

## APPENDIX A



DEPARTMENT OF PUBLIC WORKS  
AND TRANSPORTATION

February 4, 2004

Douglas M. Duncan  
County Executive

Albert J. Genetti, Jr., P.E.  
Director

Mr. Robert Kronenberg, Planner  
Development Review Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 1-03029  
Fortune Parc

Dear Mr. Kronenberg:

This letter is to confirm the agreements reached during a February 2, 2003, telephone conversation between representatives for the applicants and our respective offices regarding the non-standard design elements proposed within the public rights-of-way for Streets A and B of this project. This letter should enable the applicants' pending Site Plans to be reviewed by the Planning Board as scheduled. DPWT conditionally supports the non-standard elements subject to the following comments:

1. **Rights-of-way for Streets A and B:** we agree with the rights-of-way shown on the "Proposed Road Exhibit" drawing.
2. **Transition between divided and undivided typical sections for Street A:** DPWT is amenable to the proposed divided roadway between Seven Locks Road and centerline station 3+68.95. We do not support providing the transition (from divided to undivided typical sections) at an intersection, as currently proposed. We have proffered two options which are under consideration by the applicants and your office:
  - Introduce a monumental entrance median, beginning at approximately centerline station 8+10, and then transition to the undivided section. The median should be at least fifty feet long. The width of the median will be dependent on traffic and parking movements at the nearby intersection and in the area around the median. Trees will not be allowed if the median is less than sixteen feet wide; low level ground cover or shrubbery may be allowable. In order to remain within the proposed right-of-way, parking restrictions may be required in the vicinity of the median.

OR

- Pull back the proposed median to approximately centerline 4+50 and then transition to an undivided section.

We agreed to defer the final decision on the Street A typical sections until the permit stage.



Division of Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878  
240/777-6000, TTY 240/777-6013, FAX 240/777-6030

3. **Sidewalk widths along Streets A and B:** we agreed with the proposal on the current plans to have a minimum clear sidewalk width of six feet on the west side of Street B. We have accepted a minimum clear sidewalk width of five feet on both sides of the entire length of Street A and full width sidewalk (between the curb and the right-of-way line, with tree boxes) on the east side of Street B.
4. **Streetscaping along Streets A and B:** DPWT supports allowing the proposed streetscaping (including brick paver sidewalks, street tree maintenance and replacement, any additional landscaping within the right-of-way, benches, trash cans, etc.) subject to the applicants executing and recording a perpetual Maintenance and Liability Agreement for these amenities. A separate agreement between the applicants and DPWT may be necessary for streetlighting maintenance, if any unique streetlighting poles and/or fixtures are being proposed for this subdivision. The applicants will also need to provide appropriate bonding for the perpetual maintenance and liability of these features. This agreement will remain in place until the County establishes an Urban District (for the maintenance of those streetscaping items) or those amenities have been removed from the public right-of-way. This approach is similar to that used on other mixed use developments located outside the Urban Districts.
5. **Crosswalk locations:** DPWT agrees with the recommendations for those crosswalks proposed at the intersections along Streets A and B. We have deferred our decision on the location of mid-block crosswalk(s) until the permit stage, pending our review of sight distances, parking, and traffic operations in the vicinity of the mid-block crosswalk(s).

DPWT will not allow the installation of concrete paver crosswalks on County-maintained streets. We will allow the installation of synthetic asphalt-based compounds (such as "Imprint") for unique crosswalks. Since those materials are currently being installed on a trial basis, DPWT will assume the maintenance of these unique crosswalks.

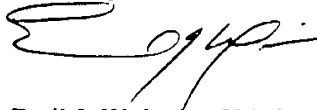
6. **Driveway locations along Street B in the vicinity of its intersection with Street A:** DPWT supports the proposed driveway spacing, provided the curb radii of the driveway aprons are constructed so as to limit access to the private street to passenger vehicles and reasonably preclude the prohibited movements.
7. **Design at the intersection of the private driveway and the northbound ramp from Montrose Road/I-270:** Staff recommends approval of the applicants' proposed modified plan (Attachment L) – with minor revisions to the proposed lane markings. We agreed to defer the final design on the ramp/driveway intersection until the permit stage.
8. **Street B termini and narrowing opposite in the vicinity of centerline station 15+30:** DPWT supports approval of the proposed traffic circle at the Street B intersection with the ramp from Montrose Road and I-270, provided the traffic circle is designed to accommodate the turning movements of tractor trailers. DPWT does not support the proposed pavement reduction in the vicinity of centerline station 15+30; the typical (forty foot wide) pavement should be built through this location. DPWT supports approval of the proposed cul-de-sac, with an interior island, just south of Fortune Terrace; it was agreed that this cul-de-sac will be removed if Street B is extended to intersect with Fortune Terrace.

Mr. Robert Kronenberg  
Preliminary Plan No. 1-03029  
February 4, 2004  
Page 3

9. **Improvements along Seven Locks Road:** The amended traffic signal warrant study remains under review by this Section. DPWT remains concerned with the proposed pavement widening plan. We have accepted the applicants' proposal to provide eleven foot wide lanes for the four through and one southbound left turn movements at this intersection. However, we remain concerned about the proposed narrowing of the grass shelf between the western curbline and the existing Class I bikepath. We have requested the applicants to explore various option(s) to provide more clearance between vehicles and users of the bike path. Relocation of the existing bikepath and existing utility poles to the west and/or widening the pavement to the east should be investigated; retaining walls may also be necessary to limit side slope grading. We agreed to defer a final decision on the improvements to Seven Locks Road until the permit stage.

Thank you for your cooperation and assistance on this project. If you have any questions or comments regarding this letter, please contact Mr. Jeffrey Riese at 240-777-2190.

Sincerely,



Emil J. Wolanin, Chief  
Traffic Engineering and Operations Section

EJW/GML/je

M:\Subdivision\GML\DOCS\PP 1-03029. Fortune Parc. non-standard design conditional approval ltr. 020304.doc

cc: Malcolm Shaneman  
Ronald Welke  
Michael Ma  
Bryant Foulger  
Wyndham Robertson  
Barbara Sears  
Chuck Irish  
Marwan Mustafa  
Joseph Cheung  
Sarah Navid  
Patrick Bradley  
Jeffrey Riese  
Gregory Leck



**THE MARYLAND-NATIONAL CAPITAL PARK AND  
PLANNING COMMISSION**

Department of Park & Planning, Montgomery County, Maryland  
8787 Georgia Avenue, Silver Spring, Maryland 20910

**MEMORANDUM**

**TO:** Robert Kronenberg, Development Review

**FROM:** Mark Pfefferle, Planning Coordinator, Environmental Planning *MP*

**DATE:** February 2, 2004

**SUBJECT:** Site Plan Number 8-04012, Fortune Parc

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**STAFF RECOMMENDATION**

Staff recommends approval of final forest conservation for plan #8-04012.

**BACKGROUND**

The proposed development site is located immediately northwest of the intersection of I-270 and Montrose Road. The majority of the property is located north of Montrose Road and less than 2 acres of the 54-acre site is located south of Montrose Road. The northern portion of the site extends west to Seven Locks Road and north to the Rockville city limits. The site is entirely within the Cabin John Creek watershed, a Use I-P stream.

Approximately 41 acres of the site is considered forest. The remainder of the property consists of abandoned fields undergoing succession, abandoned access roads, and a former home site. Tulip trees, oaks, and maples are the dominant overstory species identified on the majority of the site. The western portion of the site consists of steep slopes and a mature oak and hickory forest. The western portion of the property contains the largest trees as well as two eight-foot tall American Chestnut trees. The American Chestnut tree is classified as a rare, threatened, and endangered species by the State of Maryland.

This forest conservation plan will address the forest conservation plan requirements for site plans 8-04012 and 8-04015. The areas for these site plans were included in preliminary forest conservation plan number 1-03029.

**Proposed Project**

The proposed onsite project work for site plan 8-04012 consists of 150 townhouse units. The proposed onsite project work for site plan 8-04015 consists of 450 multi-family residential units and 820,000 gsf of office space. The subject property is zoned I-3 and O-M. Approximately 49 acres is zoned I-3 and the balance is O-M.

## **Environmental Buffers**

Runoff from the property flows into Cabin John Creek, a Use I-P stream. An environmental buffer is located on the portion of the property south of Montrose Road. There are no streams, wetlands, floodplains, or environmental buffers on the subject property north of Montrose Road. However, there are steep slopes running parallel to Seven Locks Road. Within the environmental buffer south of Montrose Road exists on ramps to I-270. The applicant has proposed to locate either a natural surface trail or boardwalk trail through the environmental buffer south of Montrose Road. Environmental planning supports this proposal. Environmental Planning does not support a hard surface trail through the environmental buffer for it would be inconsistent with the long-term protection agreement for category I forest conservation areas.

## **Forest Conservation**

The property consists of approximately 41 acres of forest and the site plan is subject to the forest conservation law. Section 22A-12(b) of the Montgomery County code states that the primary objective of the forest conservation plan should be to retain existing forest and trees and avoid reforestation. Subsection (2) of 22A-12(b) identifies that the areas to be protected in forest conservation plans to include, but not limited to: environmental buffers; steep slopes; critical habitats; rare, threatened and endangered species; and areas which have been designated as priority save areas in a master plan or functional plan.

The applicant is proposing retention of existing forest and additional forest plantings within environmental buffer; preservation of the mature upland forest on the southwest portion of the site; and retention of the forest along the steep slopes parallel to Seven Locks Road. By preserving the forest in the steep slopes along Seven Locks Road, the preliminary forest conservation plan preserves the rare, threatened and endangered American Chestnut trees. The protected forested buffer surrounding the American Chestnut trees exceeds the 100-foot recommended buffer established by the Maryland Department of Natural Resources.

The applicant is proposing to remove 33.95 acres of forest and preserve 7.03 acres of forest. The applicant has a forest planting requirement of 9.69 acres, which will be met through a combination of on-site landscape planting and off-site forest plantings. The applicant is proposing to provide a landscape buffer parallel to I-270. The buffer will consist of native plants and include canopy trees. The buffer size and plant densities should be sufficient to screen the exposed parking areas and the lower levels of the office/commercial buildings from I-270. The off-site planting area has not been determined at this time. The applicant has the option of planting within the watershed, or by utilizing a forest conservation banks.

Since part of the site includes single-family residences and an optional method of development is proposed the site plan must meet the forest conservation threshold on-site to satisfy section 22A-12(f) of the Montgomery County code. The final forest conservation plan reconfirms the preliminary forest conservation plan and that this is that the residential portion of the site will meet the forest conservation threshold onsite. This will be accomplished by preserving the mature upland forest and the forest along steep slopes parallel to Seven Locks Road.

## **Stormwater Management**

The stormwater management concept consists of off-site channel measures via upgrading the existing State Highway Administration's stormwater management facility; on-site quality control via biofiltration; surface sand filters and onsite recharge. The Department of Permitting Services approved the stormwater concept on March 11, 2002.



MARYLAND DEPARTMENT OF THE ENVIRONMENT  
1800 Washington Boulevard • Baltimore MD 21230  
410-537-3000 • 1-800-633-6101

Robert L. Ehrlich, Jr., Governor  
Michael S. Steele, Lt. Governor

Kendl P. Philbrick, Acting Secretary

October 8, 2003

Mr. Raja Veeramachaneni, Chief  
Highway Hydraulics Division  
State Highway Administration  
707 North Calvert Street  
Baltimore, MD 21202

Attn: Brandon Scott

Re: SHA Hydraulic File No. 03-UP-MO-004  
Fortune Parc @ I-270 and Montrose Road -  
Request to Expand Existing SHA Pond as a Joint Use Facility

Dear Mr. Veeramachaneni:

The Administration has received and reviewed the October 2003, additional submittal for the above referenced project in Montgomery County. The review was in accordance with Sections 4-106 and 4-205 of the Department of the Environment Article, Annotated Code of Maryland with regard to Sediment Control and Stormwater Management.

The submitted information indicates that the existing extended detention pond can be expanded to provide sufficient capacity to accommodate stormwater management storage for the referenced development and the pond can be upgraded to present day standards. Therefore, WMA has no objections to the expansion of the existing pond in accordance with the Fortune Parc Construction Drawings dated April, 2003, revised October 7, 2003 and the accompanying Stormwater Management Report dated July, 2003, revised September 2003, in order to provide Stormwater Management for the proposed development.

Sediment and erosion control must be submitted and approved by the local control agency prior to the start of construction.

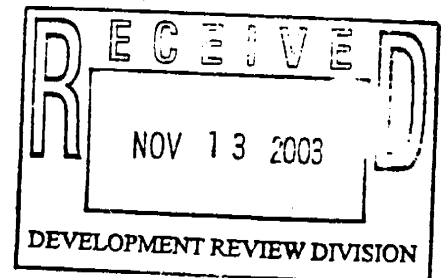
Please call me at (410) 537-3563 with any questions or comments.

Sincerely,

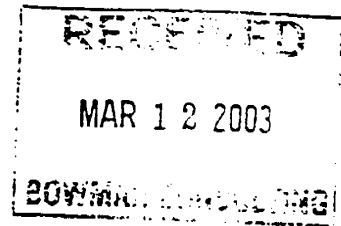


James K. Tracy, P.E., Chief  
Sediment and Stormwater Plan Review Division  
Water Management Administration

JKT/SPA/spa







DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan  
County Executive

Robert C. Hubbard  
Director

March 11, 2003

Mr. Marwan Mustafa  
Bowman Consulting Group  
2121 Eisenhower Ave. Suite 302  
Alexandria, VA 22314

Re: Stormwater Management **CONCEPT** Request  
for Fortune Parc  
Preliminary Plan #: 1-03029  
SM File #: 206882  
Tract Size/Zone: 50.5 acres/I-3  
Total Concept Area: 50.5 acres  
Watershed: Cabin John Creek

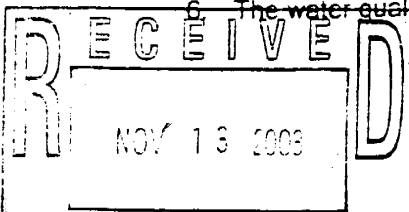
Dear Mr. Mustafa:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of off-site channel protection measures via upgrading of the existing State Highway Administration pond; on-site water quality control via biofiltration, surface sand filters and Stormfilters; and onsite recharge via storage beneath the sand filters and the biofiltration.

The following **conditions** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. All areas which drain to the Stormfilters will also be treated within the State Highway Administration pond wetlands. Please make sure you size the wetlands accordingly. Submit the wetland design computations with your sediment control plan submittal.
4. An asbuilt of the SHA pond will be submitted to this office. If the Maryland Department of the Environment does not require an asbuilt plan, then one will be submitted to this office for review and approval.
5. The construction on the existing SHA pond must be started before any impervious surfaces are constructed on this site.

6. The water quality volume will be flow split to all quality facilities.



804012

DEVELOPMENT REVIEW DIVISION

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Nadine Vurdelja Piontka at 240-777-6334.

Sincerely,



Richard R. Brush, Manager  
Water Resources Section  
Division of Land Development Services

RRB:enm 206882

cc: M. Shaneman  
S. Federline  
SM File # 206882

QN -offsite: Acres: 50.5 acres  
QL - onsite: Acres: 50.5 acres  
Recharge is provided

ENGINEERING DESIGN  
OPPE.MD/DC



3901 Calverton Blvd. Floor 3RD  
Beltsville, MD 20705-3420

January 21, 2004

Mr. Robert A. Kronenberg, RLA  
Development Review Division  
MNCPPC  
8787 Georgia Ave  
Silver Spring, MD.20910

RE: Fortune Parc Site Plan # 8-04015

Dear Robert;

This letter is to summarize the meeting I had with Mr. J. Wyndham Robertson of Eakin Youngentob and Mr. Gary Sullivan of Richter & Assoc. to address Verizon's concerns in the Fortune Parc Project.

It is my understanding from this meeting that the developer intends to install conduit to Verizon standards and will submit the plans for our approval before it is built. Verizon will determine the number of conduits needed to serve this development and the developer will make provisions in the HOA documents to obligate the HOA to restore the hardscape and landscape if in the future these areas need to be excavated to repair the conduit. A certified land surveyor will stake the alignment of all Verizon conduits.

It is also my understanding that the developer will grant all necessary easements to provide telephone service to the project and they will make provisions in the HOA documents for any future easements that are needed for upgrades to the telephone system to be granted.

The developer will copy the HOA documents once they are finalized  
If you have any questions I can be reached on 301 595-6052.

Very Truly Yours

A handwritten signature in cursive script that reads "Robert E. Thompson".

Robert E. Thompson