

APPENDIX 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