the PN Zone and prior subdivision approvals for Flower Hill.

- G. Community Concerns** – As noted in the Community-Based Planning memorandum, the applicant has met with the Flower Hill Homeowner's Association to discuss the project and has received favorable feedback.
- H. Conclusion** - Staff believes that the proposed development is compatible with the existing development in the Planned Neighborhood. The application conforms with the Master Plan general land-use and zoning recommendations. Staff finds that it is a reasonable probability that the application will satisfy the APF test at preliminary plan review. The traffic impact of the proposed commercial center expansion will not have adverse impact on the safety and adequacy of the transportation system with the necessary infrastructure improvements typically required by the County, SHA, and the Planning staff.

LIST OF ATTACHMENTS

1. Location Map
2. Surrounding Neighborhood Map
3. Development / Land Use Plan
4. Circulation Plan
5. Walkway Circulation Plan
6. Parking Analysis
7. Market Analysis Evaluation
8. Transportation Planning Memo
9. Community-Based Planning Memo
10. Environmental Planning Memo

FLOWER HILL (DPA-07-2)



Map compiled on August 16, 2007 at 4:06 PM | Site located on base sheet no - 225NW08

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Key Map



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Research & Technology Center

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1 inch = 800 feet
1 : 9600

M-NCPPC

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

8787 Georgia Avenue Silver Spring, Maryland 20910 3760

FLOWER HILL (DPA-07-2)



Map compiled on August 16, 2007 at 4:21 PM | Site located on base sheet no - 225NW06 | Date of Orthophotos: April 2006 - Used with permission from Montgomery County Government

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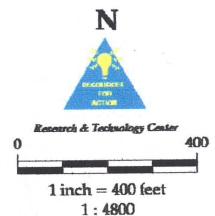
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MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8287 Georgia Avenue Silver Spring, Maryland 20910 3760

Key Map



VICINITY MAP
SCALE: 1"=2000'

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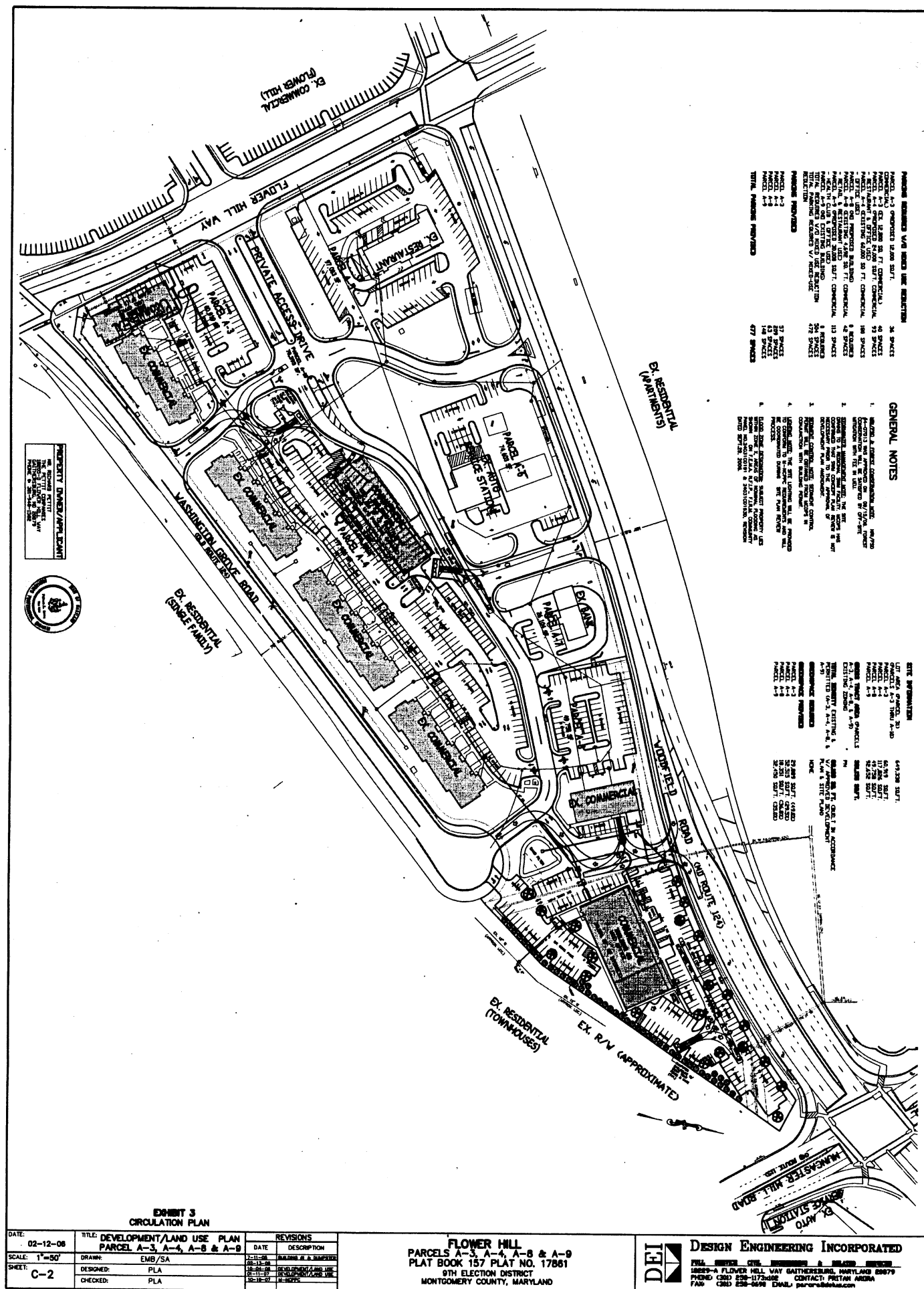
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PANAMA A-77	10,579	502.7
PANAMA A-78	10,579	502.7
PANAMA A-79	10,579	502.7
PANAMA A-80	10,579	502.7
PANAMA A-81	10,579	502.7
PANAMA A-82	10,579	502.7
PANAMA A-83	10,579	502.7
PANAMA A-84	10,579	502.7
PANAMA A-85	10,579	502.7
PANAMA A-86	10,579	502.7
PANAMA A-87	10,579	502.7
PANAMA A-88	10,579	502.7
PANAMA A-89	10,579	502.7
PANAMA A-90	10,579	502.7
PANAMA A-91	10,579	502.7
PANAMA A-92	10,579	502.7
PANAMA A-93	10,579	502.7
PANAMA A-94	10,579	502.7
PANAMA A-95	10,579	502.7
PANAMA A-96	10,579	

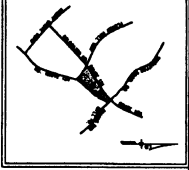
[illegible][illegible][illegible]

DATE: 02-12-06		TITLE: DEVELOPMENT/LAND USE PLAN PARCEL A-3, A-4, A-8 & A-9		REVISIONS	
SCALE: 1"=50'		DRAWN: EMB/SA		DATE	DESCRIPTION
SHEET: C-1		DESIGNED: PLA/EMB		11-11-05	ADDED A TO PARCELS
		CHECKED: PLA		12-12-05	12-12-05
				12-24-05	REDESIGNED A AND USE
				01-11-06	REDESIGNED A AND USE
				01-11-07	12-29-06

FLOWER HILL
PARCELS A-3, A-4, A-8, & A-9
PLAT BOOK 157 PLAT NO. 17861
9TH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

DEI  **DESIGN ENGINEERING INCORPORATED**
FULL SERVICE CIVIL ENGINEERING & RELATED SERVICES
 18229-A FLOWER HILL WAY GAITHERSBURG, MARYLAND 20879
 PHONE: (301) 258-1173x102 CONTACT: PRITAN ARORA
 FAX: (301) 258-0690 EMAIL: parora@dei.us.com





VICINITY MAP
SCALE 1"=2000'

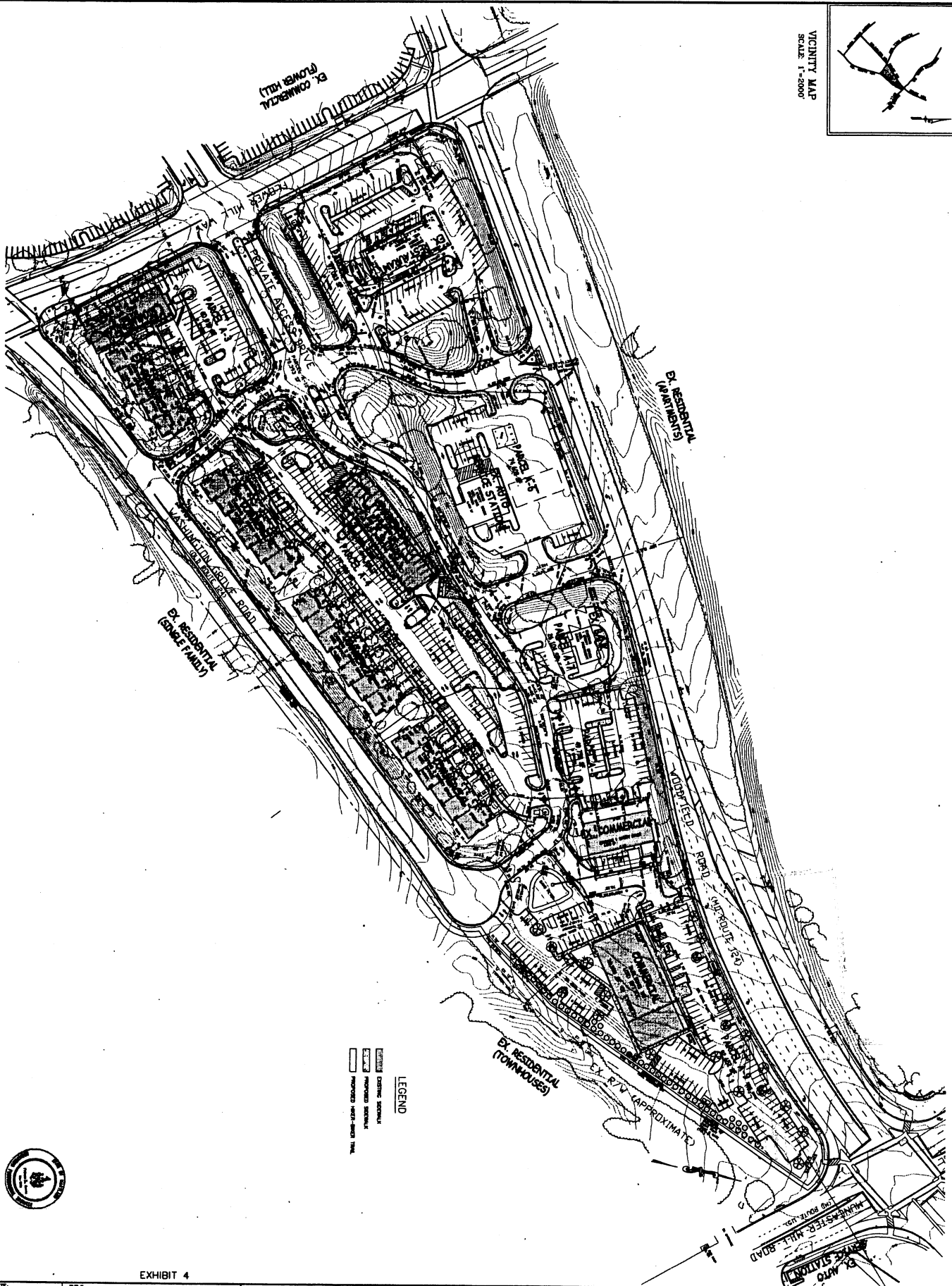


EXHIBIT 4

DATE	TITLE	REVISIONS
10-19-07	WALKWAY CIRCULATION PLAN	DATE DESCRIPTION
SCALE: 1"=50'	DRAWN: EMB/SA	10-19-07 JAW/EMB
SHEET: C-3	DESIGNED: PLA/EMB	
	CHECKED: PLA	

FLOWER HILL
PARCELS A-3, A-4, A-8 & A-9
PLAT BOOK 157 PLAT NO. 17861
9TH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

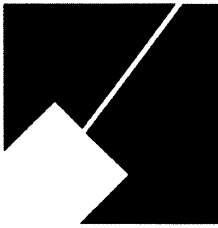


DESIGN ENGINEERING INCORPORATED

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ATTACHMENT 6

PARKING ANALYSIS — PARCELS A-3, A-4, A-8, & A-9														9/24/2007									
PARKING REQUIRED ANALYSIS														ADDITIONAL GFA BREAKDOWN (SF)				EXISTING GFA BREAKDOWN (SF)				Surplus Parking Analysis - Existing	
PARCEL NO. AS SHOWN ON PLAT	Existing Parking Spaces - Pre-Developed Conditions	Parking Required w/o Mixed-Use Reduction (Office, Medical, & Health Club)	Parking Required w/o Mixed-Use Reduction (Retail)	Parking Required w/o Mixed-Use Reduction (Restaurant)	Total Parking Required w/o Mixed-Use Reduction	Parking Provided w/ Mixed-Use Reduction	Parking Required for Additional 3, A-4, A-8, & A-9 (SF)	Additional Office GFA on 3 & A-4 & A-9 (SF)	Additional Restaurant on Parcel A-4 w/ 1200 SF of Patron Area (SF)	Additional Health Club on A-Parcel A-3 (SF)	Existing Medical - Two practitioners on Parcel A-3 (SF)	Existing Restaurant w/ Patron Area of 1198 SF on Parcel A-8 (SF)	Total Existing GFA	Parking Required for Existing Use w/o Mixed-Use Reduction	Parking Required w/ Mixed-Use Reduction	Surplus Parking under Existing Use							
A-3	82	76	0	0	76	57	36	12,000	12,000	0	0	0	12,800	3,200	0	0	16,000	40		42			
A-4	196	247	0	25	272	209	92	24,000	20,800	0	3,200	0	60,000	0	0	0	60,000	180		16			
A-8	60	0	12	30	42	63	0	0	0	0	0	0	0	0	2,396	2,396	4,792	42		18			
A-9	0	113	0	0	113	150	113	30,600	16,000	0	0	0	14,500	0	0	0	0	0		Vacant			
Total	338	437	12	55	504	479	242	66,600	48,800	0	3,200	14,500	72,800	3,200	2,396	2,396	80,792	262	243	95			
					Total Parking Required =				472 spaces														
					Total Parking Provided =				479 spaces														
Notes:																							
1 Required parking analysis shown is based on office use for Parcel A-4. Health Club use is to be at Parcel A-9.																							
2 The development plan amendment is limited to four recorded parcels - part of Master Plan Parcel 31.																							
3 Parcels A-5, A-6, & A-7 (part of Master Plan Parcel 31) are not a part of the proposed amendment and are not included here.																							
4 Parcel A-10 is a common parcel for internal access drive only w/o any building and is not included here.																							
5 See Mixed-Use Reduction Parking Analysis for Parking Required under Developed & Existing Conditions																							



Maryland National Capital Park and Planning Commission
Montgomery County Planning Department
Research and Technology Center – Dedrick Annex
1400 Spring Street, Ste 500
Silver Spring, MD 20910

November 14, 2007

Memorandum

To: Carlton Gilbert, Zoning Supervisor, Development Review
Via: Roselle George, Research & Technology Center, 301-650-5627
Cc: Jacob Sesker, Research & Technology Center, 301-650-5619
From: Krishna Akundi, Senior Planner
Re: Evaluation of the market analysis requirement for DPA-07-2. Does applicant demonstrate a need for 66,000 sq. ft. of new commercial space in the Flower Hill Professional Center?
Finding: The submitted market analysis report is sufficient. Applicant's market analysis demonstrates that, at least in theory, the trade area(s)--as defined by the applicant--could absorb additional commercial space.

Background

Pettit Management Services Inc. of Gaithersburg is the developer of the Flower Hill Professional Center. The Center currently consists of 4 non-contiguous 2-story Class B condominium office buildings. Pettit Management has proposed developing 3 new buildings for the Center and rehabbing an existing building—i.e., converting 12,675 sf of retail space into office. This new development activity would increase commercial space in the Flower Hill Professional Center by 66,000 sq. ft.

The Flower Hill Professional Center—bounded by Woodfield Road, Flower Hill Way, and Washington Grove Lane— is located within a planned neighborhood zone (PNZ). According to the zoning ordinance [59-C-7.33(2)], commercial uses are permitted if the adopted master plan recommends commercial use within the area covered by the application. If such permission is not granted in the adopted master plan, commercial uses may still be allowed if there are no adequate local shopping areas—either existing or proposed in the master plan— within a reasonable distance from the site or with reasonable access from the site. In addition, the ordinance [59-C-7.33(1)] requires that the applicant submit a market analysis of the local trade area indicating a need for the amount of commercial use proposed.

Pettit Management Services Inc. contracted with the consulting firm Robert Charles Lesser and Company (RCLCO) to prepare a market analysis for Office, Restaurant, and Health Club. RCLCO, in its analysis, has relied on data from several sources including such industry standard bearers as CoStar and Claritas.

Consultant's Conclusions

The consultant, RCLCO, finds that “there is a deficiency of new local-serving office space in the market, which could be met in part by the proposed development.” RCLCO also finds that there exists an opportunity for more full-service restaurants in the trade area—up to 41,500 sq. ft. of new space could be absorbed. They further suggest that there is nearly 81,000 sq. ft. of unmet demand in the trade area for fitness center(s). The applicant's proposed development only captures a fraction of the trade area's potential: 12,000SF 2-story office building; 24,000SF 2-story office and restaurant; and a 30,000SF 2-story gym.

Staff Review

Staff finds that the applicant's market analysis sufficiently demonstrates that, at least in theory, the trade area(s)—as defined by the applicant-- could absorb additional commercial space. RCLCO addresses demand for each use: restaurant, fitness center, and Class B office. NOTE: The terms applicant's submission, applicant's consultant, consultant, and RCLCO are used interchangeably.

With respect to restaurant, the applicant's consultant conducts what is known as a retail opportunity analysis (see pages 24-26 of consultant's report). A retail opportunity analysis or gap analysis measures the difference between consumer spending for a product and sales of that product within a specified trade area. If store sales exceed consumer spending, this means that the demands of households in the trade area for the product are being met; one could even say that the market is saturated. On the other hand, if spending exceeds sales, this suggests that there is a gap, an opportunity for new businesses to enter the local market—existing sellers are not satisfying the demands of consumers in terms of choice or price. The results of the opportunity analysis indicate that households are travelling outside the trade area for eating and dining. RCLCO's analysis, based on data provided by Claritas, shows that restaurant sales, within a 2-mile radius of the subject site, fall far short of household spending at restaurants. Thus, these households are driving out of the trade area to other parts of Gaithersburg or the county for the family or fine-dining experience. RCLCO then, using a standard methodology, converted this market gap into square feet. In addition, RCLCO also measured how much of the amount spent at full service restaurants in the trade area could be captured by the subject site.

Staff believes that the need for a fitness center is much stronger than that for the other uses. According to consultant's inventory of fitness centers in the trade area, there are only three: 2 Curves and the Fitness First. The Fitness First is currently located on the subject site but wants to expand into a 30,000sf 2-story building. For reasons of choice and competition, the planned neighborhood would benefit from a Fitness First which if not allowed to expand might relocate elsewhere.

Consultant has provided numerous slides and data showing the performance of Class B office space in Gaithersburg; moreover, an inventory of class B office buildings in the trade area is provided. The consultant has also calculated local market demand for office space. The consultants identify all types of office-serving industries in the trade area and each industry's respective employment. Next, they convert employment into potential space demand. This is done by applying the standard square feet per employee factor to the number of employees.

Non Sequitor

In preparing the market analysis report, applicant is advised to connect the dots. Staff found a few inconsistencies or technical errors and unanswered questions. While these errors and the questions they raise do not rise to such a level as to reject the analysis, they are enumerated below primarily to indicate that staff conducted a balanced evaluation.

1. Definition of Trade Area- Unclear

It is unclear what are the radii and boundary of the trade area. The applicant appears to use different radii for the trade area when discussing each use: applicant uses a 3-mile radius when analyzing health club, a one-mile radius when analyzing full-service restaurant, and uses drive-time for office. Since this is a single development project, applying a uniform 3-mile radius and fixing the boundaries of the trade area would be preferred as doing this would not affect the outcome of the analysis.

2. Target population or primary user—not identified

This question is an extension of number one above. Staff assumes that identifying the primary, secondary, and tertiary users of a development would to some degree inform the trade area boundary. However, the report does not address that issue. Furthermore, identifying the users would also address one of the requirements in the zoning ordinance (59.C-7.33): is there a need for the amount of square feet proposed?

The report begins with demographic information for the Bethesda-Frederick-Gaithersburg metropolitan division and also includes information for Montgomery and Frederick County. How is this data relevant to the analysis? There is no evidence that it is. It would have been far better had the applicant provided demographic and employment data for zip code 20879 or for traffic analysis zone 203 because this is where the proposed site is located. Staff contends that a restaurant and a fitness center are final destinations; thus, these types of retail uses are likely to have a “hierarchy” of customers. Identifying the hierarchy would have helped in assessing the proposed space needs and demands.

3. Justification for need and amount of restaurant space-- questionable.

While the mathematical calculations support the consultant’s premise that an additional restaurant may be supported by the trade area, staff questions the need for another restaurant. Staff referred to the report *Restaurant Market Analysis* prepared by the University of Wisconsin Extension Service, Center for Community Development, and also the QSR trade magazine. The University of Wisconsin document suggests that new entrants in to a market “learn about their [local residents] favorite foods, frequency of dining out, and preferred restaurants through survey and focus group research.” This type of information is not included or summarized for the proposed restaurant tenant. Additionally, the 20879 zip code— which includes the subject site—is already served by 44 restaurants that span all restaurant types: quick service and full-service, family dining, fine dining, and ethnic cuisine. Within a one-mile radius of the subject site, there are three ethnic restaurants -- Mi Peru, Acajutla Mexican Restaurant, and Thai House. The Buffalo Wings and Beer restaurant is the likely tenant at the subject site; it is a sports bar. The applicant’s market analysis does not show that there exists a demand for a sports bar only for a restaurant. A sports bar seems to stand in contrast to the other restaurants in the market area. Staff questions whether a sports bar is appropriate in a planned neighborhood.

The data provided indicates that the proposed restaurant establishment will only occupy 12,000sf as it does now, which begs the question what is the advantage of this relocation? Staff's skepticism is further raised with respect to consultant's capture rate. According to the consultant, the subject site will capture 7 percent of the trade area's potential restaurant demand. Why is the capture rate 7 percent and not 4 percent or 14 percent? The footnote describing the capture rate derivation suggests a circular argument: the potential tenant needs 12000sf; the developer has proposed a 24000sf building with half the building allocated for restaurant space; 7 percent of the trade area's consumer demand for restaurant dining translates into 12,044sf.

4. Factor used to represent fitness center participation

The consultant applies a state-wide average to the trade area population to estimate likely membership or fitness center participation—17.9 percent. Staff believes that applicant's argument would be made stronger had a trade-area specific participation rate been used. The population, age, and income composition of the trade area may not lend itself to applying a statewide average. The participation rate should take into account that not all age cohorts in the trade area will participate; also it is not necessarily the case that current members of other fitness centers will substitute their current memberships to work-out at the subject site's improved and expanded fitness center. Staff perused other market studies that have been conducted to support the need for a fitness center. Based on our literature review, staff finds that applicant's argument for 30,000sf of space is weak. Other studies have included information on a health club's or fitness center's growth in membership, on the need for state-of-the-art equipment, and on exercise room requirements to justify expansion or new construction. This type of information is not provided in applicant's submission.

5. Demand for office space not demand for Class B space.

The submitted market analysis shows that there is a potential demand for additional office space in the trade area. This analysis, however, does not speak to the demand for class B office space. It is a minor point but one that deserves clarification. It just so happens that the developer is building office space that is classified as Class B. As the consultants spell out in their caveat, there is nothing to say whether the proposed class B space will be absorbed or not—that is a function of the market and a tenant's desire for Class B space as opposed to Class A or warehouse space



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

ATTACHMENT 8

November 20, 2007

MEMORANDUM

TO: Carlton Gilbert, Planner
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning

FROM: Ed Axler, Planner/Coordinator EA
Transportation Planning

SUBJECT: Development Plan Amendment No. DPA-07-2
Flower Hill Professional Center Expansion
Montgomery Village/Airpark Policy Area

This memorandum is Transportation Planning staff's Adequate Public Facilities (APF) review of the subject Development Plan Amendment (DPA) to expand the existing commercial center located in the unique Planned Neighborhood (P-N) zone.

If this DPA is approved by the District Council, the APF test would occur at the Planning Board's public hearing for the future preliminary plan (i.e., the current preliminary plan will be amended). Preliminary Plan No. 1-85218 was approved in 1986, to create Parcel 31, and limit the types of land uses and their maximum square footage. Three years later in 1989, Preliminary Plan No. 1-89244 was approved to subdivide Parcel 31 into the current 7 lots with the same limits on the types of land uses and their maximum square footages.

RECOMMENDATIONS

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

1. The development is limited to an additional 66,000 square feet of commercial uses for an estimated total of 157,000 square feet (i.e., total to be confirmed or adjusted at APF review) consisting of the following land uses:
 - a. General office space: An additional 59,300 square feet.
 - b. Health/fitness club space: An additional 3,500 square feet.
 - c. High turnover restaurant use: An additional 3,200 square feet..

2. At time of APF review, the applicant must satisfy the County Council's newly enacted *FY 2007-2009 Growth Policy* that includes:
 - a. For Local Area Transportation Review (LATR), satisfying a lower Critical Lane Volumes (CLV)/congestion standards for each policy area and
 - b. A Policy Area Mobility Review (PAMR) test that requires trip mitigation of developments located in certain policy areas.
3. The applicant must work with the Maryland State Highway Administration (SHA) regarding their Contract No. MO632A11, to reconstruct and widen Woodfield Road (MD 124) between Midcounty Highway and Warfield Road.
4. At preliminary plan review, the applicant must provide and show a more detailed plan of the necessary lead-in sidewalks, internal sidewalks, pedestrian crosswalks, handicapped ramps, and adequate pedestrian access in the southeastern corner of the subject site (i.e., or in the northwestern corner of the Washington Grove Lane/Flower Hill Way intersection).
5. The applicant must provide inverted-U bike racks for customers and employees with the ultimate number and location to be determined at preliminary plan review.

Transportation Planning staff find that the applicant has a "reasonable probable fruition" to satisfy the APF test at preliminary plan review -- including the new lower CLV/congestion standards for the LATR test and the newly enacted PAMR test. The traffic impact by the proposed commercial center expansion should have no adverse impact on the safety and adequacy of the transportation system with the necessary infrastructure improvements typically required by the County, SHA, and the Montgomery County Planning staff.

DISCUSSION

Site Location and Vehicular Access Points

The subject site is located in the triangle formed by Washington Grove Lane, Flower Hill Way, and Woodfield Road. The proposed vehicular access points are as follows:

- a. Two existing access points and one new access point from Washington Grove Lane
- b. One existing access point from Flower Hill Way
- c. Two existing access points and one new access point from Woodfield Road

On-Going Transportation Project

SHA has an on-going Contract No. MO632A11 to reconstruct and widen MD 124, Woodfield Road, in the following phases:

1. Phase I: Reconstruction is scheduled to start in spring 2008, for the segment from south of Airpark Road to north of Fieldcrest Road.
2. Phase II: The final plans are scheduled to be completed in spring 2009, for the segment from Midcounty Highway to south of Airpark Road.
3. Phase III: The semi-final plans are scheduled to be complete in December 2009, for the segment of the road from north of Fieldcrest Road to Warfield Road.

Phase II includes the MD 124 right-of-way fronting along northwestern property line of the subject site. The Planning Board commented on Mandatory Referral No. 06815-SHA-1 for this MD 124 project at its public hearing on February 15, 2007.

Available Transit Service

The subject site is served by Ride-On routes 57, 60, and 90 that operate on the following adjacent roadways:

1. Ride-On route 57 runs along Washington Grove Lane to Flower Hill Way to Woodfield Road and then to Muncaster Mill Road.
2. Ride-On route 60 runs along Washington Grove Lane to Flower Hill Way and then to Snouffer School Road.
3. Ride-On route 90 runs along Muncaster Mill Road south of Woodfield Road and then to Woodfield Road north of the intersection with Snouffer School Road.

Pedestrian Facilities

Sidewalks exist along Woodfield Road and Flower Hill Road with appropriate handicapped ramps, pedestrian crosswalks, and pedestrian signals. The applicant proposes to provide pedestrian improvements such as lead-in sidewalks and internal pedestrian path connections. However, the DPA plan does not show all the necessary segments of sidewalks, pedestrian crosswalks, handicapped ramps, and adequate pedestrian access in the southeastern corner of the subject site. A more detailed plan must be submitted that shows all of the necessary pedestrian improvements at preliminary plan review.

Master-Planned Roadways and Bikeway

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

1. Washington Grove Road is designated as a primary residential street, P-5, with a recommended 70-foot minimum right-of-way.
2. Woodfield Road (MD 124) is designated as a major highway, M-21, with a recommended 120-foot minimum right-of-way.
3. Muncaster Mill Road (MD 115) is designated as an arterial, A-102, with a recommended 80-foot minimum right-of-way.
4. Snouffer School Road is designated as an arterial, A-18, with a recommended 80-foot minimum right-of-way.

Although Flower Hill Way is not listed in the *Master Plan*, the segment fronting the subject site functions as a business district street with a 70-foot right-of-way.

In accordance with the *Countywide Bikeways Functional Master Plan*, Woodfield Road is designated with Dual Bikeways, DB-28.

Transportation Management Requirements

The subject site is located outside the boundary of the Greater Shady Grove Transportation Management District (TMD) and, thus, there are no master-planned transportation management requirements.

Local Area Transportation Review

The table below shows that the number of additional peak-hour vehicular trips generated by the proposed commercial center expansion within the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.):

Proposed Types of Land Use	Additional Square Feet	Additional Weekday Peak-Hour Vehicular Trips	
		Morning	Evening
General Office Use	59,300 sq. ft.	93	105
Health/Fitness Club	3,500 sq. ft.	4	14
High Turnover Restaurant	3,200 sq. ft.	37	20
Total Additional Square Feet and Trips	66,000 sq. ft.	134	139

The additional vehicular trips shown on the table above are only the new trips and excluded the pass-by trips associated with the restaurant -- where the pass-by trips refer to those trips that only stops at the subject site on the way to and from other locations.

A traffic study is required to satisfy the LATR because the existing commercial center and proposed expansion generate 30 or more peak-hour trips during the weekday morning and evening peak hours. Based on the results from submitted traffic study, the attached table shows the Critical Lane Volumes (CLV) at the nearby analyzed intersections. As this plan was submitted after January 1, 2007, the CLV values must be less than the newly enacted and lower congestion standards in the *FY 2007-2009 Growth Policy*. At all of the intersections, the CLV values do not exceed the appropriate and now lowered congestion standard for the Montgomery Village/Airpark Policy Area or Derwood Policy Area. Thus, no intersection improvements would be required at these analyzed intersections.

Policy Area Mobility Review

With the County Council's enactment of the *FY 2011 Growth Policy* on November 13, 2007, APF test now includes an area-wide transportation test, Policy Area Mobility Review (PAMR). Thus, Transportation Planning staff now must find that there is a "reasonable probable fruition" that this development would satisfy the PAMR test.

An applicant may be required to satisfy the new PAMR requirement to mitigate new vehicular trips generated by the proposed new land uses. The requirement of 100%, partial, or no trip mitigation is determined from combined Relative Arterial Mobility (RAM) and Relative Transit Mobility (RTM) score for each policy area as given on the approved PAMR chart. The RAM and RTM measures the relative speeds of auto and transit trips, respectively, during the weekday evening peak hour within the policy area. The subject development is located in the Montgomery Village/Airpark Policy Area that does not require mitigation. Thus at this time, there is a "reasonable probable fruition" that this development can satisfy the PAMR test at the preliminary plan's future APF test.

EA: tc

Attachment

cc: Larry Cole
Mickey Cornelius
Dan Hardy
Barbara Kearney
Chuck Kines
Margaret Rifkin
Fiona Thomas

mmo to Gilbert DPA-07-2 Flower Hill.doc

Attached Table: CLV values based on the Results from submitted Traffic Study

Analyzed Intersections	Weekday Peak Hour	Congestion Standard New (Old)	Traffic Condition		
			Existing	Background	Traffic
Snouffer School Road and Mooney Drive	Morning	Montgomery Village/Airpark 1,425 (1,450)	866	890	895
	Evening		854	903	908
Woodfield Road and Lindbergh Dive (South)	Morning	Montgomery Village/Airpark 1,425 (1,450)	579	601	603
	Evening		703	726	729
Woodfield Road and Site Access (North)	Morning	Montgomery Village/Airpark 1,425 (1,450)	886	964	1,006
	Evening		991	1,061	1,115
Woodfield Road and Site Access (South)	Morning	Montgomery Village/Airpark 1,425 (1,450)	861	917	939
	Evening		959	1,016	1,046
Woodfield Road and Flower Hill Way	Morning	Montgomery Village/Airpark 1,425 (1,450)	1,060	1,131	1,159
	Evening		1,133	1,235	1,260
Woodfield Road and Emory Grove Road	Morning	Montgomery Village/Airpark 1,425 (1,450)	907	922	927
	Evening		939	991	1,004
Woodfield Road and Midcounty Highway	Morning	Montgomery Village/Airpark 1,425 (1,450)	932	942	946
	Evening		1,095	1,138	1,148
Flower Hill Way and Site Access	Morning	Montgomery Village/Airpark 1,425 (1,450)	363	364	374
	Evening		566	571	583
Woodfield Road and Muncaster Mill Road-Snouffer School Road	Morning	Derwood 1,475 (1,500)	1,086	1,122	1,141
	Evening		1,347	1,416	1,423
Muncaster Mill Road and Shady Grove Road-Airpark Road	Morning	Derwood 1,475 (1,500)	1,262	1,294	1,294
	Evening		1,259	1,272	1,278
Washington Grove Lane and Site Access	Morning	Derwood 1,475 (1,500)	42	42	83
	Evening		68	68	110
Washington Grove Lane and Emory Grove Road	Morning	Derwood 1,475 (1,500)	558	558	604
	Evening		520	526	550
Washington Grove Lane and Midcounty Highway	Morning	Derwood 1,475 (1,500)	1,436	1,436	1,469
	Evening		1,099	1,099	1,128



MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

November 9, 2007

MEMORANDUM

TO: Carlton Gilbert, Planner/Coordinator
Development Review Division

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

FROM: Pamela Johnson, AICP, Planner/Coordinator, 301-495-4590 *PJ*
Community-Based Planning Division

SUBJECT: Development Plan Amendment 07-02 for Flower Hill Subdivision Parcel 31 in Gaithersburg, PN Zone, southwest quadrant, Woodfield Road (MD 124) and Muncaster Mill Road/Snouffer School Road (MD 115)

Description of Proposal: The applicant, the Pettit Companies, proposes to amend Development Plan No. G-420, approved June 25, 1985 in the Planned Neighborhood (PN) Zone for Parcel 31, at the southwest quadrant of Woodfield Road (MD 124) and Muncaster Mill Road/Snouffer School Road (MD 115) in Gaithersburg. The applicant seeks to construct three additional commercial/retail buildings, totaling 66,000 square feet, in the Flower Hill Subdivision (Attachment 1).

Parcel 31 is a roughly triangular property bordered by Washington Grove Lane on the southeast, Muncaster Mill Road/Snouffer School Road on the northeast, Woodfield Road on the northwest, and Flower Hill Way on the southwest. The existing buildings on the site total over 91,000 square feet of commercial/retail space, including about 15,000 square feet of retail and 76,000 square feet of office space. Parcel 30, across Flower Hill Way from Parcel 31, contains the Giant Foods Grocery and other retail uses totaling about 93,630 square feet; this Parcel is on PN-zoned land and was also enabled by DPA G-420. Across Woodfield Road from Parcel 31, are 2,025 units of mixed housing on PN-zoned land. The Emory Grove (residential) Subdivision, on R-60-zoned land, is just southeast of the site across Washington Grove Lane. The applicant proposes these specific uses for Parcel 31:

[Sub]-Parcel	Size (square feet)	Use
[Sub]- Parcel A-3	12,000	Office
[Sub]- Parcel A-4	24,000	commercial and retail (restaurant)
[Sub]- Parcel A-8, A-9	30,000	commercial and fitness center
Total	66,000	commercial/retail

The existing and proposed development on Parcel 31 would total about 157,000 square feet. The Site Plan Enforcement Agreement for Parcel 31, approved by the Planning

Board on June 2, 1986, was for 90,370 square feet of commercial/retail space, including 14,370 square feet of retail and 76,000 square feet of commercial space.

Conformance with Comprehensive Plan—The proposal conforms with the Land-Use Plan of the 1985 Approved and Adopted Gaithersburg Vicinity Master Plan, showing Parcel 31 for Retail/Commercial Use, and with the Zoning and Highway Map, designating Planned Neighborhood (PN) Zoning for the site (Attachment 2). Additional language on page 49 describes the significance of the PN zoning for the Flower Hill Planned Neighborhood and for the subject site:

The P-N Zone area [for Flower Hill] today is 266 acres and is planned for approximately 1,300 dwelling units. The developer of the planned neighborhood also owns several other adjoining parcels and would like to combine these areas with the Flower Hill development to form a unified community. The Flower Hill community, when completed, will be oriented to a centrally-located 24-acre park/school proposed in the development plan for this site.

This Plan recommends the addition of 60 acres to the Flower Hill Planned Neighborhood. One parcel (Area 32) is recommended to encourage the development of garden apartments in accord with the provisions of the Flower Hill P-N Zone. Two other parcels (Areas 30 and 31) which are recommended for inclusion in the Flower Hill P-N are recommended for commercial and office development.

Also relating to commercial development, the Plan recommends on page 4 that,

A convenience retail shopping center, at least ten acres in size, be provided, along existing MD 124 to serve existing and future residential development.

Further, the Technical Appendix of the Plan states on page 36,

In order to achieve a greater geographical balance of convenience shopping, this Plan recommends an additional site in the Airpark area for a full-size convenience shopping center to serve the Flower Hill Planned-Neighborhood.

Outreach and Compatibility—Staff attended the proposal's presentation to the Flower Hill Central Corporation representing the homeowner's association west of the subject project on October 24, 2007. Representatives questioned whether access would be through existing roads, and the status of the State project for the intersection improvements to MD 124 and Snouffer School Road. They also asked about parking and lighting, and the handling of trash and loading. The applicant previously presented the project to the same Board in the spring of 2007 (Attachment 3), and received no objections. The President of the Parkside Homeowners Association at Flower Hill asked staff on September 28, 2007 whether sufficient replacement parking for the proposal would be provided, and relayed general concerns about traffic in the project vicinity, but did not oppose the project. The applicant noticed the project to adjacent and confronting homeowners and homeowners' associations on September 7, 2007.

The proposal conforms with the Master Plan general land-use and zoning classifications. Although the Plan's prescription for the subject site is generalized in designating PN zoning and "community unity" for the Flower Hill neighborhood, by the planned neighborhood designation, the Plan is attaching qualities associated with "planned developments", such as plentiful open space and landscaping, attractive and cohesive design, and good pedestrian links, to the subject site.

Staff is concerned that the current submission appears to be the individual addition of three unrelated commercial buildings to an existing planned development, rather than a unified planned development with such expected characteristics as plentiful open space and planting, appropriate buffering with neighboring residential developments, and generous connecting pedestrian links. Staff also believes that the proposal, a significant 75 percent increase in commercial space for Parcel 31, represents a substantial density increase for a "planned neighborhood development"; Staff is concerned that the development proposed for Sub-Parcel A-9 (a 30,000 square-foot commercial/retail building with about 150 surrounding parking spaces), be suitably scaled to be compatible with the scale of the adjacent Emory Grove (residential) subdivision, and contain abundant buffering. Staff notes that the original site plan approved for Sub-Parcel A-9, following the approval of DPA G-420, was considerably less intense than the subject proposal, and primarily consisted of a Commuter Parking Lot and some development. A 30-foot setback and buffer of trees was provided between the rear of the four office buildings and the existing Washington Grove Lane.

Staff recommends that the applicant revise the subject proposal as follows to be compatible with the character of "Planned Neighborhood Development" of the surrounding Flower Hill community and to be compatible with the adjacent Emory Grove Subdivision:

- (1) Reduce the intensity of development on [Sub-Parcel) A-9, providing more open space, and more trees and other landscaping as buffering between the proposed building and parking area and the Emory Grove Subdivision along Washington Grove Lane.
- (2) Plant a row of native deciduous trees along Parcel 31's northeast edge with Woodfield Road (MD 124) and along the southeast edge of Flower Hill Way, planted about forty-five feet off-center; and
- (3) Enhance the pedestrian circulation system on Parcel 31, especially providing safe and convenient links to adjacent residential developments, including the Washington Grove subdivision, and within the existing development, including to Sub-Parcel A-9.

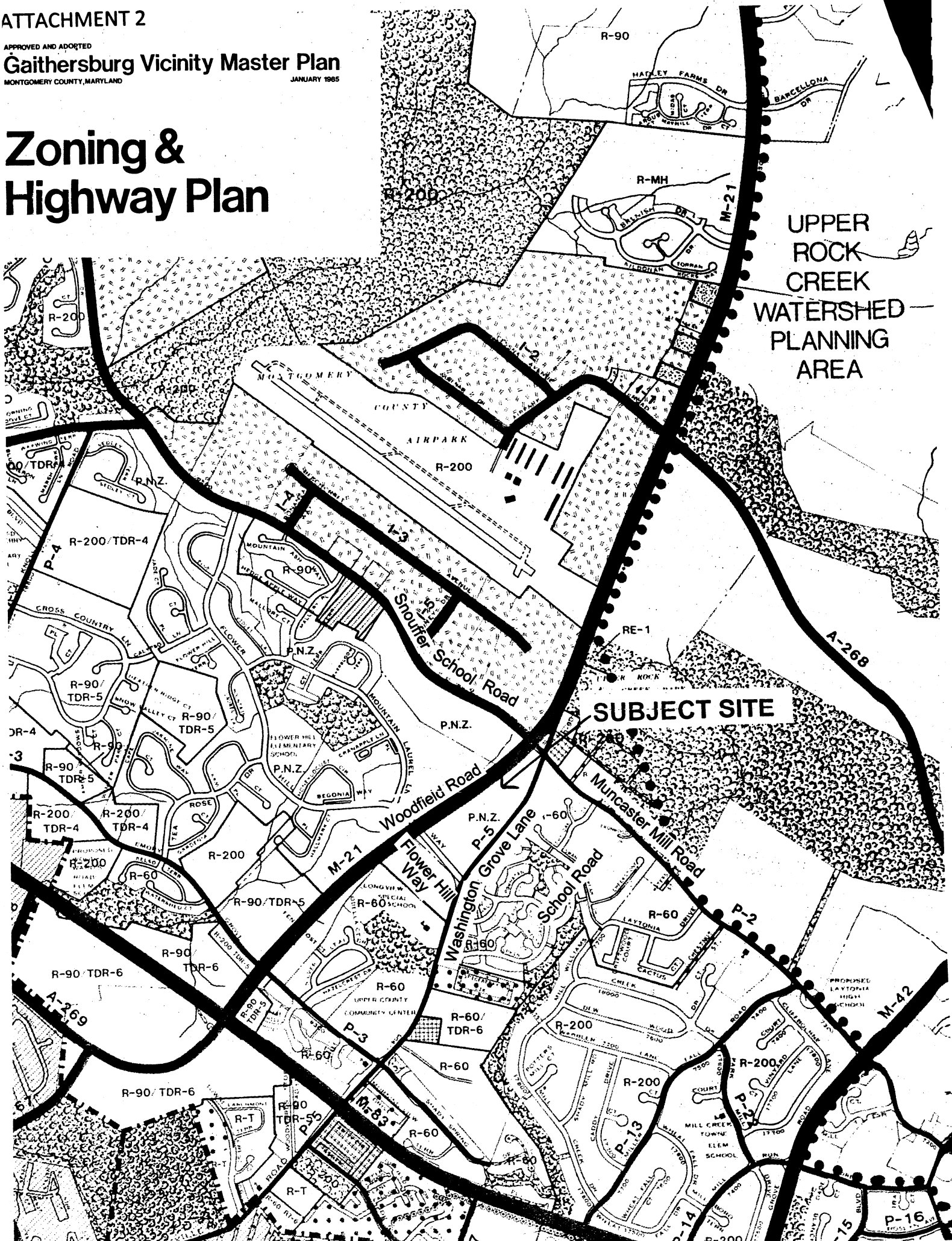
Attachments:

1. Proposed DPA- 07-02
2. Gaithersburg Vicinity Master Plan Zoning and Highway Plan
3. Correspondence from Flower Hill Central Corporation, Inc.
4. Photo of Parcel 31, Sub-Parcel A-9 Flower Hill

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JANUARY 1985

UPPER
ROCK
CREEK
WATERSHED
PLANNING
AREA





Flower Hill Central Corporation, Inc.

Wednesday, September 12, 2007

The Pettit Companies
18205-D Flower Hill Way
Gaithersburg, MD 20879

Dear Richard B. Pettit:

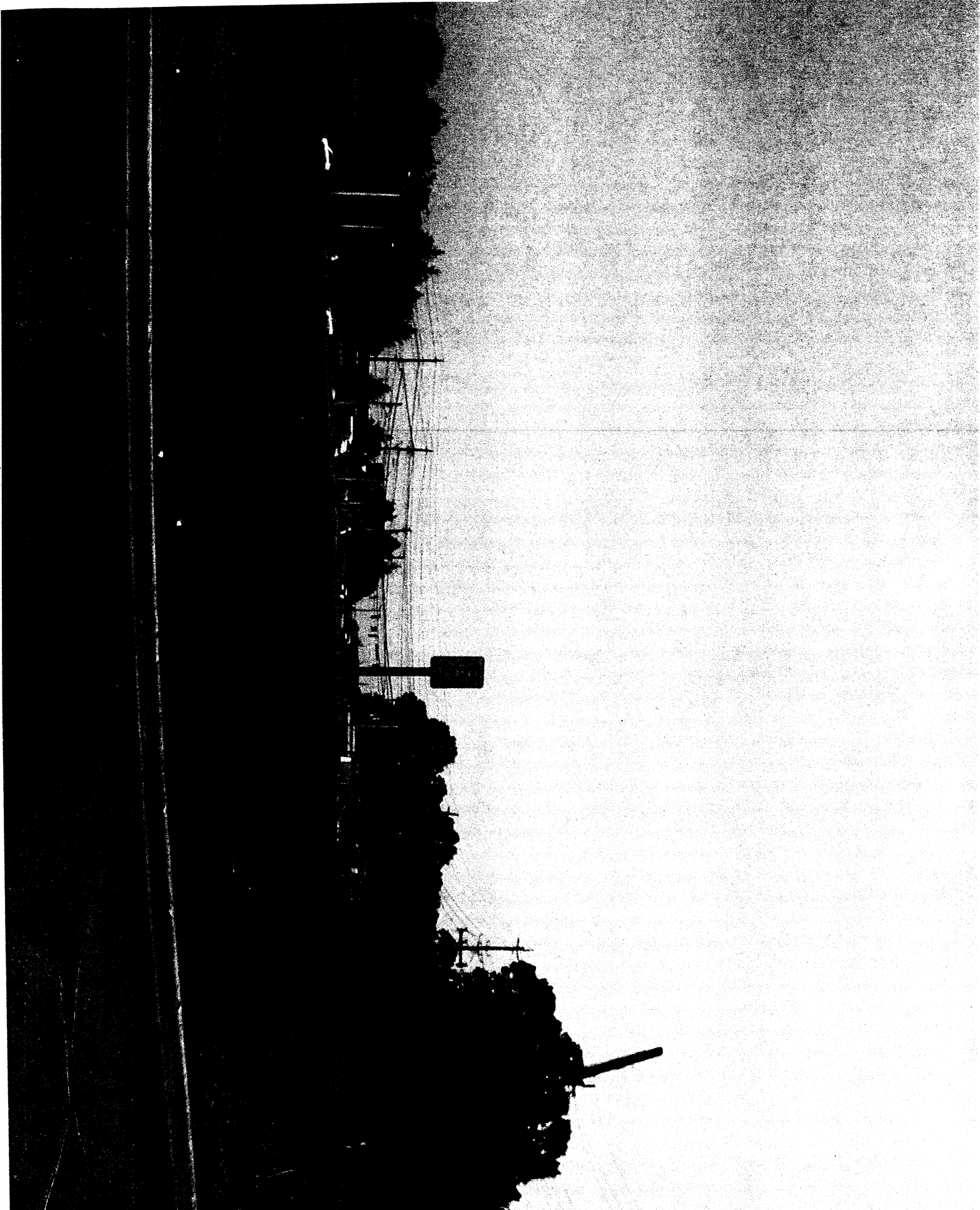
This letter is to confirm that last year you represented your company at a monthly meeting of the Flower Hill Central Corporation, (the homeowner's association located across from your project at the corner to Woodfield Road and Snouffer School Road, in Gaithersburg Maryland). You presented your project plan, answered questions and addressed any concerns the community had. Flower Hill Central has no concerns with the project moving forward as presented. Thank you for keeping us updated on the project and please feel free to contact us at any time.

Respectfully yours,

Linda Horensavitz
Community Service Director
Flower Hill Central Corporation

ATTACHMENT 4

[Sub-Parcel] A-9, Parcel 31 (southern view)





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

MEMORANDUM

DATE: November 20, 2007
TO: Carlton Gilbert, Development Review Division
VIA: Jorge Valladares, P.E., Countywide Planning Division, Environmental
FROM: Marion Clark, Countywide Planning Division, Environmental
SUBJECT: Development Plan Amendment 07-02
Flower Hill

Recommendation: Approval of Development Plan Amendment

Discussion

An approved Natural Resource Inventory/Forest Stand Delineation is part of the submittal package. A Forest Conservation Plan exemption was issued because this is a modification of an existing developed property, with no more than a total of 5,000 square feet of forest cleared; no forest clearing within a stream buffer or on property subject to Special Protection Area/Water Quality Plan requirements; and does not require a new subdivision plan. A limited amended subdivision plan is required, but this does not change the Forest Conservation Plan exemption. There are three specimen trees off site, but construction on the subject site will not impact these trees. A Tree Save Plan is not required.

Environmental Guidelines

The site is not in a Special Protection Area or Primary Management Area. There are no streams, wetlands, steep slopes or erodible soils on the subject property.

Stormwater Management

An approved Stormwater Management Plan will be required prior to Site Plan approval.