



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

**Staff Report: Limited Site Plan Amendment 82004015F, Park Potomac**

**ITEM #:** 14

**MCPB HEARING DATE:** October 8, 2009

**REPORT DATE:** September 28, 2009

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief  
Robert Kronenberg, Supervisor *[Signature]*  
Development Review Division

**FROM:** Elza Hisel-McCoy, Assoc. AIA, LEED-AR *[Signature]*  
Coordinator  
Development Review Division  
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Elza.Hisel-McCoy@mncppc-mc.org

**APPLICATION**

**DESCRIPTION:** Add a road connection between Park Potomac Avenue and the adjacent Fortune Terrace and perform minor modifications to landscape, hardscape, and resident amenity areas; 20.28 acres; I-3 Zone; Northwest quadrant of the intersection of Montrose Road and I-270; Potomac Master Plan

**APPLICANT:** Fortune Parc Development Partners, LLC, et al

**FILING DATE:** August 26, 2009

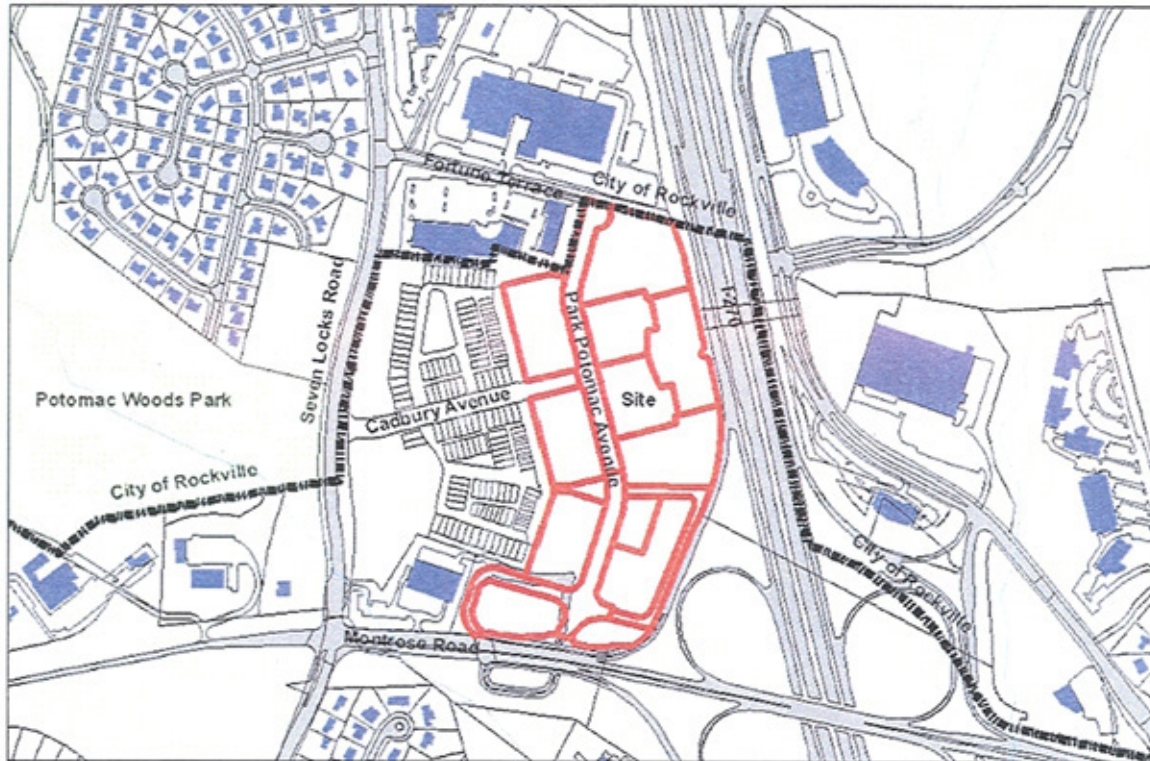
**RECOMMENDATION:** Approval with conditions.

**EXECUTIVE**

**SUMMARY:** The connection between Park Potomac Avenue on-site and Fortune Terrace in the City of Rockville was supported by staff at the time of the 82004015B Site Plan Amendment, but the Applicant was unable at that time to secure approval from the City of Rockville. The City has revisited their decision and has recently approved the connection. Additionally, the Applicant is requesting minor modifications to site features.

## SITE DESCRIPTION

The subject site is located on the west side of Interstate 270 between Montrose Road on the south and Fortune Terrace and the City of Rockville on the north, extending west to Seven Locks Road.



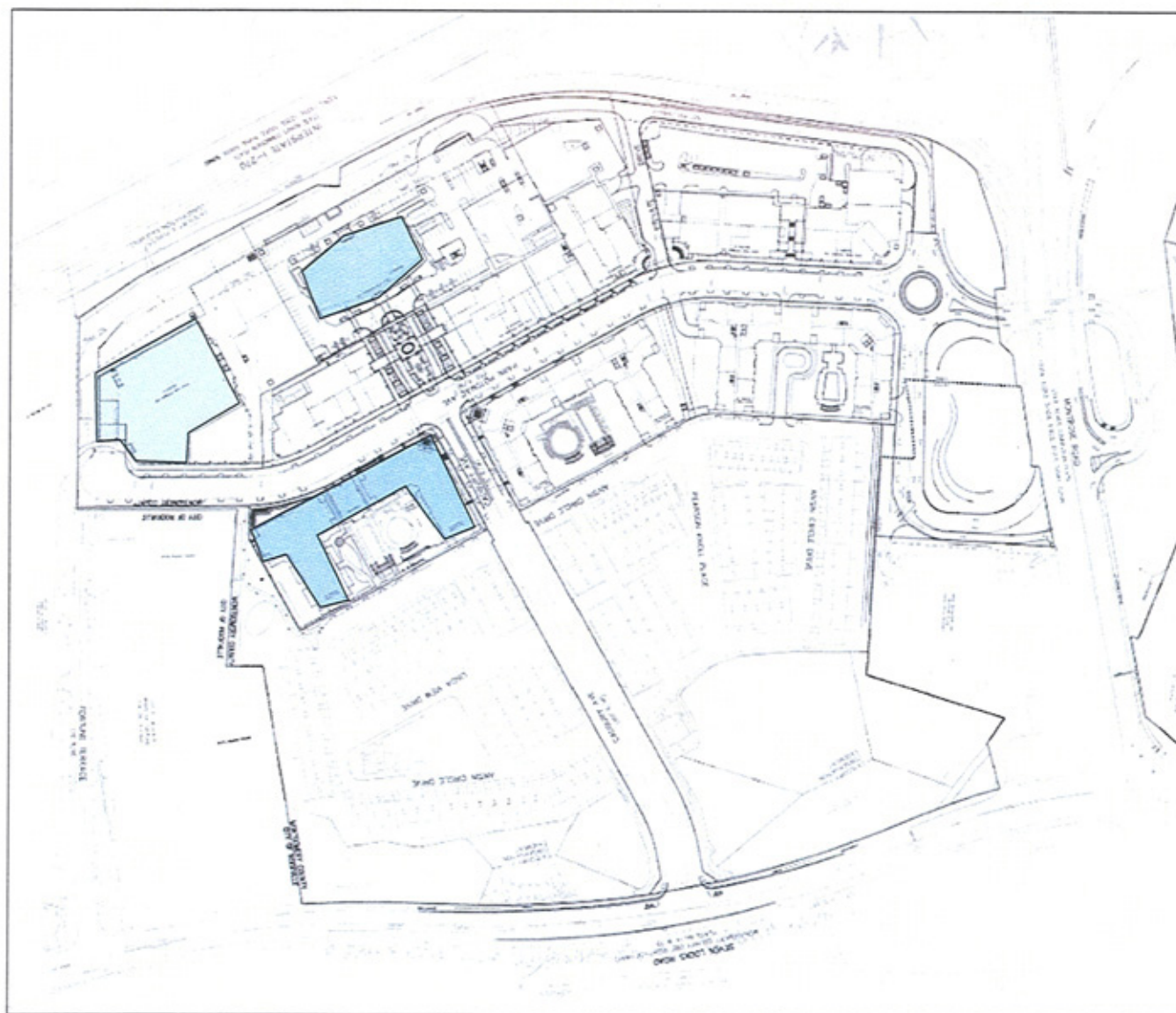
*Vicinity Map*



*Aerial Photo*



The larger community is being developed in two phases by two different companies, with separate Site Plans for each. On the west side of the site (the lower portion on the diagram below), EYA has built a network of streets lined with townhomes and pocket parks. The east side of the development – the area affected by the proposed amendment – is under development by Foulger-Pratt, and has a more urban, town-center character. This portion, indicated in red outlines in the diagram above and illustrated below, includes 450 dwelling units and 850,000 square feet of office and commercial uses on 20.28 acres. The plan includes six multi-family apartment buildings, five office buildings, and a hotel (each about eight- to ten-stories in height), as well as ground-floor retail and a supermarket. The street network, two multi-family apartment buildings, one office building, and the supermarket have been completed or are under constructions (indicated below)



*Approved Site Plan 82004015D  
(Buildings Completed or Under Construction Highlighted)*

## PROJECT DESCRIPTION

### Previous Approvals

#### Preliminary Plan

In 2003, the Planning Board approved Preliminary Plan 120030290 for the larger "Fortune Parc" site, including 600 dwelling units and up to 850,000 square feet of non-residential uses, as specified in the Master Plan. These non-residential uses included approximately 820,000 to 835,000 square feet of office space and about 15,000 to 30,000 square feet of retail.

On June 21, 2007, the Board approved Preliminary Plan Amendment 12003029A, which redistributed the non-residential uses to allow up to 145,000 square feet of retail uses, 570,000 square feet of office uses, and a 156-room hotel.

#### Site Plan

As described above, the Fortune Parc site was developed in two phases under two separate Site Plans. Phase one (Site Plan No. 820040120) included 150 townhouse units and was approved on March 19, 2004.

The Site Plan for phase two, 820040150, the Board approved on March 18, 2004. This approval included 450 multi-family dwelling units, 820,000 square feet of office and 30,000 square feet of retail uses.

The Board approved the first amendment to this Site Plan, 82004015A, on May 4, 2006. This amendment:

- increased the amount of Green Space;
- modified building heights to be consistent between height in floors and height in feet, generally at around 10 stories;
- adjusted the dwelling unit distribution.

The Board approved a second amendment, Site Plan 82004015B, on June 21, 2007. This amendment:

- increased the amount of ground-floor retail in the multi-family residential buildings;
- redistributed office, retail, and restaurant uses among the office buildings;
- reduced the maximum allowable building height for two of the office buildings;
- allowed a 156-room hotel;
- added a free-standing grocery store;
- redesigned the central public plaza;
- redesigned the retail sidewalk along Park Potomac Avenue;
- added a site entrance and an exit along Montrose Road;
- revised other minor streetscape elements;
- reduced the required setbacks from I-270 for one of the office buildings.

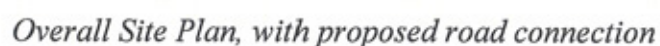
There followed a series of Administrative Amendments (82004015C-E), changes to the Certified Site Plan that staff considered minor enough to be approved by the Planning Director.

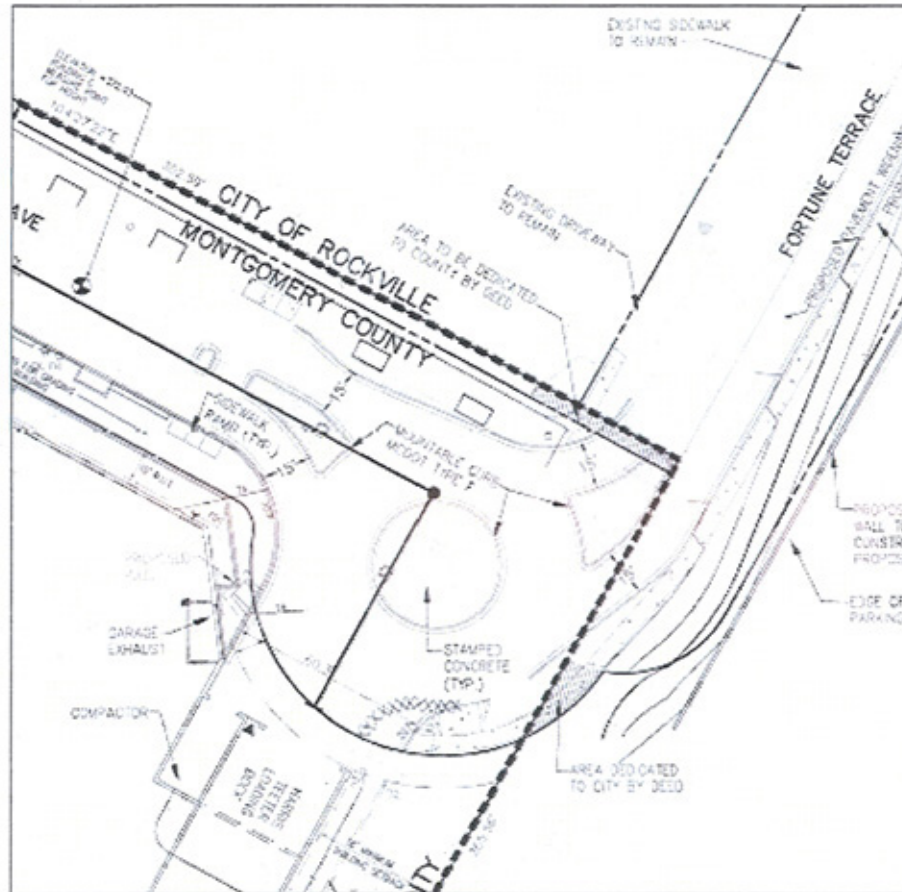


The next, Site Plan Amendment 82004015D, the Director approved on June 16, 2008, allowing the addition of a cantilevered entrance canopy for two of the multi-family residential buildings, changes to the design of the roundabout on Park Potomac Avenue, as well as to the outfall walls at the Montrose Road entrance and the parking and landscaping around one of the office buildings.

## Proposal

- Add a roadway connection from Park Potomac Avenue to Fortune Terrace;
- Move the bike racks from the front of Condo Building #1 to inside the garage of Condo Buildings #1 and #2;
- Adjust brick paver lead walks of Condo #1 to match as-built conditions;
- Add wrought-iron fence around the pool and the pool pump room;
- Add structure for the pool pump room;
- Adjust landscaping at Condo #1.





*Detail of Proposed Road Connection*

## PROJECT ANALYSIS

### Transportation and Circulation

The road connection between Park Potomac Avenue and Fortune Terrace is a natural extension of this development and was supported by staff at the time of the 82004015B Site Plan Amendment. At that time, however, the Applicant was unable to secure the necessary approvals from the City of Rockville. The Applicant has now obtained the necessary approvals.

A traffic study was submitted to review Preliminary Plan No. 12003029A in 2007 to satisfy Local Area Transportation Review (LATR). The total number of site-generated trips in the 2007 Study will not change. For this site plan amendment, the new site access point from Park Potomac Avenue at Fortune Terrace provides a second connection to Seven Locks Road via Fortune Terrace, besides the previously-approved connection with Cadbury Avenue. The new connection would result in reducing up to 7 peak-hour trips (or 5% of the total site-generated traffic) that were projected to:

1. Turn right from westbound Cadbury Avenue to northbound Seven Locks Road.
2. Turn left from southbound Seven Locks Road to eastbound Cadbury Avenue.



These peak-hour trips would be redistributed through the intersections of Park Potomac Avenue/Fortune Terrace and Seven Locks Road/Fortune Terrace. At Seven Locks Road/Fortune Terrace, the CLV values from the 2007 traffic study were less than 840 within the weekday morning and evening peak hours--approximately half the 1,500 congestion standard. Thus, providing a new site access point at Park Potomac Avenue/Fortune Terrace would not have any adverse impact on the local road network.

#### **Development Standards**

The subject site is zoned I-3 and the proposed modifications do not affect the approved development standards approved by the Board.

#### **COMMUNITY OUTREACH**

The Applicant has met all proper signage, noticing, and submission meeting requirements. Notice of the subject amendment was sent to all parties of record on August 28, 2009, giving 15 days for comments. Staff has received one e-mail in response.

The commenter states two concerns regarding the connection of Park Potomac Avenue and Fortune Terrace: first, the road connection should not be approved without widening Fortune Terrace; and second, the connection of Park Potomac Avenue and Fortune Terrace obviates the need for the modifications to Seven Locks Road that were approved with Preliminary Plan 120030290.

Regarding the widening of Fortune Terrace, this street lies wholly within the City of Rockville and so outside the jurisdiction of the Planning Board. However, staff understands that on March 23, 2009, the Mayor and Council of Rockville approved the connection between Fortune Terrace and Park Potomac Avenue, with the staff recommendation noting that:

This request to allow a connection between Fortune Terrace (City) and Park Potomac Avenue (County) is being requested by Finmarc Management, Inc. (Finmarc), the property manager for the owners of two properties on each side of Fortune Terrace. Infrastructure improvements associated with this connection include widening of existing paving and sidewalk construction. The connection will create an opportunity for the adjacent business owners, specifically the tenants of the Potomac Woods Shopping Center and the Lifetime Fitness facility, to increase their customer base. Finmarc has indicated that the costs associated with the construction of the improvements will be borne by them. [emphasis added]

Regarding the improvements to Seven Locks Road, based on the traffic study prepared and reviewed at the time, Preliminary Plan 120030290 included several conditions:

3. To provide safe and efficient site access from Seven Locks Road:
  - a. Design and install a traffic signal at the proposed Site Access Road [Cadbury Avenue] with Seven Locks Road including pedestrian signals and crosswalks subject to and in accordance with the requirements of DPWT [now DOT].
  - b. Construct on Seven Locks Road at the proposed intersection with the Site Access Road [Cadbury Avenue] the following:



- c. Add a southbound left-turn lane on Seven Locks Road
  - d. Convert the right-most northbound lane from a through lane to a combination through and right-turn lane on Seven Locks Road.
5. Conduct a traffic signal warrant study and install a traffic signal at the intersection of Seven Locks Road and Twin Oaks Drive, if warranted and subject to City of Rockville's requirements and approval.

As discussed above and in Transportation Planning's memo dated September 23, 2009, the proposed road connection does not affect the amount of traffic generated by the development, and so does not require a revised traffic study or additional review of the recommended infrastructure improvements. Staff understands that the improvements at Cadbury Avenue, including a traffic light and lane modifications have been permitted and are currently under construction.

Finally, the Applicant's traffic engineer conducted the traffic signal warrant study for the intersection of Seven Locks and Twin Oaks Drive in September of 2006 and concluded that the signal was not warranted.

## **RECOMMENDATION AND CONDITIONS**

With one exception, the proposed modifications to the site plan do not alter the overall design character of the development in relation to the original approval, and the site remains compatible with existing and proposed development adjacent to the site.

Staff does not recommend removal of the bike racks from in front of Condo Building #1 to inside the garage for Condo Buildings #1 and #2. This is inconsistent with the promotion of bicycle transit through the convenient, accessible, and visible placement of bike racks at building entrances, and is presently not in compliance with the approved Planning Board conditions.

With this reservation, the remaining modifications do not negatively impact, and indeed improve upon, the efficiency, adequacy, and safety of the site with respect to vehicular and pedestrian circulation, open space, landscaping, and lighting.

Except as noted, staff recommends approval of site plan 82004015F, Park Potomac, for the amendments delineated above. All site development elements shown on the site and landscape plans stamped "Received" by the M-NCPPC on August 26, 2009, are required except as modified by the following conditions:

### **Conformance with Previous Approvals**

#### **1. Preliminary Plan Conformance**

The proposed development must comply with the conditions of approval for Preliminary Plan 120030290 as listed in the Planning Board Resolution dated July 25, 2003, and amended by Preliminary Plan 12003029A as listed in the Planning Board Resolution dated April 30, 2008, unless amended. This includes but is not limited to all references to density, rights-of-way, dedications, easements, transportation conditions, DPWT conditions, and DPS stormwater conditions.



2. Site Plan Conformance

The proposed development must comply with the conditions of approval for Site Plan 820040150 as listed in the Planning Board Resolution dated March 19, 2004, as amended by Site Plan 82004015A as listed in the Planning Board Resolution dated January 12, 2007, Site Plan 82004015B as listed in the Planning Board Resolution dated September 19, 2007, Site Plan 82004015C as listed in the Administrative Memorandum signed March 6, 2008, Site Plan 82004015D as listed in the Administrative Memorandum signed June 16, 2008, and Site Plan 82004015E as listed in the Administrative Memorandum signed July 28, 2009.

**Transportation & Circulation**

3. Transportation

- a. The Applicant must locate the inverted-U racks in front of the main entrances to the apartment and commercial buildings for visitor's short-term bicycle parking. Final location will be determined at Certified Site Plan.
- b. The Applicant's plan for the proposed traffic circle at Park Potomac Avenue and Fortune Terrace must include adequate handicapped ramps to be ADA accessible from all directions.

**APPENDICES**

- A. Prior Resolution(s)
- B. Agency Letters
- C. Correspondence
- D. Twin Oaks Boulevard Traffic Signal Warrant Study

A. Prior Resolution(s)





Date Mailed: July 25, 2003

Action: Approved Staff Recommendation  
Motion of Comm. Robinson, seconded by  
Comm. Bryant with a vote of 5-0;

Comms. Berlage, Bryant, Perdue,  
Robinson and Wellington voting  
in favor

## CORRECTED MONTGOMERY COUNTY PLANNING BOARD

### OPINION

Preliminary Plan 1-03029

NAME OF PLAN: FORTUNE PARC

On 10/28/02, F.P. HOMES ASSOCIATES submitted an application for the approval of a preliminary plan of subdivision of property in the I-3 and O-M zones. The application includes 54.9 acres of land. The application was designated Preliminary Plan 1-03029. On 7/03/03, Preliminary Plan 1-03029 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-03029 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-03029.

Approval, Including Abandonment of an Unimproved Public Right-of-Way and Subject to the Following Conditions:

- 1) Approval under this preliminary plan is limited to the following:
  - a. Non residential development not to exceed 850,000 square feet consisting of the following:
    - 820,000 – 835,000 square feet of general office
    - 15,000 – 30,000 square feet of general retail
    - 15,000 square feet of high turnover sit-down restaurant or an equivalent increase in square feet of general office and/or general retail uses based on the peak-hour trips generated by the restaurant
  - b. Residential development consisting of the following:
    - 450 garden apartment units
    - 150 single-family attached units
- 2) To satisfy Local Area Transportation Review (LATR), construct the following intersection improvements in accordance with Montgomery County Department of Public Works and Transportation (DPWT) standards:
  - a. Construct a northbound right-turn lane on Seven Locks Road at the intersection with Tuckerman Lane.
  - b. Reconfigure the southbound approach lanes on Tower Oaks Boulevard at the intersection with Montrose Road as follows:



- From: one right-turn lane and two left-turn lanes
  - To: one exclusive right-turn lane, a combination left-turn and right-turn lane, and one exclusive left-turn lane
- 3) To provide safe and efficient site access from Seven Locks Road:
    - a. Design and install a traffic signal at the proposed Site Access Road with Seven Locks Road including pedestrian signals and crosswalks subject to and in accordance with the requirements of DPWT.
    - b. Construct on Seven Locks Road at the proposed intersection with the Site Access Road the following:
      - c. Add a southbound left-turn lane on Seven Locks Road
      - d. Convert the right-most northbound lane from a through lane to a combination through and right-turn lane on Seven Locks Road
  - 4) Although not required as a condition of the preliminary plan, if Applicant wishes to pursue a third access point to the Fortune Parc Development, then Applicant will coordinate with the City of Rockville regarding the following within their Corporate limit:
    - a. Provide a third public access point from the terminus of Fortune Terrace for the Fortune Parc site.
    - b. Upgrade Fortune Terrace as a primary industrial road from a 30-foot to a 36-foot cross-section.
    - c. Provide an eight-foot asphalt path on the north side of Fortune Terrace.
  - 5) Conduct a traffic signal warrant study and install a traffic signal at the intersection of Seven Locks Road and Twin Oaks Drive, if warranted and subject to City of Rockville's requirements and approval.
  - 6) Submit a study on the feasibility of operating a private shuttle bus service or other transit connection from the site to the nearest Metrorail Station prior to Site Plan approval in accordance with the Potomac Master Plan (appropriate Adopted Master Plan pages attached).
  - 7) Designate the two internal "main streets" within Fortune Parc as public roadways for access and maintenance purposes. An east-west "main street" provides access from Seven Locks Road through the site and connects to a north-south "main street". The north-south "main street" provides access from Montrose Road through the site to Fortune Terrace.
  - 8) Satisfy the I-3 Trip Mitigation Guidelines for office development by entering into a Traffic Mitigation Agreement (TMA) with the Planning Board and DPWT at Site Plan. The trip mitigation goal for I-3 zoned land in the Potomac Policy Area (as a "Group II" policy area) is to reduce the peak-hour trips by six percent where the peak-hour trips are determined using standard trip-generation rates for the proposed land uses on the site. A draft TMA has been submitted to Transportation Planning staff and is being reviewed with DPWT staff. The TMA must be executed prior to release of any building permits.
  - 9) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
  - 10) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Potomac Master Plan unless otherwise designated on the preliminary plan.
  - 11) All road right-of ways shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Potomac Master Plan, and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly



designated on the preliminary plan, "To Be Constructed By \_\_\_\_\_" are excluded from this condition.

- 12) Final approval of a Planning Board resolution for abandonment of a portion of the unimproved right-of-way prior to recordation of plat(s)
- 13) Record plat to reflect a Category I easement over all areas of forest conservation
- 14) Record plat to reflect common ingress/egress and utility easements over all shared roadways and driveways
- 15) Prior to recordation of the property, the applicant and technical staff will be able to make a final determination of the total number and configuration of lots on the property. These lot(s) shall be reflected on the final plat(s) and recorded among the land records
- 16) Prior to site plan approval, applicant to work with M-NCPPC staff to provide, at Applicant's expense, a Public Use Trail Easement and natural surface trail therein from the Fortune Parc subdivision sidewalk system, extending south under Montrose Road and providing a suitable pedestrian connection to the Cabin John Regional Park trail system. Said trail to be sufficiently aligned and constructed, if reasonably possible, to be handicapped accessible and to include any necessary crossings of Bogley Branch or its tributaries. Easement and trail to be clearly identified and signed
- 17) Compliance with the conditions of approval of the MCDPS stormwater management letter dated, March 11, 2003
- 18) Compliance with conditions of approval of MCDPWT letter dated, June 23, 2003, unless otherwise amended
- 19) Prior to site plan submission, the applicant shall obtain DPWT approval for public "Street A" and "Street B" roadway cross-section, structural design, right-of-way widths, any non-standard design features, and intersection configuration. If DPWT approval cannot be obtained, staff shall return this condition to the Planning Board for further consideration
- 20) No clearing, grading or recording of plats prior to site plan enforcement agreement approval
- 21) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan
- 22) Final number of MPDU's and TDR's (maximum of 150 TDR's) as per condition #15 above to be determined at the time of site plan
- 23) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff
- 24) This preliminary plan will remain valid for 145 months from the date of mailing of the Planning Board opinion. Record plats for this project may be recorded in phases based on the following schedule:
  - Phase I (expires 37 months ((3 years)) from the date of mailing of the Planning Board Opinion): 120,000 square feet of commercial development OR 150 dwelling units
  - Phase II (expires 73 months ((6 years)) from the date of mailing of the Planning Board Opinion): 120,000 square feet of commercial development OR 150 dwelling units
  - Phase III (expires 109 months ((9 years)) from the date of mailing of the Planning Board Opinion): 120,000 square feet of commercial development OR 150 dwelling units
  - Phase IV (expires 145 months ((12 years)) from the date of mailing of the Planning Board Opinion): All remaining development
- 25) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for one hundred forty five (145) months from the date of mailing of the Planning Board opinion
- 26) Other necessary easements





## MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APR 30 2008

MCPB No. 07-160  
Preliminary Plan No. 12003029A  
Park Potomac Amendment  
Date of Hearing: June 21, 2007

### MONTGOMERY COUNTY PLANNING BOARD

#### CORRECTED RESOLUTION<sup>1</sup>

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on October 19, 2006, Fortune Parc Development, L.L.C., et. al., ("Applicant"), filed an application to revise the previous conditions of approval to a previously approved subdivision located on 54.841 acres of land in the northwest corner of the intersection of Interstate 270 and Montrose Road ("Property" or "Subject Property"), in the Potomac Subregion master plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 12003029A, Park Potomac ("Preliminary Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated June 11, 2007, setting forth its analysis, and recommendation for approval, of the revised Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on June 21, 2007 the Planning Board held a public hearing on the Application; and

WHEREAS, at the hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

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<sup>1</sup> This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

Approved as to  
Legal Sufficiency:

*DSC 4/30/08*

8787 Georgia Avenue, Suite 100, Silver Spring, MD 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

[www.MCParkandPlanning.org](http://www.MCParkandPlanning.org) E-Mail: [mcp-chairman@mncppc.org](mailto:mcp-chairman@mncppc.org)

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WHEREAS, on June 21, 2007, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Bryant seconded by Commissioner Robinson, with a vote of 3-0, Chairman Hanson voting in favor and Commissioners Wellington and Perdue absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved an amendment to Preliminary Plan No. 12003029A to revise Condition #1 as described below, for the Subject Property, as follows:

1) Condition #1 from Preliminary Plan No. 120030290 shall be amended as follows:

"The Applicant must limit the proposed development to the following land uses:

- Townhouses up to 150 units.
- High-rise apartment up to 450 units.
- General retail uses up to 145,000 square feet.
- General office uses up to 470,000 570,000 square feet.
- Hotel up to 45 156 guest rooms.

All other previous conditions of approval as contained in the Planning Board Opinion dated July 25, 2003 remain in full force and effect.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the master plan.*

The proposed revision does not alter the Board's previous finding that the Preliminary Plan substantially conforms to the Master Plan. The plan continues to conform to the land use recommendations of the Potomac Subregion Master Plan

2. *Public facilities will be adequate to support and service the area of the proposed subdivision.*

Based on the review of the Development Review Committee and with the recommendations of approval from all agencies including the Montgomery County Department of Public Works and Transportation (roads and access), the Montgomery County Department of Permitting Services (stormwater and



drainage), the Maryland State Highway Administration (roads and access), Montgomery County Public Schools (school capacity) and the Montgomery County Department of Fire and Rescue Services (emergency service), public facilities are adequate to serve the proposed development.

The Board heard testimony from one citizen that the Planning Board's Local Area Transportation Review (LATR) methodology, which is set forth in the Board's LATR Guidelines and the Annual Growth Policy, is flawed and that the Seven Locks Road intersections at Tuckerman Road and Post Oak Road fail to adequately convey traffic at certain times of the day. Mr. Garson requested that the Board require the Applicant to provide an "auxiliary" northbound lane on Seven Locks Road to alleviate the afternoon traffic flows, and that the Board reconsider its methods to review traffic, suggesting that rush hour now extends throughout the day, not just during the morning and evening rush hours. Mr. Garson also supported an additional Potomac River crossing.

The Planning Board heard other testimony from Mr. Andrew Cavanus, Vice President of the Regency Estates Citizen's Association that the Potomac Master plan recommends keeping Seven Locks Road as a two lane "rural" road, and that widening the road to four lanes should only come as part of a Master Plan revision.

The Planning Board also heard from the Applicant's traffic engineer, who explained that the applicant is required to provide an additional right-turn lane on Seven Locks Road at Tuckerman Road to relieve queuing. This project is permitted and ready for construction. Mr. Guckert also explained that the nearby Montgomery Mall project is required, as part of its approval, to construct a double left-turn lane on westbound Tuckerman at Seven Lock Road. This project is under design and should also relieve congestion.

The Planning Board considered this testimony and found that the traffic improvements required of this Applicant are appropriate under LATR. Further, the traffic improvements required of this Applicant, in concert with those required of other projects will alleviate some of the concerns raised. The contention that the LATR methodology is flawed and the possibility of a second Potomac River crossing are not issues that can be appropriately addressed in an individual subdivision proceeding.

3. *The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*



The configuration of the lots was not changed as part of this plan revision. Lot shape, size, width and orientation remain in compliance with Chapter 50.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

At the initial hearing, the plan was reviewed for compliance with Chapter 22A off the Montgomery County Code and found to be able to comply with all requirements of that Chapter by the Planning Board. The revision required no changes to the forest conservation plan, and continues to comply with Chapter 22A.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.*

The Montgomery County Department of Permitting Services reviewed and approved a stormwater management concept for the entire project at the initial review. The concept was not required to be changed as part of this revision and remains valid.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed; and

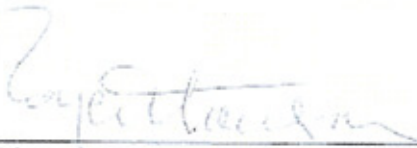
BE IT FURTHER RESOLVED, that the date of this Resolution is APR 30 2008 (which is the date that this Resolution is mailed to all parties of record), and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

CERTIFICATION

At its regular meeting, held on Thursday, March 27, 2008, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission ADOPTED the above Corrected Resolution, on motion of Vice Chair Robinson, seconded by Commissioner Bryant, with Chairman Hanson, Vice Chair Robinson, and Commissioner Bryant present and voting in favor, and with Commissioner Cryor absent. This Resolution constitutes the final decision of the Planning Board, and memorializes the Board's findings of fact and conclusions of law for Preliminary Plan No. 12003029A, Park Potomac Amendment.

  
\_\_\_\_\_  
Royce Hanson, Chairman  
Montgomery County Planning Board





## MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760  
301-495-4500, [www.mncppc.org](http://www.mncppc.org)

## MONTGOMERY COUNTY PLANNING BOARD

## OPINION

DATE MAILED: March 19, 2004

SITE PLAN REVIEW #: 8-04015

PROJECT NAME: Fortune Parc

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*Action: Approval subject to conditions. Motion was made by Commissioner Robinson, seconded by Commissioner Perdue, with a vote of 3-0, Commissioners Berlage, Robinson, Perdue voting for. Commissioners Bryant and Wellington were necessarily absent.*

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The date of this written opinion is March 19, 2004, (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before April 19, 2004 (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, this Site Plan shall remain valid for as long as Preliminary Plan #1-03029 is valid, as provided in Section 59-D-3.8.

On March 18, 2004, Site Plan Review #8-04015 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

1. *The Site Plan is consistent with the approved development plan or a project plan for the optional method of development if required;*
2. *The Site Plan meets all of the requirement of the I-3 Zone;*
3. *The location of the buildings and structures, the open spaces, the landscaping, and the pedestrians and vehicular circulation systems are adequate, safe, and efficient;*
4. *Each structure and use is compatible with other uses and other Site Plans and with existing and proposed adjacent development,*
5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

**STAFF RECOMMENDATION FOR SITE PLAN: Approval** of 450 multi-family dwelling units, including 61 MPDUs, 820,000 square feet of office use and 30,000 square feet of retail use in the I-3 Zone on 20.28 acres, and a waiver to reduce parking and building setbacks of 15 feet between stations 541+01.93 to 541+55.95, with the following conditions:

1. Site Plan Enforcement Agreement

Submit a Site Plan Enforcement Agreement, Development Review Program for review and approval prior to approval of the signature set as follows:

Development Program to include phasing as follows:

- 1) Clearing and grading to correspond to the construction phasing, to minimize soil erosion;
  - 2) Coordination of each section of the development of roads;
  - 3) Street tree planting must progress as street construction is completed, but no later than six months after completion of the buildings;
  - 4) Phasing of dedications, stormwater management, sediment and erosion control, or other features;
  - 5) Community-wide facilities, including the clubhouse and pool on Park Potomac Boulevard shall be completed prior to occupancy of the two apartment buildings, unless approved by M-NCPPC staff. Applicant to provide M-NCPPC staff Use and Occupancy permit issued by Montgomery County;
  - 6) The plaza/open area between buildings D and F shall be completed with construction of Buildings D, E and F.
  - 7) Prior to occupancy of any building for the proposed development, the applicant shall install a "super" bus shelter within the subject site, subject to approval of the Montgomery County Department of Public Works and Transportation (DPWT)-Transit Services Division. Applicant shall provide M-NCPPC with notice of application of occupancy permit at time of filing;
  - 8) Site Plan Enforcement Agreement to include recreation facility maintenance.
- b. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and the Montgomery County Department of Permitting Services issuance of sediment and erosion control permit.
- c. No clearing or grading prior to M-NCPPC approval of forest conservation plan and sediment and erosion control plan.

2. Signature Set

Prior to signature set approval of site/landscape plans, the following revisions shall be made, subject to staff review and approval:

Site Plan:

- 1) Show all easements, Limits of Disturbance, Rights-of-Way, Forest Conservation Areas and Stormwater Management Parcels, Condo Association Parcel and trails, planning board opinion, development program inspection schedule, numbers and dates of approval on the drawing.
- 2) The location of all recreation facilities shall be clearly identified on both the site and landscape plans. Complete details and specifications demonstrating full conformance with the Recreation Guidelines shall be added to the plans.



- 3) Location of the Moderately Priced Dwelling Units (MPDUs).
- 4) Revise the MPDU/TDR computations to indicate the requirement to provide sixty-one (61) MPDU units on the subject site (8-04015) in accordance with Chapter 25A of the Montgomery County Code. The remaining fourteen (14) MPDU units will be located within the townhouse units for Site Plan 8-04012. Revise the TDR computations to indicate the requirement to provide fifty-one (51) transferable density rights (TDRs) for the one hundred and two (102) TDR units required within the entire proposed development, which includes Site Plans 8-04012 and 8-04015.
- 5) Retaining walls shall compliment or match adjacent building materials. Details of the retaining walls to be reviewed and approved by M-NCPPC staff.
- 6) All internal sidewalks to be a minimum of 5 feet;
- b. Landscape and Lighting Plan:
  - 1) Provide a soil depth analysis of the area above the structured parking to determine the appropriate plant material to be installed. Details of the planting technique, material and location of the appropriate tree within the islands shall be reviewed and approved by staff prior to signature set approval;
  - 2) Provide a detail of the amenity element to be installed within the raised planter east of the pool and clubhouse and between the two apartment buildings;
  - 3) Planting islands to be a minimum of 8-foot wide;
  - 4) Provide the "calc" zones for the lighting distribution areas. Coordinate with M-NCPPC staff to reduce the max./min. and ave./min. computations in "calc" zone 8 once the zones are established. Lighting standards to conform to the IESNA standards for lighting in commercial parking areas.
  - 5) Provide shields on all light fixtures causing negative glare for vehicular traffic on I-270. Provide a detail of the shields on the lighting plan.
  - 6) Correct the wattage provided for the 14 and 16 foot poles in the summary report.
  - 7) Revise the light pole standards and details on sheet L2.3 to reflect the actual height, wattage and lumens of the proposed lights in the project.
3. Maintenance Responsibilities  
Applicant shall provide documentation to prospective buyers of the multi-family units with regard to maintenance and responsibility of the plant material and hardscape materials within the public utility easement (PUE).
4. Stormwater Management  
Conditions of Montgomery County Department of Permitting Services (DPS) stormwater management concept approval for Phase II dated March 11, 2003 and conditions of the Maryland Department of the Environment letter of approval dated October 8, 2003.
5. Transportation Planning  
Applicant shall comply with the conditions of approval as set forth in the Transportation Planning Memorandum dated March 9, 2004.
6. Forest Conservation  
Applicant shall comply with the following conditions of approval of the Forest Conservation Plan. Final Forest Conservation Plan (including grading and tree protection information) shall satisfy all conditions referenced in the M-NCPPC

Environmental Planning Memorandum dated February 2, 2004, prior to recording plat and the Montgomery County Department of Permitting Services (DPS) issuance of sediment and erosion control permit:

- a. Category I conservation easements to be placed over forest retention areas, forest planting areas and environmental buffer areas. Easements to be shown on record plats.
7. Moderately Priced Dwelling Units (MPDUs)  
Applicant to provide (61) sixty-one MPDUs on the subject site in accordance with Chapter 25A of the Montgomery County Code. The remaining (14) fourteen MPDUs shall be located within the one-family attached units for site plan #8-04012.
8. Transferable Density Rights (TDRs)  
Prior to recording of plats, the applicant shall provide verification of the availability of the required (51) fifty-one transferable density rights (TDRs) for the (102) one hundred two TDR units within the entire Fortune Parc development, which includes site plans #8-04012 and #8-04015.
9. Public Utility Easement  
Applicant to provide conduit within the public utility easement (PUE) adjacent to the public right-of-way in accordance with the letter from Verizon dated January 21, 2004.





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

**MCPB No. 06-42**  
**Site Plan No. 82004015A**  
**Fortune Parc**  
**Date of Hearing: May 4, 2006**

**JAN 12 2007**

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION**

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review site plan applications; and

WHEREAS, on March 18, 2004, the Planning Board approved Site Plan No. 8-04015 (Fortune Parc) ("Site Plan") (Opinion dated March 19, 2004) for 450 multi-family dwelling units, including 61 MPDUs, 820,000 square feet of office use and 30,000 square feet of retail on 20.28 acres of I-3-zoned land at the northwest intersection of Montrose Road and Interstate 270 on Montrose Road and Seven Locks Road ("Property" or "Subject Property"); and

WHEREAS, on April 7, 2005, 1200 BMR Associates, LLC ("Applicant") filed an application for Planning Board review of an amendment to the Site Plan; and

WHEREAS, Applicant's application to amend the Site Plan was designated Site Plan Amendment No. 82004015A, Fortune Parc ("Application" or "Amendment"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on April 21, 2006, Staff issued a memorandum to the Board setting forth its analysis of, and recommendation for approval of, the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on May 4, 2006, Staff presented the Application to the Planning Board at a public hearing, for its review and action (the "Hearing"); and

WHEREAS, on May 4, 2006, the Planning Board heard testimony and received evidence submitted for the record ("Record") on the Application; and

Approved as to  
Legal Sufficiency:

TAB 12/15/06

M-NCPPC Legal Department

8787 Georgia Avenue, Silver Spring, Maryland 20910 Director's Office: 301.495.4500 Fax: 301.495.1310

[www.MontgomeryPlanning.org](http://www.MontgomeryPlanning.org)

WHEREAS, on May 4, 2006, the Planning Board approved the Application, subject to certain conditions, on the motion of Commissioner Wellington, duly seconded by Commissioner Bryant, with a vote of 5-0, Commissioners Berlage, Perdue, Bryant, Wellington, and Robinson voting in favor.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES an amendment to Site Plan No. 82004015A subject to the following conditions:

1. Preliminary Plan Conformance  
The Applicant shall comply with all of the previous conditions of Preliminary Plan 120030290 (formerly 1-03029).
2. Site Plan Conformance  
The Applicant shall comply with the previous conditions of approval for Site Plan 820040150 (formerly 8-04015), except as modified by this amendment.
3. Stormwater Management  
Conditions of Montgomery County Department of Permitting Services ("DPS") stormwater management concept approval for Phase II dated September 17, 2004, and conditions of the Maryland Department of the Environment letter of approval dated October 8, 2003.
4. Development Program  
Applicant shall construct the proposed development in accordance with the Development Program. Prior to approval of certified site plans, the approved Development Program under Site Plan 820040150 (formerly 8-04015) shall be revised to include the additional program elements as follows:
  - a. The recreation amenities proposed for the courtyards and in interior spaces within the residential buildings shall be completed prior to issuance of the first use and occupancy permit for individual buildings. A copy of the use and occupancy permit shall be provided to site plan enforcement staff.
  - b. The open space and associated landscaping and pathways between Buildings 4 and 5 shall be completed prior to issuance of the first use and occupancy permit for Building 4 or Building 5, whichever is to be constructed last.
  - c. Streetscape improvements including paving, lighting, and tree planting shall be installed as site construction is completed, but no later than six months after issuance of the first use and occupancy permit for buildings with



frontage on the applicable street. A copy of the use and occupancy permit shall be provided to site plan enforcement staff.

5. Certified Site Plan

Prior to approval of certified site and landscape/lighting plans, the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Development program, inspection schedule, and Site Plan Opinion.
- b. Details and layout of the recreation facilities.
- c. Revised Site Plan Enforcement Agreement.

BE IT FURTHER RESOLVED, that all site development elements shown on the Fortune Parc site and landscape plans stamped by the M-NCPPC on March 27, 2006, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The subject development does not require the approval of a development plan, diagrammatic plan, schematic development plan or project plan.*
2. *The Amendment meets all of the requirements of the zone in which it is located.*

The Planning Board finds that the Application meets all of the standards and requirements of the I-3 Zone. The Staff Report contained a data table, which listed the Zoning Ordinance development standards requirements for the I-3 Zone, certain standards approved for the Site Plan and the development standards proposed for approval in the Amendment. The Board finds that the Amendment meets all of the requirements of the I-3 Zone based on the aforementioned data table and other relevant information contained in the Staff Report describing the requirements of the I-3 Zone, and Staff and Applicant Hearing testimony. Unless otherwise noted in the table below, the development standards for the commercial portion of the underlying Site Plan remain unchanged. The development standards approved in the Amendment are set forth below:

**Approved Development Standards**

(I-3 Zone)

	Previously Approved for Site Plan No. <u>820040150</u>	Approved by Planning Board for Site Plan Amendment No. <u>82004015A</u> and Binding on Applicant
Density:		
Residential	450 d.u.'s	No change
Commercial Office	820,000 sf	No change
Commercial Retail	30,000 sf	No change
Coverage Limitations: (%)		
Green Space (%)	26.4 (269,000 sf)	27.4 (302,000 sf)
Off-Street Parking	21%	
Internal Green Space:	6%	No Change
Maximum Building Height (Residential)*:		
Buildings 1 and 2	100	100
Buildings 3 and 4	100	100
Buildings 5 and 6	100	84
Maximum No. of Floors (Residential)*:		
Buildings 1 and 2	9-story	10-story (as measured From Park Potomac Ave.)
Buildings 3 and 4	4-story	10-story (as measured From Cadbury Ave.)
Buildings 5 and 6	4-story	8-story (as measured From Ansin Cr.Drive)
Setbacks		
From abutting residentially zoned property recommended for one-family development	Not applicable	Not applicable
From abutting residentially zoned property recommended for other than one-family development	Not applicable	Not applicable



	Previously Approved for Site Plan No. <u>820040150</u>	Approved by Planning Board for Site Plan Amendment No. <u>82004015A</u> and Binding on Applicant
Limited Access Freeway	85/35	No change
Major Highway (Montrose)	50	
Parking:		
Multi-family Residential		
1 Bedroom (Change from 153 to 43 units)	192 spaces	54 spaces
2 Bedroom (Change from 245 to 329 units)	368 spaces	494spaces
3 Bedroom (Change from 52 to 78 units)	104 spaces	156 spaces
Total Residential Parking Required = 704 spaces		
Total Residential Parking Provided:	789 spaces	940 spaces
Total non-residential parking provided	3030	No change

\* Heights and numbers of stories approved in the underlying Site Plan for commercial buildings remain unchanged.

3. *The locations of the buildings and structures, the open spaces, the landscaping, the recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

- a. Buildings and Structures

The location of the buildings is adequate and efficient to the surrounding road network and urban setting. Originally, the 4-story buildings were designed to provide frontage on the public and private roads with vehicular access from the private alleys. The orientation of the original buildings formed interior U-shaped courtyards with focal elements surrounding the pool and clubhouse. The original 9-story condominium building has units

facing the public streets and interior courtyard, while the northern units will look out onto green space associated with the multi-age play area from phase I. The proposed 10-story (maximum 100 feet) building has been designed to provide a similar U-shaped orientation toward the townhouse development to the west. The revised building design provides a similar repetition of massing along the public road and opens the amenity area of the courtyard toward the townhouses. The building design provides three levels of below-grade parking as opposed to the original layout that provided structured parking that backed up to the internal units. The clubhouse and leasing office was removed from the original plan. A residential lobby has been incorporated at the entrance to each building along Park Potomac Drive.

The commercial buildings all relate to the public road with surface parking and structured parking in the rear. Buildings D, E and F all congregate at the intersection of Street A and B encompassing an open plaza and green area. The location, design, and overall layout of the commercial buildings did not change with this amendment.

b. Open Spaces

Open space for this project is generously laid out and conforms directly to the recommendations outlined in the Potomac Subregion Master Plan (2001).

The overall site for Fortune Parc (Preliminary Plan No. 120030290 (formerly 1-03029)), which includes the townhouse development (Site Plan No. 820040120 (formerly 8-04012)) and the Subject Property, required 35 percent of green space for the I-3 development standards. The subject site is providing less than the required 35 percent; however, the two sites combined exceed the green space requirement by approximately ten percent. The subject amendment application increases the original green space total from 26.4 percent (269,000 sf) to 27.4 percent (302,000 sf) primarily between the two proposed condominium buildings. The open space associated with the commercial development has not changed.

Stormwater management consists of off-site channel protection measures via upgrading of the existing State Highway Administration pond and on-site water quality control via biofiltration, surface sand filters and stormfilters. On-site recharge is provided through storage beneath the sand filters and biofiltration.



c. Landscaping

The landscaping proposed is adequate and efficient.

The streetscape for Park Potomac Avenue and Cadbury Avenue is consistent with the original approval in terms of shade trees, lighting, tree spacing, and paving materials. The front of the buildings facing the street contain foundation and ornamental planting to highlight the separation between the public and private realm.

Each condominium includes a courtyard framed by the U-shaped building, which provides a swimming pool, seating areas, pergolas and arbors as well as accent planting that surrounds the open lawn areas. The courtyards are located above the parking garage structures. The area where the clubhouse was located still contains a pedestrian connection from Ansin Circle Drive to Park Potomac Boulevard with additional green space including shade trees and ornamental planting.

The screening provided along the property boundaries to buffer the parking structures from I-270 has not changed with this amendment.

d. Recreation

The proposed development provides all of its recreational facilities on the site. A multi-age play area, seating areas and a series of pedestrian walkways are being provided throughout the site for the entire community. The clubhouse and community swimming pool, originally located between the two apartment buildings, has been deleted. An amenity plaza and courtyard is being provided for each condominium building, which includes a swimming pool, seating areas and open lawn areas.

e. Vehicular and Pedestrian Circulation

Vehicular and pedestrian circulation is adequate, safe, and efficient, providing pedestrian connections and crossings from the street. The internal public roads (Cadbury Avenue and Park Potomac Boulevard) have been permitted for construction by the Department of Permitting Services and are currently under construction.

Park Potomac Boulevard includes 6-foot-wide paved walkways from the back of the tree panels while the east side of the public road has a minimum of 8-foot-wide paved walkways from the rear of the tree panels.



The pedestrian connection between buildings 4 and 5, originally where the clubhouse was located, still provides a direct link from the townhouse development on Ansin Circle to Park Potomac Boulevard and the transit center. Pedestrian access was established via the public road network to the Seven Locks shopping center, Montrose Road and Seven Locks Road through site plan 820040120.

Vehicular access to the office buildings and parking garages abutting the I-270 off-ramp to serve the commercial component will not change with this amendment. The condominium buildings (Buildings 1-4) at the intersection of Park Potomac Boulevard and Cadbury Avenue will access the subsurface garages from Ansin Circle Drive, a private street to the west of the buildings that also serves the townhouses. Condominium buildings 5 and 6 access the subsurface garage from Park Potomac Boulevard, opposite the private drive serving the commercial buildings and the future transit center.

The Applicant will provide a transit center and "super" bus shelter with "real-time" transit information, as well as purchasing of a new Ride-On bus and future operating costs for the Ride-On within the site, as approved by DPWT-Transit Services Division. Elements of the "super" bus shelter include lighting, heating and the "real-time" transit information for riders. The traffic mitigation components were approved as part of the original site plan approval. A traffic mitigation agreement must be executed prior to the release of the first commercial building permit, as required by the conditions of approval for site plan 820040150.

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

Staff had recommended that the Planning Board find that each proposed structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development. Having considered, among other things, Staff's position, the Applicant's testimony and exhibits, and the written and oral arguments of other speakers, both in opposition to and in favor of the proposal, the Planning Board concurs with the Staff recommendation. For reasons stated in Finding No. 6, below, the Board rejects the argument that it must make a finding that the proposed developments achieves a "maximum" of compatibility. Below, is (a) a summary of the respective positions of and testimony and evidence presented by Staff, the Applicant, and other speakers in favor of and opposed to the Application; (b) a discussion of the Board's findings on the compatibility of the proposed development; and (c) a discussion of the



contested issue as to whether the Board is required to find that the proposal maximizes compatibility.

a. Summary of Testimony and Evidence Related to Compatibility

Staff provided testimony at the hearing confirming and expanding upon its recommendation in the Staff Report that the Board find the proposed modified structures and use compatible with other uses and existing and proposed adjacent development:

- During its testimony, Staff emphasized that the Fortune Parc development, including the proposed amendments, provides an appropriate transition from I-270 to the adjoining residential communities and provides a noise barrier from the interstate. Staff advised the Board that the proposed change from 4 story apartments and 9-story condominium building to 10 stories is compatible with the surrounding mix of 5-8 story commercial buildings and 4-story townhouses. (Staff noted that the maximum height for the high-rise residential buildings, including the original 9-story condominium building, was approved for 100 under the original site plan approval.) Staff pointed out the increased open space and green space that would result from the proposed amendment. Staff also described the stepping down of the topography from north to south, approaching Montrose Road and the confronting residential community, and the decision to locate the 8-storey condominium structure at the southern end, suggesting that the combination of these elements provide an appropriate transitional element that would have a considerable positive impact on compatibility with the existing adjoining and nearby residential communities. Staff also noted that compatibility of the proposed condominium structures to the confronting 50-foot townhomes is achieved through the stepping and pushing back of the proposed buildings. In response to Board Member questions, Staff testified that during a site visit in the winter, he could see the top two floors of the existing 10-story building from the adjoining Potomac Springs community but that, in his opinion, the 50-foot townhomes to the west of the proposed development were more imposing than the 10-story structure because of the greater distance to the tall building. Staff also confirmed that with the proposed height changes, the residential buildings would be of similar massing and scale to, and compatible with, the confronting commercial buildings. Staff confirmed that a shadow study had not been performed but noted that, because of the significant pulling back and stepping back of segments of the proposed residential buildings, the shadow cast by those buildings during limited morning hours is unlikely to have changed much from the shadow that would have been cast by the formerly



approved monolithic residential building, which spanned the residential block confronting the townhomes and was located close to the intervening street.

Certain speakers contended that the proposed height change is not compatible with existing and proposed adjacent development. Representatives of the neighboring residential communities of Treasure Oak (confronting the Subject Property to the south, across Montrose Road) and Potomac Springs (confronting the greater Fortune Parc development to the west, across Seven Locks Road) testified at the Hearing on that point:

- The Treasure Oak representative focused on the impact the proposed amendment would have on views from his community of 52 townhomes. He noted that Treasure Oak is at a significantly lower elevation than the Subject Property and that the 50-foot tall townhomes and the existing 10-story structure on the Fortune Parc site are visible from Treasure Oak when there is no foliage in the existing vegetation buffer that separates Treasure Oak from Montrose Road. An additional concern expressed by Treasure Oak was the increase in light pollution that they anticipated would result from the proposed amendment. The representative informed the Board that Treasure Oak had met with representatives of three other existing community associations and that they had agreed that they could agree to a compromise involving a stepping down of building heights from north to south, resulting in a six-story structure being situated on the southern end of the Fortune Parc site, closest to Treasure Oak.
- The Potomac Springs representative argued, through written submissions and verbal testimony, that the proposed height change is not compatible with existing, adjoining residential and commercial developments and the residential townhomes and commercial development within Fortune Parc. He acknowledged that a treed buffer along Seven Locks Road obstructs the view of the Fortune Parc Development from his community but contended that the buffer was ineffectual during the months of the year when the deciduous trees shed their foliage. He commented that graphics presented by the Applicant demonstrated that the top two or three floors of the proposed tall buildings were visible above the existing and under construction 50-foot tall townhomes on the Fortune Parc site. The representative suggested that the proposed increase in building heights would visually clutter the eastern skyline, as viewed from Potomac Springs, and would generate light pollution. He argued that the 150, 50-foot townhomes would sit in the "perennial shadow" of the tall buildings, separated only by a road dividing the Fortune Parc site and questioned whether the purchasers of those townhomes, still under construction at the



time of the Hearing, had been notified of the proposed amendment. (In response to a question from a Board Member, the representative acknowledged that he was not relying on a shade study to support the assertion that the townhomes would be in the shadow of the proposed buildings; he clarified his position, stating that there would be a "figurative" shadow but that he suspected a real shadow would be cast over the townhomes.) Potomac Springs also contended that, in addition to a finding of compatibility with existing and proposed adjacent development, the Zoning Ordinance requires the Board to determine whether the proposed height change achieves a maximum of such compatibility; he urged the Board to deny the proposed amendment on the ground that the Applicant had failed to demonstrate a maximum of compatibility. Potomac Springs advised the Board that it supported the stepping down scheme discussed by the Treasure Oak representative.

The Board also heard from several speakers in favor of the application, including representatives of civic associations, nearby residents, and individuals who have purchased condominiums in the tall structures and the 50-foot townhomes within the Fortune Parc development:

- The testimony of those speakers included statements that: the proposed height increases improved the attractiveness of the project and its compatibility by providing additional green space and relocating parking underground; the proposed amendment is not inconsistent with their expectations; there was an expectation that their would be revisions to the development; that the developer has met with residents concerning the project; that the proposal is consistent with Smart Growth concepts; and that the requested clarification of the number of stories is insignificant because the amendment does not propose an increase in the maximum building height of 100 feet. A representative of the West Montgomery Citizens Association, who characterized that organization as a watchdog for the Potomac and Subregion Master Plan, suggested that the proposed changes were consistent with that Master Plan and commented that the proposed changes did not alter the concept of the overall approved development; and, in fact, that they resulted in net gains because of the increased green space and relocation of parking subsurface.

The Applicant provided substantial testimony and presented exhibits in support of its position that the proposed amendments enhance the compatibility of the project.

- The Applicant commented that the amendment improves compatibility relative to the townhouses by replacing two tall monolithic structures that



would have run the entire length of the residential block and would have been located approximately 60 feet from the shorter 50-foot tall confronting townhomes. He informed the Board that the proposed amendment would push the proposed condominium building back approximately 200 feet from the face of the townhomes, save for approximately 40 percent of the frontage that would remain closer to the street. The Applicant noted that there would be a stepping back of the top two stories of the condominium buildings at the end of their respective wings, providing additional distance from the townhomes of the tallest parts of the structures. The Applicant noted that the proposed height changes would improve the relationship of the condominium building to the tall commercial buildings confronting to the east of Park Potomac Boulevard and create a much stronger pedestrian boulevard and enhances an important intersection through complementary massing. The Applicant commented that the proposed structures are located approximately 700 feet from the Treasure Oak community and 1,200 feet from Potomac Springs. He presented photographic exhibits to the Board, taken during the winter months, from vantage points in both Treasure Oak and Potomac Springs. Utilizing the exhibits, the Applicant commented that, even with the foliage off the trees, it is difficult to see the proposed development from Potomac Springs through the vegetative buffer and that the already-constructed 10-story building is barely visible. He further advised the Board that a vegetative buffer had been maintained on the Fortune Parc side of Seven Locks Road. With specific respect to the view from Treasure Oak, the Applicant commented that the views are dramatically obscured during the winter months and that when the trees contain leaves, the proposed development is completely obscured from that community. In response to Board questions as to whether a stepping down of the tall structures southward had been considered, the Applicant's representative reminded the Board that the topography of the site drops southward to Montrose Road, thereby providing a natural stepping down of the structures. He noted that the Master Plan identifies the subject property as a transition site. The Applicant testified that all purchasers of townhomes within the Fortune Parc development had been notified of the proposed changes and pointed out that no purchasers of those townhomes had expressed opposition to the proposed changes; and, furthermore, that the record contains correspondence from the developer of the Fortune Parc townhomes confirming such support and detailing the disclosure it provides to potential purchasers of the townhomes of the proposed changes to the condominium buildings.



b. Compatibility Analysis

For the following reasons, and those articulated at the Hearing, the Planning Board finds that the proposed structures and uses that are proposed in this Application are compatible with other uses and other site plans and with existing and proposed adjacent development.

(i) Use

The use of the buildings proposed for modification is not being changed from that approved by the original site plan; and, therefore, the Board's original findings with respect to compatibility of proposed use with other uses and other site plans and with existing and proposed adjacent development are applicable and reconfirmed. The Board finds that the change proposed from residential rental units to residential condominiums does not impact the compatibility of the proposal with other uses.

(ii) Structures

In analyzing the Application for amendment, the Planning Board considered the impacts of the proposed changes, from a compatibility standpoint, on existing and proposed adjacent residential and commercial development. As noted above and below, the opposition to the proposed amendments is from residential communities that are not immediately adjacent to the structures that are being modified; testimony and correspondence in the record from persons and organizations with an interest in the immediately adjacent residential communities demonstrate that those closer-in communities are in support of the modifications because they believe that compatibility with their communities will, in fact, be enhanced through approval of the proposed amendments. In finding that the proposed modifications render the proposed structures compatible, the Board considered the impact to all adjacent existing and proposed development but gives greater weight to the compatibility relative to development that is physically closer to the structures proposed for modification as the Board determines that such development is affected by the changes to a greater extent. The Board acknowledges that, had the Applicant simply proposed an increase in building height, the compatibility of those structures would have decreased; however, the record is clear that this Application counterbalances the increases in height with, among other things, a significant increase in open space and green space, resulting in an enhancement of the compatibility of the proposed development. The Board's analysis is set forth below.



(1) Compatibility with Existing and Proposed Adjacent Residential Development

The Board finds that the testimony and evidence of record supports a finding that the proposed height and massing changes of the subject Application are compatible with the existing and proposed adjacent residential development.

First, with respect to the Potomac Springs development, the Board finds that a substantial amount of testimony and evidence of record (which is set forth above, in greater detail), establishes that the proposed modified structures are compatible with that community: uncontested testimony and evidence of record establishes that a considerable horizontal separation of approximately 1,200 feet exists between the subject structures and Potomac Springs; photographic exhibits provided by the Applicant demonstrate that a substantial natural visual screen exists from the vantage point of the Potomac Springs community even during those times of year when trees have dropped their foliage, and that the fact that the upper two stories of a ten-story building may be visible does not render the proposed changes incompatible; Staff's description of its observations during a site visit bolster the photographic evidence discussed above, confirming that the significant horizontal separation, combined with considerable natural screening is sufficient to find compatibility; as viewed from Potomac Springs, the downward slope of the Subject Property from north to south will provide a natural stepping down of the subject structures (further emphasized by the lower height of the southernmost structure), some of which, it is reasonable to assume, based on testimony and evidence of record, will be obscured by the natural screen, if not the intervening 50-foot townhomes; and, finally, there is no credible evidence of record to support the opposition's contention that, conservatively, the upper 2-3 stories of buildings located 1,200 feet from Potomac Springs will generate levels of "light pollution" that will render the proposed structures incompatible.

Second, with respect to the Treasure Oak community, the Board similarly finds that a substantial amount of testimony and evidence of record establishes that the proposed modified structures are compatible with that community: uncontested testimony and evidence of record establishes that a significant horizontal distance of approximately 700 feet, including a major roadway, Montrose Road, separates the subject structures and Potomac Springs; photographic exhibits provided by the Applicant demonstrate that a substantial natural visual screen exists on the south side of Montrose Road, which serves to obscure much of the view of the



proposed development from the vantage point of the Treasure Oak community, even—as with Potomac Springs—during late Fall and Winter; the location of the shortest, 8-story structure at the southernmost end will serve to mitigate any potential visual impact; the natural stepping down of the subject structures, as a result of the site's topography, will further serve to mitigate any visual impact; there exists no credible evidence of record to suggest why a stepping down of structures from ten stories to a height of six stories at Montrose Road (as Treasure Oak), would render the proposed development compatible with Treasure Oak, while the proposed step-down to eight stories would not; as with Potomac Springs, there is no credible evidence of record to support the opposition's contention that the development will generate levels of "light pollution" that will render the proposed structures incompatible with Treasure Oak or why the proposed step-down to an 8-storey structure will result in light levels that are significantly different from those of Treasure Oak's preferred step-down.

Third, with respect to compatibility with the 50-foot townhomes located within the Fortune Parc development and immediately confronting the buildings proposed for change, the Board observes that compatibility has only been questioned by persons who have no interest in those townhomes, such as the representative from the wholly separate Potomac Springs community. The Board finds that a substantial amount of testimony and evidence of record establishes that the proposed modified structures are compatible with the townhomes: the townhomes, themselves, are four stories and 50-feet tall; testimony of Staff and the Applicant, as well as drawings in the record demonstrate that the proposed change from monolithic apartment buildings close to the street to the partially, and generously, set back taller condominium buildings will result in significantly more open and green space across the street from the most-affected townhomes; the proposed stepping back of the upper stories of the condominium represents another design accommodation aimed at maximizing the light and air to the confronting townhomes; expert technical staff testimony that the morning shadow cast onto the townhomes from the proposed structure will not be significantly different than the shadow that would have been cast by the formerly-approved monolithic residential building, because the new design sets back a majority of the façade a relatively long distance from the townhomes; and, finally, the relocation of all the formerly on-grade parking to underground structures significantly enhances compatibility by replacing significant amounts of paved parking area with green and other open space.



(2) Compatibility with Existing and Proposed Adjacent Commercial Development

The Board finds that testimony and evidence of record supports a finding that the proposed height and massing changes of the subject Application are compatible with the existing and proposed adjacent commercial development.

The approved 100-foot tall (maximum) commercial buildings within the Fortune Parc development are located across Park Potomac Boulevard from the residential buildings that are the subject of this application for an increase in height. The Board concurs with Staff and the Applicant that the increased height will enhance the compatibility between those commercial and residential buildings, as they will now relate better to each other because of their similar mass and scale. A similar height relationship between confronting residential and commercial structures was accepted and approved by the Board at the north end of Park Potomac Boulevard through the underlying site plan. The Board concurs with the Applicant that the proposed amendment will result in an aesthetically consistent pedestrian boulevard, bounded by structures of similar height and massing.

The Board finds that the proposed changes are compatible with the existing commercial structures to the north of the Fortune Parc development. Potomac Springs' representative contended that the proposed height modifications to replacement buildings 3 and 4 (100 feet) and 5 and 6 (84 feet) are wholly disproportionate to the neighboring shopping centers and to what he asserts are nearby commercial buildings of up to 50 feet in height. As a part of its approval of the underlying site plan, this Board has already determined that the two residential buildings at the north of the site (buildings 1 and 2—approved to heights of up to of up to 100 feet) are compatible with the existing adjacent commercial development to the north. The Board finds that the proposed height increases are similarly compatible to neighboring existing commercial development and will have significantly less impact on such commercial development because (1) the residential buildings that are the subject of the increased heights are located south of buildings 1 and 2 and are, therefore, located farther away from the existing commercial structures; (2) because the Subject Property slopes southward, buildings 3 and 4, also approved for a maximum height of 100 feet, will be constructed at lower elevations and, consequently, will appear to be shorter than a 100 foot high building 1; (3) buildings 5 and 6, located at elevations even lower than buildings 3 and 4, and having an approved maximum height of 84



feet, will appear even shorter; and (4) graphic documentation of record demonstrates that buildings 1 and 2 are located between, and almost completely visually screen buildings 3 - 6 from the commercial buildings to the north of the Subject Property.

c. Code Section 59-D-3.4(d)

The Planning Board expressly rejects the assertion, made by an opposition speaker, that the Board is required to find that the proposal maximizes compatibility.<sup>1</sup> The contested provision of the Montgomery County Zoning Ordinance, § 59-D-3.4(d) states, in relevant part, that "[t]he Planning Board must not approve the proposed site plan if it finds that the proposed development would not achieve a maximum of compatibility, safety, efficiency, and attractiveness." (Emphasis added.) The Board interprets this provision, which is set forth in a separate section from the five required site plan findings enumerated in Section 59-D-3.4(c), as directing the Board to disapprove proposed site plans if it determines that, in the aggregate, the considerations of compatibility, safety, efficiency, and attractiveness will not be maximized. In other words, the question is not whether the proposed development achieves a maximum of any one of those four considerations individually, but whether, on balance, the design yields a maximum of those potentially competing considerations. In support of its interpretation, the Board notes that (1) as discussed above, the 59-D-3.4(c) findings do not require a finding of a "maximum" of the factors of compatibility, adequacy, safety or efficiency; and (2) Section 59-D-3.4(d) calls for "a" maximum of several enumerated factors and not "the" maximum of each of those factors, which suggests the correct approach is the consideration of the interrelationship of all those factors in the aggregate and not in isolation, thereby permitting multiple acceptable solutions.

For the reasons stated above, the Planning Board has found, with the modifications proposed as a part of this amendment application, that (1) the development is adequate, safe, and efficient, taking into consideration the locations of buildings and structures, the open spaces, the landscaping, the recreation facilities, and the pedestrian and vehicular circulation systems; and (2) the development is compatible with other uses and other site plans and with existing and proposed adjacent development. The significant modifications to the site plan include the substitution of four taller residential structures for the two previously approved, 4-story residential apartment buildings, resulting in a

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<sup>1</sup> The Board observes that opponents to the Application solely argue that the development does not "maximize" compatibility and do not contend that the development does not achieve a "maximum" of safety, efficiency or attractiveness. Therefore, the Board finds that the safety, efficiency, and attractiveness of the proposed development is uncontested.



significant decrease in building footprints and permitting a proportional increase in open and green space. That change has enhanced the attractiveness of the development by removing two monolithic multi-family residential structures and their associated surface parking lots and replacing them with four structures with varying setbacks and step-backs that combine to provide significantly more green space and a much more interesting street experience. As such, the Board finds a significant enhancement of the attractiveness of the west side of the development. The Board also finds, as discussed above, that the attractiveness of the commercial east side of the development is enhanced by allowing for the construction of structures of a similar height and massing to frame the entire length of Park Potomac Boulevard.

Having considered each of the statutory factors in isolation, and having determined that the proposal satisfies each factor, the Board finds that those factors, when considered in the aggregate, will achieve a development with a maximum of compatibility, safety, efficiency, and attractiveness by: significantly increasing the amount of open and green space; replacing the previously approved monolithic structures with structures of a reduced footprint and interesting massing, including setbacks and step-backs; maintaining important pedestrian links between the townhome development on Ansin Circle and Park Potomac Boulevard and the transit center; and relocating a substantial amount of parking below grade.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

Forest conservation requirements are being met on site through the retention of 7.03 acres of existing forest along the frontage of Seven Locks Road and the stream valley area on the south side of Montrose Road. The applicant has a planting requirement of 9.69 acres, which will be met through a combination of on-site landscaping and off-site forest plantings. The existing forested areas to be retained will be placed in a Category I forest conservation easement.

The proposed amendment does not change the limits of disturbance of the approved forest conservation plan. The overall forest conservation plan incorporates site plans (820040120 and 820040150).

BE IT FURTHER RESOLVED, that this site plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

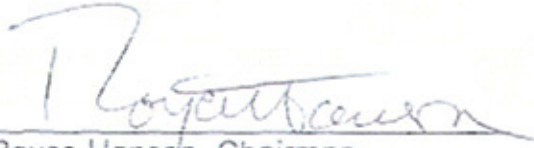


BE IT FURTHER RESOLVED, that the date of this written opinion is JAN 12 2007 (which is the date that this opinion is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules of Court – State).

CERTIFICATION

At its regular meeting, held on Thursday, December 21, 2006, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner Robinson, seconded by Commissioner Wellington, with Commissioners Hanson, Perdue, Robinson, and Wellington voting in favor, and Commissioner Bryant absent, ADOPTED the above Resolution, which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Site Plan No. 82004015A, Fortune Parc.

  
Royce Hanson, Chairman  
Montgomery County Planning Board



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

MCPB No. 07-159  
Site Plan No. 82004015B  
Project Name: Park Potomac  
Hearing Date: June 21, 2007

SFP 19 7007

**RESOLUTION**

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on October 19, 2006, Fortune Parc Development Partners, LLC, et al ("Applicant"), filed a site plan amendment application designated Site Plan No. 82004015B ("Amendment") for approval of the following modifications:

1. Modify multi-family buildings 1 and 2 to allow up to 8,557 square feet of ground-floor retail;
2. Modify multi-family buildings 3 and 4 to allow up to 9,340 square feet of ground-floor retail;
3. Modify multi-family buildings 5 and 6 to reduce the maximum height from 100 to 82 feet and allow up to 10,700 square feet of ground-floor retail;
4. Modify mixed-use building A to decrease the maximum amount of gross floor area of retail and commercial uses from 168,000 square feet of office space to 143,703 square feet, including a maximum of 135,000 square feet of office and 8,703 square feet of restaurant/retail uses;
5. Modify mixed-use building B to reduce the maximum building height from 100 to 80 feet and decrease the maximum amount of gross floor area for commercial uses from 100,000 square feet, including 95,000 square feet of office and 5,000 square feet of retail, to 61,000 square feet of office space;
6. Modify mixed-use building C to increase the maximum amount of gross floor area for retail and commercial uses from 89,000 square feet, including 84,000 square feet of office and 5,000 square feet of retail, to 108,000 square feet, including a maximum of 101,000 square feet of office and 7,000 square feet of retail uses;
7. Modify mixed-use building D to decrease the maximum amount of gross floor area of retail and commercial uses from 124,100 square feet, including 119,100

Approved as to  
Legal Sufficiency:

*MAC 9/4/07*

8787 Georgia Avenue, Suite 200, Silver Spring, Maryland 20910

MNCPPC Legal Department Chairman's Office: 301.495.4605 Fax: 301.495.1320  
[www.MCParkandPlanning.org](http://www.MCParkandPlanning.org) E-Mail: [mcp-chairman@mncppc.org](mailto:mcp-chairman@mncppc.org)

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square feet of office space and 5,000 square feet of retail, to 117,000 square feet, including a maximum of 96,000 square feet of office, 15,000 square feet of retail, and 6,000 square feet of restaurant/retail uses;

8. Modify mixed-use building E to increase the maximum amount of gross floor area of retail and commercial uses from 172,200 square feet, including 167,200 square feet of office and 5,000 square feet of retail, to 184,000 square feet, including a maximum of 177,000 square feet of office and 7,000 square feet of restaurant/retail uses;
9. Modify mixed-use building F to allow a 156-room hotel and increase the maximum amount of gross floor area of retail and commercial uses from 111,300 square feet, including 106,300 square feet of office and 5,000 square feet of retail, to 151,700 square feet, including a maximum of 133,000 square feet of hotel, 2,000 square feet of hotel meeting room, 12,000 square feet of retail, and 4,700 square feet of restaurant/retail uses;
10. Modify mixed-use building G to include a grocery store with a maximum building height of 40 feet and decrease the maximum amount of gross floor area of retail and commercial uses from 107,200 square feet, including 102,200 square feet of office and 5,000 square feet of retail, to 56,000 square feet, including a maximum of 46,026 square feet of grocery retail and 9,974 square feet of retail uses;
11. Redesign the public plaza on the east side of Park Potomac Avenue across from the intersection with Cadbury Avenue;
12. Redesign the sidewalk on the east side of Park Potomac Avenue between the transit facility and the public plaza;
13. Add an entrance to the site from east-bound Montrose Road through the existing tunnel to the roundabout at Park Potomac Avenue;
14. Add a right-out exit from the site onto west-bound Montrose Road;
15. Extend the median on Cadbury Avenue from Ansin Circle to Park Potomac Avenue;
16. Revise streetscape improvements to reflect new building and driveway configurations;
17. Reduce the required setback from I-270 for a portion of Building E and the structured parking lot, between stations 541+01.93 and 541+55.95 (a distance of 54.02 feet), from the approved 85 feet to 80 feet for the building, and from the approved 35 feet to 28 feet for the parking lot; and



WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staffs of other governmental agencies, Staff issued a memorandum to the Planning Board dated June 11, 2007, setting forth its analysis and finding the amendment to be consistent with the provisions of Section 59-D-3.7 of the Montgomery County Zoning Ordinance for site plan amendments, and recommending approval of the Amendment with conditions;

WHEREAS, on June 21, 2007, Staff presented the Amendment to the Planning Board for its review and action (the "Hearing"); and

WHEREAS, on June 21, 2007, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Bryant; seconded by Commissioner Robinson; with a vote of 3-0, Commissioners Bryant, Hanson, and Robinson voting in favor commissioner Perdue and Wellington absent;

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and approves Site Plan No. 82004015B subject to the following conditions:

1. The Applicant will, for the portions of Buildings D, E, and F fronting onto Park Potomac Avenue or the plaza, provide a minimum of two full stories, or 35 feet, of building height or datum line from the sidewalk in front of that building. For building frontages already taller than two full stories or 35 feet, the Applicant will provide a continuous visual expression of that datum. For the portion of the one-story Building G fronting Park Potomac Avenue, the Applicant will provide a minimum parapet height of 20 feet from the sidewalk in front of the building;
2. Along the portions of Buildings D, E, and F fronting the plaza, the Applicant will provide pedestrian-scaled projecting elements at the ground floor, such as awnings or similar embellishments, to help activate the restaurant and retail frontage;
3. The Applicant will revise the streetscape design along the Park Potomac Avenue frontage of Buildings C and D per the Planning Board's recommended Streetscape Options, subject to DPWT approval. The Applicant understands that failure to obtain DPWT approval for a streetscape alternative will require the Applicant to amend the Site Plan accordingly

As conditioned the Amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board for the originally approved site plan.



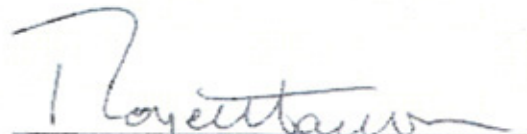
BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this site plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this written resolution is SEP 19 2007 (which is the date that this opinion is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

. . . . .  
At its regular meeting, held on Thursday, September 6, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner Robinson, seconded by Commissioner Bryant, with Commissioners Hanson, Bryant, and Robinson voting in favor, and Commissioners Cryor and Lynch abstaining, ADOPTED the above Resolution, which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Preliminary Plan No. 120060290-The Rugby Condominium.



Royce Hanson, Chairman  
Montgomery County Planning Board



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

**Memorandum**

**TO:** Rollin Stanley, Planning Director

**FROM:** Rose Krasnow, Chief of Development Review *RK*

**VIA:** Robert Kronenberg, Supervisor, Development Review *RK*  
Elza Hisel-McCoy, Assoc. AIA, LEED-AP, Development Review *EH*

**RE:** Park Potomac  
SITE PLAN #82004015C

**DATE:** February 13, 2008

Pursuant to Montgomery County Code Division 59-D-3.7 (Minor Amendments), the Planning Director may approve in writing any application for an amendment to the Certified Site Plan. Administrative or "Director Level" Amendments are modifications to the approved Certified Site Plan that are considered minor in nature and do not alter the intent and objectives of the plan.

A Pre-Application meeting with the community/public/parties of record is not required. A Pre-Submittal meeting with the DRD Intake Section is also not required; however, submittal of the application to DRD is applicable. Administrative Amendments must satisfy the noticing and posting requirements as identified in Sections 4.C and 4.D (a) (ii) of the Development Manual and require approval of the Planning Director.

On December 19, 2007, Fortune Parc Development Partners, LLC ("Applicant"), filed a site plan amendment application designated Site Plan No. 82004015C ("Amendment") for approval of the following modifications:

1. Emend the retail plaza at Condominium Building #2 to:
  - a. widen steps from the sidewalk to the plaza;
  - b. add additional stormwater intake grates;
  - c. add a vegetative screen along the adjacent retaining wall; and
  - d. modify adjacent landscaping.



A notice regarding the subject site plan amendment was sent to all parties of record by the Applicant on January 25, 2008. The notice gave the interested parties 15 days to review and comment on the contents of the amended site plan. Staff did not receive any correspondence from the parties of record.

The proposed amendment is consistent with the provisions of Section 59-D-2.6 of the Montgomery County Zoning Ordinance for Minor Plan Amendments. The amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board for the originally approved site plan.

This Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8. The Applicant is responsible for submitting a certified site plan after approval by the Director for the specific modifications.

ACCEPTED & APPROVED BY:

  
\_\_\_\_\_  
Rollin Stanley, Planning Director

  
\_\_\_\_\_  
Date Approved



MONTGOMERY COUNTY PLANNING DEPARTMENT  
DEVELOPMENT REVIEW DIVISION CAPITAL PARK AND PLANNING COMMISSION

Memorandum

TO: Rollin Stanley, Planning Director

FROM: Rose Krasnow, Chief of Development Review *RK*

VIA: Robert Kronenberg, Supervisor, Development Review *RK*  
Elza Hisel-McCoy, Assoc. AIA, LEED-AP, Coordinator, Development Review *EH*

RE: Park Potomac  
SITE PLAN #82004015D

DATE: June 16, 2008

Pursuant to Montgomery County Code Division 59-D-3.7 (Minor Amendments), the Planning Director may approve in writing certain amendments to the Certified Site Plan. Administrative or "Director Level" Amendments are modifications to the approved Certified Site Plan that are considered minor in nature and do not alter the intent and objectives of the plan.

A Pre-Application meeting with the community/public/parties of record is not required. A Pre-Submittal meeting with the DRD Intake Section is also not required; however, submittal of the application to DRD is applicable. Administrative Amendments must satisfy the noticing and posting requirements as identified in Sections 4.C and 4.D (a) (ii) of the Development Manual and require approval of the Planning Director.

On February 22, 2008, Fortune Parc Development Partners, LLC, ("Applicant") filed a site plan amendment application designated Site Plan No. 82004015D ("Amendment") for approval of the following modifications:

1. Redesign the main residential entrance for Buildings 1 and 2 with a new canopy, front doors, and associated landscaping;
2. Change the design and materials of the roundabout on Park Potomac Avenue;
3. Lower the proposed outfall walls at the Montrose Road entrance; and
4. Eliminate 5 parking spaces and modify foundation planting at Building E.



A notice regarding the subject site plan amendment was sent to all parties of record by the Applicant on February 12, 2008. The notice gave the interested parties 15 days to review and comment on the contents of the amended site plan. Staff did not receive any correspondence from the parties of record.

Staff endeavors to review these Administrative Amendments with all possible expediency. The delay in completing the review of this proposal was the result of the Applicant's inclusion in their submitted plans of additional modifications to the site that were not within the scope of the original Plan Submittal checklist, as approved by the staff. Furthermore, these additional changes were not within the purview of an Administrative Amendment, nor did staff support them. The Applicant subsequently withdrew those portions of the proposal, allowing staff to conclude the review.

The proposed amendment is consistent with the provisions of Section 59-D-2.6 of the Montgomery County Zoning Ordinance for Minor Plan Amendments. The reduced parking provided for Building E remains in compliance with the Zoning requirements. Further, the Applicant is coordinating the height and location of outfall walls with the appropriate County Agency. The amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board for the originally approved site plan.

This Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8. The Applicant is responsible for submitting a certified site plan after approval by the Director for the specific modifications.

ACCEPTED & APPROVED BY:



Rollin Stanley, Planning Director

6.16.08

Date Approved



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

Memorandum

TO: Rollin Stanley, Planning Director

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

FROM: Elza Hisel-McCoy, Assoc. AIA, LEED-AP *cm*  
Coordinator  
Development Review Division

RE: Park Potomac  
SITE PLAN #82004015E

DATE: July 28, 2009

Pursuant to Montgomery County Code Division 59-D-3.7 (Minor Amendments), the Planning Director may approve in writing certain applications for an amendment to the Certified Site Plan. Administrative or "Director Level" Amendments are modifications to the approved Certified Site Plan that are considered minor in nature and do not alter the intent and objectives of the plan.

A Pre-Application meeting with the community/public/parties of record is not required. A Pre-Submittal meeting with the DRD Intake Section is also not required; however, submittal of the application to DRD is applicable. Administrative Amendments must satisfy the noticing and posting requirements as identified in Sections 4.C and 4.D (a) (ii) of the Development Manual and require approval of the Planning Director.

On May 14, 2009, Fortune Parc Development Partners, LLC, ("Applicant") filed a site plan amendment application designated Site Plan No. 82004015E ("Amendment") for approval of the following modifications:

1. adjust building height measurement point for condominium buildings #1 and #2;
2. adjust pond grading of "Sanfilter #1";
3. add a 2-foot "zone of influence" for the condominium and commercial buildings;
4. adjust the location of street lights at the Park Potomac Avenue and Montrose Road entrances;
5. revise the parking lot light locations at building "G";
6. add bollards at building "G";
7. revise the light and bollard locations at the Plaza and at building "E";
8. adjust the surface parking layout at building "G";



9. add a canopy to and revise the layout of the bank drive aisle at building "E";
10. adjust the shape of the planters at buildings "E" and "G";
11. revise the landscape material in the bioswale at buildings "E" and "G";
12. revise the planter material from precast concrete to "Carderock";
13. reconfigure the plaza layout to accommodate field grading issues, to include small steps where necessary in lieu of introducing curbing, the final details of which will be determined at Certified Site Plan;
14. revise on-site lighting photometric plan to reflect proposed changes; and

A notice regarding the subject site plan amendment was sent to all parties of record by the Applicant on May 19, 2009. The notice gave the interested parties 15 days to review and comment on the contents of the amended site plan. Staff did not receive any correspondence from the parties of record.

Given their limited nature, Staff endeavors to review Administrative Amendments within two weeks. However, the review of this amendment had to be extended to allow the Applicant to address staff comments regarding the proposed modifications to the design of the plaza. Upon satisfactory resolution of this issue, staff completed its review.

The proposed amendment is consistent with the provisions of Section 59-D-2.6 of the Montgomery County Zoning Ordinance for Minor Plan Amendments. The amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board for the originally approved site plan.

This Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8. The Applicant is responsible for submitting a certified site plan after approval by the Director for the specific modifications.

ACCEPTED & APPROVED BY:



Rollin Stanley, Planning Director

7.28.09

Date Approved

## B. Agency Letters



**Hisel-McCoy, Elza**

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**From:** Navid, Sarah [Sarah.Navid@montgomerycountymd.gov]  
**Sent:** Thursday, September 10, 2009 8:56 AM  
**To:** Hisel-McCoy, Elza  
**Cc:** kalt@foulgerpratt.com; MFertig@rockvillemd.gov; Jeff Amateau; Cheung, Joseph; Leck, Gregory; Axler, Ed  
**Subject:** Park Potomac Site Plan #82004015F

Elza,

This is to confirm that the Department of Permitting Services, Right of Way Permit and Plan Review Section (lead agency for review of traffic circulation, geometrics and access issues at site plan), is in support of the proposed amendment. The connection between Park Potomac Avenue and Fortune Terrace (City of Rockville) by means of a roundabout will improve overall access and circulation for the surrounding communities. It provides, in our judgment, the safest and most efficient intersection design to accommodate the needs of pedestrians, through vehicles and trucks using the Harris Teeter loading docks. The roundabout is entirely located within the County and will be maintained by the County.

***Sarah R. Navid***

***Department of Permitting Services  
255 Rockville Pike, Rockville, MD 20850***

***240-777-6304***



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

September 23, 2009

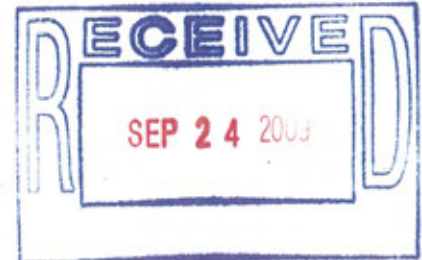
**MEMORANDUM**

TO: Elza Hisel-McCoy, Site Planner  
Development Review Division

VIA: Shahriar Etemadi, Supervisor  
Transportation Planning Division

FROM: Ed Axler, Planner/Coordinator  
Transportation Planning Division

SUBJECT: Site Plan No. 82004015F  
Park Potomac (or Fortune Parc)  
Potomac Policy Area



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This memorandum is Transportation Planning staff's Adequate Public Facilities (APF) review of the subject site plan amendment. The APF test was approved by the Planning Board at its public hearing on June 21, 2007, for Preliminary Plan No. 12003029A.

**RECOMMENDATIONS**

We recommend the following conditions as part of the transportation requirements related to the site plan amendment:

1. The fourth condition of approval in the Planning Board's Opinion for Preliminary Plan No. 120030290 must be modified as part of transportation requirements related to the site plan amendment. They include:
  - a. Provide a third public access point for the Fortune Parc site from the northern terminus of Park Potomac Avenue at Fortune Terrace.
  - b. Provide an eight-foot asphalt path on the north side of Fortune Terrace.
2. The Applicant must locate the inverted-U racks in front of the main entrances to the apartment and commercial buildings for visitor's short-term bicycle parking. The ultimate locations of the bike racks and lockers will be determined at certified site plan.



- 3 The Applicant's plan for the proposed traffic circle at Park Potomac Avenue and Fortune Terrace must include adequate handicapped ramps to be ADA accessible from all directions.

Attached for your reference are the Planning Board's opinion and resolution for the previously approved preliminary plan and amendment, respectively.

## **DISCUSSION**

### Site Location and Vehicular Access Points

The site is located on the north side of Montrose Road between I-270 and Seven Locks Road. The previously-approved vehicular access points were at the following locations:

1. Park Potomac Drive and a grade-separated connection with Montrose Road and the I-270 southbound ramp. Under Site Plan No. 12004012B approved in 2007, site access was provided to and from eastbound and westbound Montrose Road and southbound I-270.
2. The intersection of Cadbury Avenue and Seven Locks Road.

A new third access point is proposed at the northern terminus of Park Potomac Avenue with Fortune Terrace that connects to Seven Locks Road north of Cadbury Avenue. The last plan submitted for the proposed traffic circle at this intersection needs to be revised to be ADA accessible.

### On-Site Bicycle Parking

This amended site plan shows the location of the bike racks in the parking garage. We recommend that they be relocated to the front of the building entrance where the short-term visitor parking should be located. The ultimate locations will be determined at the time of site plan certification.

### Master-Planned Roadways and Bikeways

In accordance with the *Potomac Master Plan* and the *Countywide Bikeways Functional Master Plan*, the adjacent master-planned roadways and bikeways are designated as follows:

1. Montrose Road west of I-270 is an arterial, A-293, with a recommended 140-foot right-of-way. A shared-use path, SP-50, is designated on the north side of Montrose Road.
2. Seven Locks Road is an arterial, A-79, with a recommended 80-foot right-of-way. A dual bikeway, DB-3, is designated on Seven Locks Road.
3. Dwight D. Eisenhower Highway, I-270, is a freeway, F-1, with a recommended 300-foot right-of-way.

Fortune Terrace is located within the City of Rockville corporate limits. This roadway has a 44-foot-wide paved travelway with an eight-foot-wide asphalt path on the north side for pedestrians and bicycles. In accordance with the *City of Rockville Comprehensive Master Plan*, Fortune Terrace is a primary industrial road that functions as a major collector, carrying between 5,000 and 20,000 vehicles per day.

#### On-Going Transportation Project

The segment of I-270 along the eastern property line is included in the Maryland State Highway Administration (SHA) Capital Transportation Program (CTP) Project No. AW518B11, Feasibility Study for Express Toll Lanes along I-270 between I-495 and I-370.

#### Previously Required Traffic Mitigation

The following were the Applicant's required traffic mitigation under the original preliminary plan approval in 2003:

1. In accordance with the *I-3 zoned Traffic Mitigation Guidelines* and for the portion of the subject development in this zone, the Applicant must reduce the site-generated peak-hour trips by six percent (for the Potomac Policy Area) of the standard trip generation rate.
2. The Applicant must implement the recommendation of the adopted 1980 *Potomac Master Plan* as follows (refer to the attached page from this Master Plan): "A shuttle service or other transit connection should be provided to Metro when development supports the service as determined at time of development plan approvals. Additional trip mitigation measures such as the provision of a park-and-ride facility, or financial contribution to such a facility, should be considered at site plan."

The subject mixed-use development is located outside the North Bethesda Transportation Management District (TDM) boundaries.

#### Local Area Transportation Review

A traffic study was submitted to review Preliminary Plan No. 12003029A in 2007 to satisfy Local Area Transportation Review (LATR). The total number of site-generated trips in the 2007 Study will not change. The approved mixed use development would generate 1,424 new and 1,621 total peak-hour trips within the weekday morning (6:30 to 9:30 a.m.) peak period and 1,725 new and 2,577 total peak-hour trips evening (4:00 to 7:00 p.m.) peak period. Total trips include the new, diverted, pass-by, and internal trips. Pass-by and diverted trips refer to those trips that are already on the road and stop at the subject site on the way from other origins or destinations. Internal trips refer to those trips that stay within the site and travel between two compatible internal land uses such as between the apartments and the office or retail uses.

Based on the results of the 2007 traffic study, the calculated Critical Lane Volume (CLV) values at 19 of 21 studied intersections were within the congestion standards. At two of the intersections, the CLV values exceed the congestion standards. The following intersection



improvements for these intersections were required to satisfy the APF/LATR test under the approved Preliminary Plan No. 12003029A:

1. Montrose Road and Tower Oaks Boulevard: Converting the center lane on the southbound approach of Tower Oaks Boulevard from a left-turn only lane to a combined right-turn and left-turn lane approaching Montrose Road.
2. Seven Locks Road and Tuckerman Lane: Constructing a separate free-flow right-turn lane on the northbound approach of Seven Locks Road.

For this site plan amendment, the new site access point from Park Potomac Avenue at Fortune Terrace would result in providing a second connection to Seven Locks Road via Fortune Terrace, besides the previously-approved connection with Cadbury Avenue. The new connection would result in reducing up to 7 peak-hour trips (or 5% of the total site-generated traffic) that were projected to:

1. Turn right from westbound Cadbury Avenue to northbound Seven Locks Road.
2. Turn left from southbound Seven Locks Road to eastbound Cadbury Avenue.

These peak-hour trips would be redistributed through the intersections of Park Potomac Avenue/Fortune Terrace and Seven Locks Road/Fortune Terrace. At Seven Locks Road/Fortune Terrace, the CLV values from the 2007 traffic study were less than 840 within the weekday morning and evening peak hours--approximately half the 1,500 congestion standard. Thus, providing a new site access point at Park Potomac Avenue/Fortune Terrace would not have any adverse impact on the local road network.

#### The Policy Area Mobility Review

The Policy Area Mobility Review (PAMR) test under the *Growth Policy* was not required because the original Preliminary Plan No. 1-03029 and amended Preliminary Plan No. 1-03029A were approved before November 13, 2007. For Preliminary Plan No. 1-03029 approval in 2003, the Policy Area Transportation Review (PATR) test was required under the *Annual Growth Policy (AGP)* where developments located only in the Potomac Policy Area were controlled by zoning, water and sewer constraints. For Preliminary Plan No. 1-03029A approval in July 2007, the Policy Area Transportation Review was deleted from the *AGP*.

EA:tc  
Attachments

cc: Wes Guckert  
Callum Murray  
Barbara Sears  
Fiona Thomas

mmo to Hisel-McCoy re 82004015F Park Potomac.doc

## ATTACHMENT A



### MONTGOMERY COUNTY PLANNING DEPARTMENT

1000 ROCKVILLE AVENUE, SUITE 200, ROCKVILLE, MD 20850-4000

Agenda Date: March 17, 2008  
Agenda Item No. 11

#### MEMORANDUM

TO: Montgomery County Planning Board

FROM: Rollin Stanley, Planning Director

VIA: Rose Krasnow, Chief  
Richard Weaver, Planner Coordinator (301) 495-4544  
Development Review Division

Re: Correction of Resolution for Preliminary Plan No. 12003029A, MCPB  
No. 07-160, Park Potomac (A.K.A. Fortune Parc)

Attached, please find a redlined version of the Resolution for Preliminary Plan No. 12003029A (Park Potomac). The Resolution was signed by the Chairman at the September 6, 2007, Planning Board Hearing, and was mailed out to all parties of record on October 2, 2007. This Corrected Resolution addresses two errors on page 2 of the original Resolution

The first correction is to clarify that the development of general office use space was approved for up to 570,000 square feet, not 470,000 square feet. This error was in the staff report presented to the Planning Board but was brought to the attention of the Board, by staff, at the June 21, 2007, public hearing on the preliminary plan. The Board acknowledged the typo in the staff report and included the correct square footage in their final action on the preliminary plan. The Resolution failed to make the correction.

The second correction is to address a typographical error in the Resolution. The hotel was actually approved for 156 rooms, not 15 as shown in the Resolution. The staff report correctly identified the 156 room limitation and the Planning Board's final action at the June 21, 2007, hearing was based on 156 rooms. The correction of these mistakes will ensure consistency with the submitted plans and the intended conditions of approval.

cc: Debra Daniel, Associate General Counsel



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

**APR 30 2008**

MCPB No. 07-160  
Preliminary Plan No. 12003029A  
Park Potomac Amendment  
Date of Hearing: June 21, 2007

**MONTGOMERY COUNTY PLANNING BOARD**

**CORRECTED RESOLUTION<sup>1</sup>**

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on October 19, 2006, Fortune Parc Development, L.L.C., et. al., ("Applicant"), filed an application to revise the previous conditions of approval to a previously approved subdivision located on 54.841 acres of land in the northwest corner of the intersection of Interstate 270 and Montrose Road ("Property" or "Subject Property"), in the Potomac Subregion master plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 12003029A, Park Potomac ("Preliminary Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated June 11, 2007, setting forth its analysis, and recommendation for approval, of the revised Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on June 21, 2007 the Planning Board held a public hearing on the Application; and

WHEREAS, at the hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

<sup>1</sup> This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

Approved 2008  
Legal Sufficiency

3787 Georgia Avenue, N.W., Suite 200, Silver Spring, MD 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320  
www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

10/24/2007/07/2008

WHEREAS, on June 21, 2007, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Bryant seconded by Commissioner Robinson, with a vote of 3-0, Chairman Hanson voting in favor and Commissioners Wellington and Perdue absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved an amendment to Preliminary Plan No. 12003029A to revise Condition #1 as described below, for the Subject Property, as follows:

- 1) Condition #1 from Preliminary Plan No. 120030290 shall be amended as follows:

"The Applicant must limit the proposed development to the following land uses:

- Townhouses up to 150 units.
- High-rise apartment up to 450 units.
- General retail uses up to 145,000 square feet.
- General office uses up to 470,000 570,000 square feet.
- Hotel up to 45 156 guest rooms.

All other previous conditions of approval as contained in the Planning Board Opinion dated July 25, 2003 remain in full force and effect.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the master plan.*

The proposed revision does not alter the Board's previous finding that the Preliminary Plan substantially conforms to the Master Plan. The plan continues to conform to the land use recommendations of the Potomac Subregion Master Plan.

2. *Public facilities will be adequate to support and service the area of the proposed subdivision.*

Based on the review of the Development Review Committee and with the recommendations of approval from all agencies including the Montgomery County Department of Public Works and Transportation (roads and access), the Montgomery County Department of Permitting Services (stormwater and



drainage), the Maryland State Highway Administration (roads and access), Montgomery County Public Schools (school capacity) and the Montgomery County Department of Fire and Rescue Services (emergency service), public facilities are adequate to serve the proposed development.

The Board heard testimony from one citizen that the Planning Board's Local Area Transportation Review (LATR) methodology, which is set forth in the Board's LATR Guidelines and the Annual Growth Policy, is flawed and that the Seven Locks Road intersections at Tuckerman Road and Post Oak Road fail to adequately convey traffic at certain times of the day. Mr. Garson requested that the Board require the Applicant to provide an "auxiliary" northbound lane on Seven Locks Road to alleviate the afternoon traffic flows, and that the Board reconsider its methods to review traffic, suggesting that rush hour now extends throughout the day, not just during the morning and evening rush hours. Mr. Garson also supported an additional Potomac River crossing.

The Planning Board heard other testimony from Mr. Andrew Cavanus, Vice President of the Regency Estates Citizen's Association that the Potomac Master plan recommends keeping Seven Locks Road as a two lane "rural" road, and that widening the road to four lanes should only come as part of a Master Plan revision.

The Planning Board also heard from the Applicant's traffic engineer, who explained that the applicant is required to provide an additional right-turn lane on Seven Locks Road at Tuckerman Road to relieve queuing. This project is permitted and ready for construction. Mr. Guckert also explained that the nearby Montgomery Mall project is required, as part of its approval, to construct a double left-turn lane on westbound Tuckerman at Seven Lock Road. This project is under design and should also relieve congestion.

The Planning Board considered this testimony and found that the traffic improvements required of this Applicant are appropriate under LATR. Further, the traffic improvements required of this Applicant, in concert with those required of other projects will alleviate some of the concerns raised. The contention that the LATR methodology is flawed and the possibility of a second Potomac River crossing are not issues that can be appropriately addressed in an individual subdivision proceeding.

3. *The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

The configuration of the lots was not changed as part of this plan revision.  
Lot shape, size, width and orientation remain in compliance with Chapter 50.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

At the initial hearing, the plan was reviewed for compliance with Chapter 22A of the Montgomery County Code and found to be able to comply with all requirements of that Chapter by the Planning Board. The revision required no changes to the forest conservation plan, and continues to comply with Chapter 22A.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.*

The Montgomery County Department of Permitting Services reviewed and approved a stormwater management concept for the entire project at the initial review. The concept was not required to be changed as part of this revision and remains valid.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that the date of this Resolution is SEP 20 2012 (which is the date that this Resolution is mailed to all parties of record); and



## ATTACHMENT B



Date Mailed: July 25, 2003

Action: Approved Staff Recommendation  
Motion of Comm. Robinson, seconded by  
Comm. Bryant with a vote of 5-0;

Comms. Berlage, Bryant, Perdue,  
Robinson and Wellington voting  
in favor

### CORRECTED MONTGOMERY COUNTY PLANNING BOARD

#### OPINION

Preliminary Plan 1-03029

NAME OF PLAN: FORTUNE PARC

On 10/28/02, F.P. HOMES ASSOCIATES submitted an application for the approval of a preliminary plan of subdivision of property in the I-3 and O-M zones. The application includes 54.9 acres of land. The application was designated Preliminary Plan 1-03029. On 7/03/03, Preliminary Plan 1-03029 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-03029 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-03029.

Approval, Including Abandonment of an Unimproved Public Right-of-Way and Subject to the Following Conditions:

- 1) Approval under this preliminary plan is limited to the following:
  - a. Non residential development not to exceed 850,000 square feet consisting of the following:
    - 820,000 – 835,000 square feet of general office
    - 15,000 – 30,000 square feet of general retail
    - 15,000 square feet of high turnover sit-down restaurant or an equivalent increase in square feet of general office and/or general retail uses based on the peak-hour trips generated by the restaurant
  - b. Residential development consisting of the following:
    - 450 garden apartment units
    - 150 single-family attached units
- 2) To satisfy Local Area Transportation Review (LATR), construct the following intersection improvements in accordance with Montgomery County Department of Public Works and Transportation (DPWT) standards:
  - a. Construct a northbound right-turn lane on Seven Locks Road at the intersection with Tuckerman Lane.
  - b. Reconfigure the southbound approach lanes on Tower Oaks Boulevard at the intersection with Montrose Road as follows:

- From: one right-turn lane and two left-turn lanes
  - To: one exclusive right-turn lane, a combination left-turn and right-turn lane, and one exclusive left-turn lane
- 3) To provide safe and efficient site access from Seven Locks Road:
    - a. Design and install a traffic signal at the proposed Site Access Road with Seven Locks Road including pedestrian signals and crosswalks subject to and in accordance with the requirements of DPWT.
    - b. Construct on Seven Locks Road at the proposed intersection with the Site Access Road the following:
      - c. Add a southbound left-turn lane on Seven Locks Road
      - d. Convert the right-most northbound lane from a through lane to a combination through and right-turn lane on Seven Locks Road
  - 4) Although not required as a condition of the preliminary plan, if Applicant wishes to pursue a third access point to the Fortune Parc Development, then Applicant will coordinate with the City of Rockville regarding the following within their Corporate limit:
    - a. Provide a third public access point from the terminus of Fortune Terrace for the Fortune Parc site.
    - b. Upgrade Fortune Terrace as a primary industrial road from a 30-foot to a 36-foot cross-section.
    - c. Provide an eight-foot asphalt path on the north side of Fortune Terrace.
  - 5) Conduct a traffic signal warrant study and install a traffic signal at the intersection of Seven Locks Road and Twin Oaks Drive, if warranted and subject to City of Rockville's requirements and approval.
  - 6) Submit a study on the feasibility of operating a private shuttle bus service or other transit connection from the site to the nearest Metrorail Station prior to Site Plan approval in accordance with the Potomac Master Plan (appropriate Adopted Master Plan pages attached).
  - 7) Designate the two internal "main streets" within Fortune Parc as public roadways for access and maintenance purposes. An east-west "main street" provides access from Seven Locks Road through the site and connects to a north-south "main street". The north-south "main street" provides access from Montrose Road through the site to Fortune Terrace.
  - 8) Satisfy the I-3 Trip Mitigation Guidelines for office development by entering into a Traffic Mitigation Agreement (TMA) with the Planning Board and DPWT at Site Plan. The trip mitigation goal for I-3 zoned land in the Potomac Policy Area (as a "Group II" policy area) is to reduce the peak-hour trips by six percent where the peak-hour trips are determined using standard trip-generation rates for the proposed land uses on the site. A draft TMA has been submitted to Transportation Planning staff and is being reviewed with DPWT staff. The TMA must be executed prior to release of any building permits.
  - 9) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
  - 10) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Potomac Master Plan unless otherwise designated on the preliminary plan.
  - 11) All road right-of ways shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Potomac Master Plan, and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly



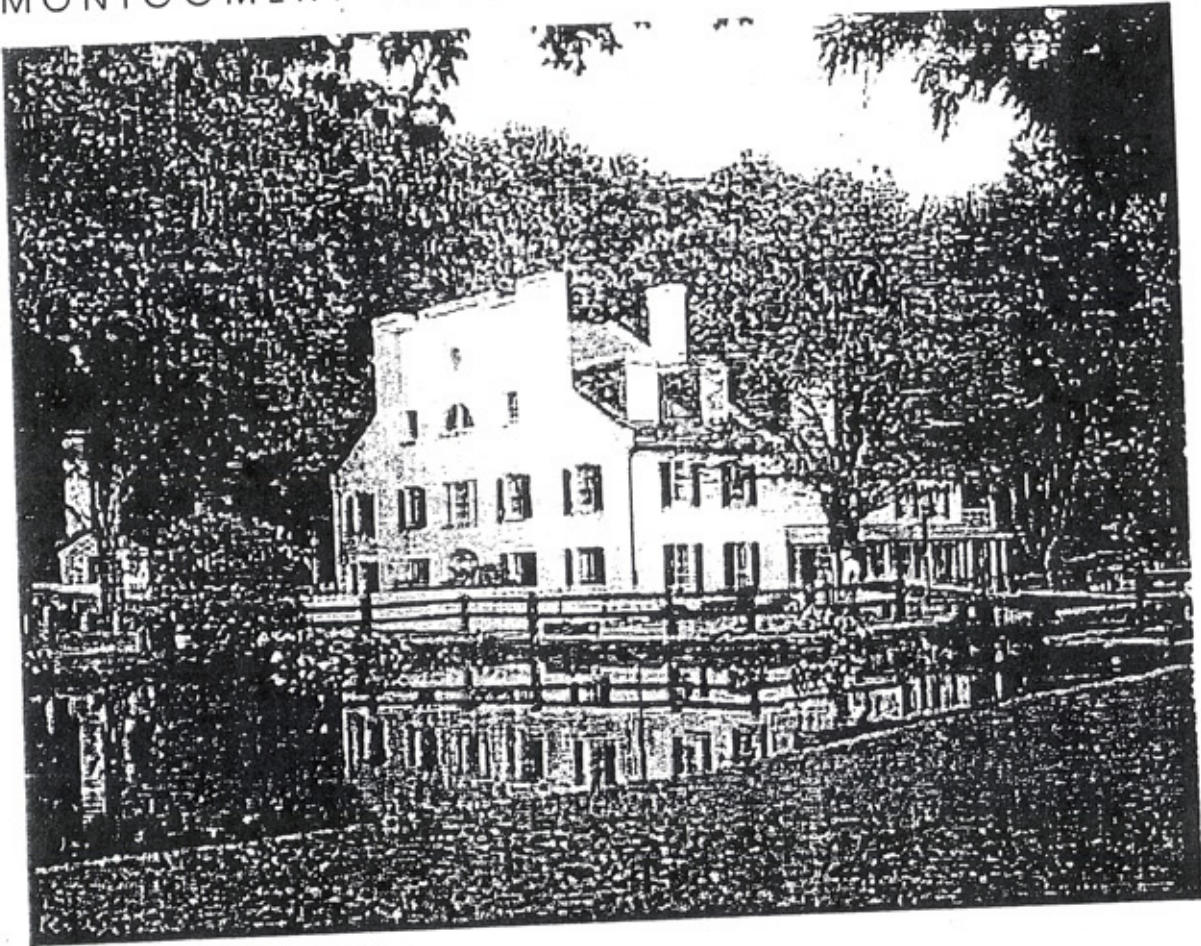
designated on the preliminary plan, "To Be Constructed By \_\_\_\_\_" are excluded from this condition.

- 12) Final approval of a Planning Board resolution for abandonment of a portion of the unimproved right-of-way prior to recordation of plat(s)
- 13) Record plat to reflect a Category I easement over all areas of forest conservation
- 14) Record plat to reflect common ingress/egress and utility easements over all shared roadways and driveways
- 15) Prior to recordation of the property, the applicant and technical staff will be able to make a final determination of the total number and configuration of lots on the property. These lot(s) shall be reflected on the final plat(s) and recorded among the land records
- 16) Prior to site plan approval, applicant to work with M-NCPPC staff to provide, at Applicant's expense, a Public Use Trail Easement and natural surface trail therein from the Fortune Parc subdivision sidewalk system, extending south under Montrose Road and providing a suitable pedestrian connection to the Cabin John Regional Park trail system. Said trail to be sufficiently aligned and constructed, if reasonably possible, to be handicapped accessible and to include any necessary crossings of Bogley Branch or its tributaries. Easement and trail to be clearly identified and signed
- 17) Compliance with the conditions of approval of the MCDPS stormwater management letter dated, March 11, 2003
- 18) Compliance with conditions of approval of MCDPWT letter dated, June 23, 2003, unless otherwise amended
- 19) Prior to site plan submission, the applicant shall obtain DPWT approval for public "Street A" and "Street B" roadway cross-section, structural design, right-of-way widths, any non-standard design features, and intersection configuration. If DPWT approval cannot be obtained, staff shall return this condition to the Planning Board for further consideration
- 20) No clearing, grading or recording of plats prior to site plan enforcement agreement approval
- 21) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan
- 22) Final number of MPDU's and TDR's (maximum of 150 TDR's) as per condition #15 above to be determined at the time of site plan
- 23) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff
- 24) This preliminary plan will remain valid for 145 months from the date of mailing of the Planning Board opinion. Record plats for this project may be recorded in phases based on the following schedule:
  - Phase I (expires 37 months ((3 years)) from the date of mailing of the Planning Board Opinion): 120,000 square feet of commercial development OR 150 dwelling units
  - Phase II (expires 73 months ((6 years)) from the date of mailing of the Planning Board Opinion): 120,000 square feet of commercial development OR 150 dwelling units
  - Phase III (expires 109 months ((9 years)) from the date of mailing of the Planning Board Opinion): 120,000 square feet of commercial development OR 150 dwelling units
  - Phase IV (expires 145 months ((12 years)) from the date of mailing of the Planning Board Opinion): All remaining development
- 25) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for one hundred forty five (145) months from the date of mailing of the Planning Board opinion
- 26) Other necessary easements



# POTOMAC SUBREGION MASTER PLAN

MONTGOMERY COUNTY PLANNING DEPARTMENT



*An Amendment to the Master Plan for the Potomac Subregion,  
May 1980, as amended; the Gaithersburg Vicinity Master Plan,  
January 1985, as amended; the Master Plan of Bikeways, May 1978,  
as amended; the Master Plan of Highways  
within Montgomery County, as amended.*



**The following guidelines apply to the optional method of development:**

- Provide public facilities and amenities, such as a green park.
- To achieve a more compatible site layout that accommodates a significant residential component, the required building setbacks may be reduced to 50 feet with appropriate landscaping in the following locations (See Figure 1.): along Cabin John Park, and along Coddle Harbor Lane if residential townhouses are provided.
- Locate the housing for the elderly in proximity to Cabin John Park and integrate it with other residential projects on the site.
- Ensure compatibility of housing for the elderly with the adjacent townhouses at Inverness Knolls in terms of setbacks, landscape, height, bulk, and architectural details.

## **Fortune Parc**



This wooded, 50.91-acre site is located at the northwest quadrant of I-270 and Montrose Road and includes the adjacent 1.85-acre Cohen site on Montrose Road (Lot 40, zoned O-M) and land south of Montrose Road that will remain undeveloped. (See Map 8.) Agreements between Fortune Parc, the State Highway Administration, and the abutting property owner to the south have included land purchases and exchanges, and construction of an access road system and underpass from Fortune Parc to Montrose Road and I-270.

The site is within the City of Rockville's Urban Growth Area Limit and could be annexed to the City. The majority of Fortune Parc lies within the City of Rockville sewer service district. State law requires the Montgomery County Council to consent to annexation if the proposed land use is not substantially different from that recommended by the County master plan. In this case, the *City of Rockville Master Plan* (1993) recommends that Fortune Parc be developed as campus-like offices with visual buffers and height limits. This Plan recognizes the site's commercial potential, but envisions an environment developed with mixed uses and a compact pedestrian-friendly development pattern, interspersed with open spaces.

Fortune Parc is currently zoned R-200, but was recommended for I-3 in the 1980 Plan in response to the site's size, location, and increasing development in the I-270 Corridor. In 1980, the maximum density in the I-3 Zone was 1.5 FAR, which could have yielded 3,326,459 square feet of development on Fortune Parc. The I-3 Zone was subsequently amended to reduce the FAR to 0.5, yielding a maximum of 1,108,820 square feet.

This Plan's recommendations set density limits consistent with the current I-3 Zone. While employment uses are highly desirable along the I-270 corridor, it is also important to create a mix of uses rather than the sterile environment of a single-use office park.

## *Recommendations*

- Create an option in the I-3 Zone adding housing and retail uses to create a mixed-use development with a commercial component having an employment emphasis, when recommended by the applicable master plan. A TDRS program should be part of this option. Housing for the elderly should be a permitted use.
- Create a mixed-use center that provides employment, housing, and retail opportunities configured to minimize environmental impact.
- Including the adjacent Lot 40, the allowable density on the site will not exceed 850,000 square feet (0.39 FAR) of commercial space; office, street retail, and hotel, 300 apartments, and 150 single family homes. An additional 150 dwelling units may be provided as part of a TDRS program. The final combination of densities must not exceed trip generation rates equal to an office project at 0.5 FAR.
- Include the property in the Washington Suburban Sanitary District (WSSD).
-  This development must provide a shuttle service to Metro. Additional trip mitigation measures such as the provision of a park-and-ride facility, or financial contribution to such a facility, should be considered at site plan. 

## **Land Use and Design Guidelines**

- Development on this site shall meet this Plan's general design principles.
- Preserve the mature upland forest on the southwest portion of the site and, to the maximum extent possible, the steep slopes along Seven Locks Road.
- Create a public "Main Street" through the site that connects to existing office development on Montrose Road and with commercial development at Fortune Terrace. This axial street should be lined with retail uses, including restaurants and sidewalk cafes that animate the street. (See Figure 2.)
- Provide a public street to connect "Main Street" to Seven Locks Road.
- Locate a residential neighborhood with a variety of housing types and adequate community and recreation facilities on the site's west side.
- Locate offices on the site's east side, between the "Main Street" and I-270, with buildings defining the street and structured parking to the rear. Buildings should not exceed eight stories and should include ground floor retail.



## C. Correspondence

## Hisel-McCoy, Elza

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**From:** Israel, Benjamin L. [BLIsrael@duanemorris.com]  
**Sent:** Thursday, September 10, 2009 3:57 PM  
**To:** Hisel-McCoy, Elza  
**Subject:** Site Plan 82004015F

My name is Benjamin Israel and I am the former President of the Potomac Springs Civic Association. I am writing these comments solely in my role as a homeowner in the Potomac Springs development that backs-up to Seven Locks Road across from the Park Potomac development.

I have reviewed the August 28, 2009 Notice of Site Plan Amendment Application for Park Potomac (Site Plan 82004015F). I asked questions of Mr. Elza Hisel-McCoy, the Planning Coordinator in the MCPD Development Review Division assigned to this plan. Mr. Hisel-McCoy indicated his understanding that the proposed connection of Park Potomac Avenue and Fortune Terrace would not have any impact on either (i) the current width of Fortune Terrace, or (ii) the current plan to widen Seven Locks Road around the intersection with Cadbury Avenue in conjunction with adding a turn lane on Seven Locks Road and a new traffic light at this intersection. He indicated his intent to follow-up on both of these matters, and provided me with the contact information for Mr. Karl Alt at Folger-Pratt.

I subsequently spoke with Mr. Alt, who informed me of his understanding that Fortune Terrace will be widened by the owner of commercial property which is bisected by Fortune Terrace, but that this process is not part of the instant proceedings. He also confirmed Mr. Hisel-McCoy's understanding that the Fortune Terrace-Park Potomac connection will have no impact on the plan to widen Seven Locks Road and install a new traffic light at the intersection with Cadbury Avenue. With no fault attributed to the applicant, let me suggest that these issues are inter-twined, and I question how the proper traffic studies can be completed without linking these matters. For the record, my own views are as follows:

1. I favor the additional access resulting from the connection of Fortune Terrace and Park Potomac, but am extremely wary of that moving forward without the widening of Fortune Terrace. The occasional increase in traffic resulting from the opening up of the Lifetime Gym on Fortune Terrace has already created any number of near-miss traffic accidents because the road is not wide enough for heavier traffic turning in different places on this relatively short street whose sole purpose is an outlet for drivers on the east side of Seven Locks. Opening this up to the entire Park Potomac development can only exacerbate the problem in a multi-fold manner.
2. I would have preferred that there be *no* widening of Seven Locks Road and the installation of a traffic light at Cadbury Avenue. The express purpose of the proposed turn lane is to accommodate southbound traffic on Seven Locks Road entering into Park Potomac – something that such traffic can do with a *pre-existing* turn lane on Seven Locks Road – with the proposed opening-up of the intersection of Fortune Terrace and Park Potomac Avenue. Why is this second turn lane now required? And why is the additional traffic light still required? When I made a similar inquiry in this administrative process a number of years ago regarding the installation of a new traffic signal at the intersection of Twin Oaks Drive and Seven Locks Road – just a couple of hundred yards north of the intersection with Fortune Terrace – I was told that the parties would have to wait to conduct a traffic warrant study at some point in the future. There seems to be something arbitrary about how these decisions are being made and I ask that the Planning Board consider all of these issues before approving the proposed Amendment as it relates to these issues.

Let me note that the MCPB and Folger-Pratt representatives were professional and helpful, and my concern goes to a multi-jurisdictional and multi-disciplinary process which I strongly believe that the MCPD needs to better coordinate.

Please feel free to contact me with any questions regarding these comments.

Sincerely,

Benjamin Israel  
2622 Oakenshield Drive | Potomac, MD | 20854  
H: 301.217.0992 | M: 202.415.4727  
[benjaminisrael1962@yahoo.com](mailto:benjaminisrael1962@yahoo.com)

Benjamin L. Israel | Partner | Duane Morris LLP  
505 9th Street, N.W., Suite 1000 | Washington, DC | 20004-2166



#### D. Twin Oaks Boulevard Traffic Signal Warrant Study



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September 19, 2006

Mr. Scott Wallace  
Linowes & Blocher  
7200 Wisconsin Avenue  
Suite 800  
Bethesda, MD 20814

RE: Fortune Parc  
Montgomery County, Maryland  
Our Job No.: 2001-0302

Dear Mr. Wallace:

As requested, The Traffic Group, Inc. has conducted a traffic signal warrant analysis for the intersection of Seven Locks Road and Twin Oaks Drive in the vicinity of the Fortune Parc site. The purpose of this letter is to provide the requested traffic signal warrant analysis information.

In order to conduct the traffic signal warrant evaluation, a twelve (12) hour turning movement count was conducted between the hours of 7 AM and 7 PM on January 25, 2006 at the intersection of Seven Locks Road and Twin Oaks Drive. A copy of the intersection turning movement count summary sheet is attached to this letter. The summary also includes pedestrian and bicycle activity.

A traffic signal warrant evaluation was conducted for this intersection using the existing traffic volumes. A summary of the traffic signal warrant evaluation is also attached to this letter. The results of the analysis show that the intersection of Seven Locks Road and Twin Oaks Drive does not satisfy any of the eight (8) hour vehicular volume warrants included in the Manual on Uniform Traffic Control Devices (MUTCD).

Since Twin Oaks Drive does not serve thru traffic, traffic on the side street approach of this intersection is not projected to increase over time. Although traffic volumes along Seven Locks Road are projected to increase with the development of Fortune Parc and other traffic growth, the approach volumes along the minor street (Twin Oaks Drive) will not change. Reviewing the traffic signal warrant criteria, even using lower volume thresholds provided in the MUTCD for major street travel speeds in excess of 40 mph, the side street approach along Twin Oaks Drive does not satisfy the volume warrant criteria for eight (8) hours. In fact, even using the reduced volume warrant criteria, the side street volumes only satisfy the MUTCD criteria for two (2) of the required eight (8) hours. A minimum volume of 53 vehicles per hour would be necessary in order to satisfy reduced warrants. The existing traffic counts at this intersection show 76 approach vehicles on Twin Oaks Drive from 7 to 8 AM and 53



vehicles from 8 to 9 AM. After that, the next highest hourly volume is 34 vehicles on Twin Oaks Drive.

Given the information provided in this analysis, it is obvious that the intersection of Seven Locks Road and Twin Oaks Drive will not satisfy MUTCD eight (8) hour volume criteria.

If you have any questions or need additional information, please do not hesitate to call.

Sincerely,



Mickey A. Cornelius, P.E., PTOE  
Senior Vice President

MAC/jjw

(F:\2001\2001-0302\Wp\Wallace LtrRpt.doc)

# VEHICLE TURNING MOVEMENT COUNT - SUMMARY

Intersection of: Seven Locks Rd.  
and: Twin Oaks Dr.  
Location: Montgomery Co., Md.

Counted by: AN,BH  
Date: January 25, 2006  
Weather: Fair, Cold  
Entered by: TT

Day: Wednesday



TIME	TRAFFIC FROM NORTH on: Seven Locks Rd.					TRAFFIC FROM SOUTH on: Seven Locks Rd.					TRAFFIC FROM EAST on:					TRAFFIC FROM WEST on: Twin Oaks Dr.					TOTAL N + S + E + W
	RIGHT	THRU	LEFT	U-TN	TOTAL	RIGHT	THRU	LEFT	U-TN	TOTAL	RIGHT	THRU	LEFT	U-TN	TOTAL	RIGHT	THRU	LEFT	U-TN	TOTAL	
AM																					
07:0-15	1	207		0	208	41	1	0		42						12		6	0	18	268
15-30	2	249		0	251	51	2	0		53						14		9	0	23	327
30-45	2	286		0	288	55	4	0		59						9		4	0	13	360
45-00	1	289		0	290	100	2	0		102						16		6	0	22	414
08:0-15	2	259		0	261	101	3	0		104						12		7	0	19	384
15-30	3	240		0	243	93	4	0		97						9		5	0	14	354
30-45	2	204		0	206	92	4	0		96						7		3	0	10	312
45-00	2	193		0	195	103	3	0		106						6		4	0	10	311
2 Hr Totals	15	1927	0	0	1942	0	636	23	0	659	0	0	0	0	0	85	0	44	0	129	2730
1 Hr Totals																					
07-08	6	1031	0	0	1037	0	247	9	0	256	0	0	0	0	0	51	0	25	0	76	1369
715-815	7	1083	0	0	1090	0	307	11	0	318	0	0	0	0	0	51	0	26	0	77	1485
730-830	8	1074	0	0	1082	0	349	13	0	362	0	0	0	0	0	46	0	22	0	68	1512
745-845	8	992	0	0	1000	0	386	13	0	399	0	0	0	0	0	44	0	21	0	65	1464
08-09	9	896	0	0	905	0	389	14	0	403	0	0	0	0	0	34	0	19	0	53	1361
PEAK HOUR																					
730-830	8	1074	0	0	1082	0	349	13	0	362	0	0	0	0	0	46	0	22	0	68	1512
PM																					
04:0-15	3	117		0	120	168	10	0		178						5		2	0	7	305
15-30	1	94		0	95	166	8	0		174						7		2	0	9	278
30-45	6	98		0	104	190	7	0		197						1		1	0	2	303
45-00	7	101		0	108	172	3	0		175						2		0	0	2	285
05:0-15	8	106		0	114	180	6	0		186						7		3	0	10	310
15-30	7	123		0	130	222	6	0		228						5		3	0	8	366
30-45	6	88		0	94	237	14	1		252						5		4	0	9	355
45-00	4	93		0	97	240	11	2		253						5		0	0	5	355
2 Hr Totals	42	820	0	0	862	0	1575	65	3	1643	0	0	0	0	0	37	0	15	0	52	2557
1 Hr Totals																					
04-05	17	410	0	0	427	0	696	28	0	724	0	0	0	0	0	15	0	5	0	20	1171
415-515	22	399	0	0	421	0	708	24	0	732	0	0	0	0	0	17	0	6	0	23	1176
430-530	28	428	0	0	456	0	764	22	0	786	0	0	0	0	0	15	0	7	0	22	1264
445-545	28	418	0	0	446	0	811	29	1	841	0	0	0	0	0	19	0	10	0	29	1316
05-06	25	410	0	0	435	0	879	37	3	919	0	0	0	0	0	22	0	10	0	32	1386
PEAK HOUR																					
05-06	25	410	0	0	435	0	879	37	3	919	0	0	0	0	0	22	0	10	0	32	1386
12 Hr Count																					
07-08	6	1031		0	1037	247	9	0		256						51		25	0	76	1369
08-09	9	896		0	905	389	14	0		403						34		19	0	53	1361
09-10	10	498		0	508	385	12	0		397						21		12	0	33	938
10-11	5	320		0	325	292	9	1		302						9		7	0	16	643
11-12	6	311		0	317	298	16	0		314						12		14	0	26	657
12-01	4	381		1	386	396	12	0		408						14		7	0	21	815
01-02	4	343		0	347	402	15	0		417						8		9	0	17	781
02-03	17	334		0	351	425	17	3		445						14		9	0	23	819
03-04	10	285		0	295	592	15	0		607						18		11	0	29	931
04-05	17	410		0	427	696	28	0		724						15		5	0	20	1171
05-06	25	410		0	435	879	37	3		919						22		10	0	32	1386
06-07	13	346		0	359	656	30	0		686						25		9	0	34	1079
12 Hr Total	126	5565	0	1	5692	0	5657	214	7	5878	0	0	0	0	0	243	0	137	0	380	11950



**PEDESTRIAN OBSERVATIONS**  
 Montgomery Co., Md.  
 Seven Locks Rd. & Twin Oaks Dr.  
 January 25, 2006  
 Wednesday  
 7:00 am to 7:00 pm



TIME	NORTH LEG				SOUTH LEG			
	ADULT		CHILDREN		ADULT		CHILDREN	
	PEDESTRIANS	BICYCLES	PEDESTRIANS	BICYCLES	PEDESTRIANS	BICYCLES	PEDESTRIANS	BICYCLES
AM								
07:0-15	0	0	0	0	2	0	0	0
15-30	0	0	0	0	0	0	0	0
30-45	0	0	0	0	0	0	0	0
45-00	0	0	0	0	0	0	0	0
08:0-15	0	0	0	0	0	0	0	0
15-30	0	0	0	0	0	0	0	0
30-45	1	0	0	0	0	0	0	0
45-00	1	0	0	0	1	0	0	0
TOTALS	2	0	0	0	3	0	0	0
PM								
04:0-15	0	0	0	0	0	0	0	0
15-30	0	0	0	0	0	0	0	0
30-45	0	0	0	0	0	0	0	0
45-00	0	0	0	0	0	0	0	0
05:0-15	0	0	0	0	0	0	0	0
15-30	0	0	0	0	0	0	0	0
30-45	0	0	0	0	0	0	0	0
45-00	0	0	0	0	0	0	0	0
TOTALS	0	0	0	0	0	0	0	0
12 Hr Count								
07-08	0	0	0	0	2	0	0	0
08-09	2	0	0	0	0	0	0	0
09-10	0	0	0	0	0	0	0	0
10-11	0	0	0	0	0	0	0	0
11-12	0	0	0	0	0	0	0	0
12-01	0	0	0	0	0	0	0	0
01-02	0	0	1	0	0	0	0	0
02-03	0	0	0	0	0	0	0	0
03-04	0	0	1	0	0	0	0	0
04-05	0	0	0	0	0	0	0	0
05-06	0	0	0	0	0	0	0	0
06-07	0	0	0	0	0	0	0	0
12 Hr Total	2	0	2	0	2	0	0	0

**PEDESTRIAN OBSERVATIONS**  
 Montgomery Co., Md.  
 Seven Locks Rd. & Twin Oaks Dr.  
 January 25, 2006  
 Wednesday  
 7:00 am to 7:00 pm



TIME	EAST LEG				WEST LEG			
	ADULT		CHILDREN		ADULT		CHILDREN	
	PEDESTRIANS	BICYCLES	PEDESTRIANS	BICYCLES	PEDESTRIANS	BICYCLES	PEDESTRIANS	BICYCLES
AM								
07:0-15					0	0	0	0
15-30					0	0	0	0
30-45					0	1	0	0
45-00					0	0	0	0
08:0-15					0	1	0	0
15-30					0	0	0	0
30-45					0	0	0	0
45-00					0	0	0	0
TOTALS	0	0	0	0	0	2	0	0
PM								
04:0-15					0	0	0	0
15-30					0	1	0	0
30-45					0	0	0	0
45-00					0	0	0	0
05:0-15					1	0	0	0
15-30					1	0	0	0
30-45					0	0	0	0
45-00					0	0	0	0
TOTALS	0	0	0	0	2	1	0	0
12 Hr Count								
07-08					0	1	0	0
08-09					0	1	0	0
09-10					0	0	0	0
10-11					0	0	0	0
11-12					1	0	0	0
12-01					0	0	0	0
01-02					0	0	0	0
02-03					0	0	0	0
03-04					1	0	0	0
04-05					0	1	0	0
05-06					2	0	0	0
06-07					0	0	0	0
12 Hr Total	0	0	0	0	4	3	0	0



Warrants Summary													
<b>Information</b>													
Analyst	sli	Intersection		Seven Locks Rd & Twin Oaks Dr									
Agency/Co	tig	Jurisdiction		City of Rockville									
Date Performed	3/10/2006	Units		U.S. Customary									
Project ID	Parc Potomac	Time Period Analyzed		existing+growth									
East/West Street	Twin Oaks Dr	North/South Street		Seven Locks Rd									
File Name	Twin Oaks sigwar.xhy	Major Street		North-South									
Project Description <i>Parc Potomac</i>													
<b>General</b>				<b>Roadway Network</b>									
Major Street Speed (mph)	41	<input checked="" type="checkbox"/>	Population < 10,000		Two Major Routes						<input checked="" type="checkbox"/>		
Nearest Signal (ft)	0	<input checked="" type="checkbox"/>	Coordinated Signal System		Weekend Count						<input checked="" type="checkbox"/>		
Crashes (per year)	0	<input checked="" type="checkbox"/>	Adequate Trials of Alternatives		5-yr Growth Factor						3		
<b>Geometry and Traffic</b>		EB			WB			NB			SB		
		LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Number of lanes, N		0	0	0	0	0	0	1	2	0	0	2	0
Lane usage		LR						L T			TR		
Vehicle Volume Averages (vph)		11	0	20	0	0	0	18	471	0	0	463	10
Peds (ped/h) / Gaps (gaps/h)		--	/	--	--	/	--	--	/	--	--	/	--
Delay (s/veh) / (veh-hr)		--	/	--	--	/	--	--	/	--	--	/	--
<b>Warrant 1: Eight-Hour Vehicular Volume</b> <input checked="" type="checkbox"/>													
1 A. Minimum Vehicular Volumes (Both major approaches --and-- higher minor approach) --or-- <input checked="" type="checkbox"/>													
1 B. Interruption of Continuous Traffic (Both major approaches --and-- higher minor approach) --or-- <input checked="" type="checkbox"/>													
1 80% Vehicular --and-- Interruption Volumes (Both major approaches --and-- higher minor approach) <input checked="" type="checkbox"/>													
<b>Warrant 2: Four-Hour Vehicular Volume</b> <input checked="" type="checkbox"/>													
2 A. Four-Hour Vehicular Volumes (Both major approaches --and-- higher minor approach) <input checked="" type="checkbox"/>													
<b>Warrant 3: Peak Hour</b> ( <i>Will not satisfy with any RTOR reduction</i> ) <input checked="" type="checkbox"/>													
3 A. Peak-Hour Conditions (Minor delay --and-- minor volume --and-- total volume) --or-- <input checked="" type="checkbox"/>													
3 B. Peak- Hour Vehicular Volumes (Both major approaches --and-- higher minor approach) <input checked="" type="checkbox"/>													
<b>Warrant 4: Pedestrian Volume</b> <input checked="" type="checkbox"/>													
4 A. Pedestrian Volumes (Four hours --or-- one hour) --and-- <input checked="" type="checkbox"/>													
4 B. Gaps Same Period (Four hours --or-- one hour) <input checked="" type="checkbox"/>													
<b>Warrant 5: School Crossing</b> <input checked="" type="checkbox"/>													
5. Student Volumes --and-- <input checked="" type="checkbox"/>													
5. Gaps Same Period <input checked="" type="checkbox"/>													
<b>Warrant 6: Coordinated Signal System</b> <input checked="" type="checkbox"/>													
6. Degree of Platooning (Predominant direction or both directions) <input checked="" type="checkbox"/>													
<b>Warrant 7: Crash Experience</b> <input checked="" type="checkbox"/>													
7 A. Adequate trials of alternatives, observance and enforcement failed --and-- <input checked="" type="checkbox"/>													
7 B. Reported crashes susceptible to correction by signal (12-month period) --and-- <input checked="" type="checkbox"/>													
7 C. 80% Volumes for Warrants 1A, 1B --or-- 4 are satisfied <input checked="" type="checkbox"/>													
<b>Warrant 8: Roadway Network</b>													