



MCPB No. 12-90
Site Plan No. 82004015I
Park Potomac
Date of Hearing: September 6, 2012

SEP 12 2012

RESOLUTION

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on March 19, 2004 the Planning Board approved Site Plan No. 820040150, for 450 multi-family dwelling units (including 61 MPDUs), 820,000 square feet of office use and 30,000 square feet of retail use on 20.28 acres of I-3 zoned-land, located northwest of the intersection of Montrose Road and I-270 ("Subject Property" or "Property"), in the Potomac Sub-region ("Master Plan") area; and

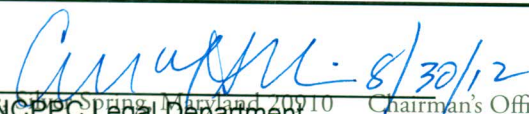
WHEREAS, on January 12, 2007 the Planning Board, by Resolution MCPB No. 06-42 approved Site Plan No. 82004015A, for the substitution of the two 4-story apartment buildings with one 10-story and one 8-story condominium building in the approximate same location and revisions to the parking configuration and tabulations; and

WHEREAS, on September 19, 2007 the Planning Board, by Resolution MCPB No. 07-159 approved Site Plan No. 82004015B, for modifications to the allowable density, a redesign of the public amenities and streetscapes, and changes to the roadway alignment and configurations; and

WHEREAS, the administrative memoranda for Site Plan Nos. 82004015C (approved March 6, 2008), 82004015D (approved June 16, 2008), 82004015E (approved July 28, 2009), 82004015G (approved October 14, 2010), and 82004015H (approved January 13, 2012) were minor modifications specifically related to the building heights, public amenities, roadway alignments, stormwater management facilities, parking tabulations, landscape and lighting photometrics; and

WHEREAS, on October 26, 2009 the Planning Board, by Resolution MCPB No. 09-130 approved Site Plan No. 82004015F, for modifications to the roadway

Approved as to
Legal Sufficiency:


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connections, pedestrian walkways, bike rack locations, and landscape plans for Condo Building No. 1 ; and

WHEREAS, on March 29, 2012, FP Park Potomac Apartments, LLC., Applicant, filed an application for approval of an amendment to the previously approved site plans to change the footprint, height and unit mix within Buildings 3, 4, 5 and 6, modify the parking tabulations, delete a portion of the median on Cadbury Avenue as shown on the plans of the previously approved site plans, and revise the lighting and landscape plans on Parcels KK and LL; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82004015I, Park Potomac ("Amendment" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 13, 2012, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions; and

WHEREAS, on July 26, 2012, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the July 26, 2012 hearing, the Planning Board voted to defer the Application to the consent agenda in order to address some outstanding questions on motion of Commissioner Anderson; seconded by Commissioner Presley with a vote of 5-0, Commissioner's Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor; and

WHEREAS, on August 24, 2012, Staff issued an updated memorandum to the Planning Board setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on September 6, 2012, Staff presented the Amendment to the Planning Board as a consent item for its review and action; and

WHEREAS, at the September 6, 2012 hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that, the Planning Board APPROVES Site Plan No. 82004015I for modifications to the footprint, height and unit mix within Buildings 3, 4, 5, and 6, modifications to the parking tabulations, deletion of a portion of

the median on Cadbury Avenue as shown on the previously approved plans, and revisions to the lighting and landscape plans subject to the following conditions:¹

Conformance with Previous Approvals

1. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120030290 listed in the Planning Board Resolution dated July 25, 2003, and as amended by Preliminary Plan No. 12003029A listed in the Planning Board Resolution dated April 30, 2008, unless amended.

2. Site Plan Conformance

The development must comply with the conditions of approval for Site Plan No. 820040150 as listed in the Planning Board Resolution dated March 19, 2004, and as amended by Site Plan No. 82004015A listed in the Planning Board Resolution dated January 12, 2007, Site Plan No. 82004015B listed in the Planning Board Resolution dated September 19, 2007, Site Plan No. 82004015C listed in the Administrative Memorandum signed March 6, 2008, Site Plan No. 82004015D listed in the Administrative Memorandum signed June 16, 2008, Site Plan No. 82004015E listed in the Administrative Memorandum signed July 28, 2009, Site Plan No. 82004015F listed in the Planning Board Resolution dated October 26, 2009, Site Plan No. 82004015G listed in the Administrative Memorandum signed October 14, 2010, Site Plan No. 82004015H listed in the Administrative Memorandum signed January 13, 2012.

3. Stormwater Management (SWM)

The development is subject to the recommendations approved by DPS within a letter dated May 9, 2012, which are hereby incorporated as conditions of the Site Plan. The Applicant must comply with each recommendation, unless otherwise amended by DPS provided that the amendments do not conflict with other conditions of the Site Plan approval.

4. LEED Certification

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- a. The Applicant commits to achieving, at a minimum, a LEED (Leadership in Energy and Environmental Design) Certified Rating Certification, as defined by the U.S. Green Building Council (USGBC) under the LEED Standard for New Construction & Major Renovation (LEED-NC).
- b. Before approval of a Certified Site Plan, the Applicant will complete project registration with USGBC for LEED Certification.
- c. Before the final Use and Occupancy Permit is issued, the Applicant must complete a status report updating Staff on the LEED Certification process and status of achieving a Certified Rating Certification with USGBC.
- d. The Applicant must comply with the County's Green Buildings law and will submit a copy of the final LEED Certification to MNCPPC Staff.

Site Plan

5. The exterior architectural drawings of Buildings 3, 4, 5 and 6 (i.e. the character, proportion, materials and articulations) will be reviewed by Staff prior to the issuance of the first building permit. The architectural drawings should be generally consistent with the conceptual drawings as presented at the July 26, 2012 hearing and submitted on July 30, 2012.
6. Lighting
 - a. The lighting plan must be updated to include light locations and photometrics within the picnic and seating area (between Buildings 4 and 5), and shall be reviewed by Staff prior to the issuance of the first building permit.
 - b. The new lighting distribution and photometric plan with summary report and tabulations must conform to Illuminating Engineer Society of North America ("IESNA") standards for residential development directly adjacent to multi-family Buildings 3, 4, 5 and 6 and within the picnic and seating areas. Any new lighting installed along the Right-of-Way and within parking areas must be consistent with the original lighting conditions.
 - c. All new light fixtures must be full cut-off fixtures.
 - d. Deflectors shall be installed on all existing fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
 - e. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential properties.
 - f. The height of the new street light poles shall not exceed 22 feet including the mounting base.
7. Surety

Prior to issuance of the first building permit within each relevant phase of development, Applicant must provide a performance bond(s) or other form of

surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. Applicant must provide a cost estimate of the materials and facilities, which, upon Staff approval, will establish the initial surety amount.
- b. The amount of the bond or surety must include plant material, on-site lighting, recreational facilities, site furniture, and entrance piers within the relevant phase of development.
- c. Applicant must enter into a Site Plan Surety & Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.
- d. Bond/surety must be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and reduction of the surety.

8. Development Program

The Applicant must construct the development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. On-site amenities including, but not limited to, sidewalks, benches, trash receptacles, and bicycle facilities must be installed prior to release of any building occupancy permit.
- b. The development program must provide phasing for installation of on-site landscaping and lighting.
- c. Pedestrian pathways and seating areas associated with each facility must be completed as construction of each facility is completed.
- d. Provide each section of the development with necessary roads.
- e. The development program must include the construction phasing for the vehicular ramp, which connects into the westbound lane on Montrose Road and the multi-family Buildings 3, 4, 5 and 6. The vehicular ramp must be completed within the first phase of construction.

9. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the final forest conservation approval, SWM concept approval (letter dated May 9, 2012), development program, inspection schedule, and Site Plan Resolution on the cover sheet.
- b. Add a note to the Site Plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading".

- c. Modify data table to reflect development standards enumerated in the Staff Report.
- d. Ensure consistency of all details and layout between Site Plan and landscape plan.

BE IT FURTHER RESOLVED, that all site development elements as shown on Park Potomac drawings stamped by the M-NCPPC on May 11, 2012, 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 as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved Site Plan and all findings not specifically addressed remain in effect.*
2. *The Site Plan meets all of the requirements of the zone in which it is located*

The Subject Property is zoned I-3. The purpose of the I-3 zone under the optional method of development (Section 59 C-5.4391) is to promote mixed-use, transit and pedestrian-oriented centers, which include housing and a commercial component with an employment emphasis. It is also the purpose of the zone to promote development that follows sound environmental principles and maximizes preservation of natural features. The development meets the purpose and requirements of the zone.

The building heights for Buildings 3, 4, 5 and 6 are varied along Ansin Circle Drive due to fluctuations in grade. On Ansin Circle Drive, the maximum building heights for Buildings 3 and 4 are 47 feet and the minimum building heights are approximately 37 feet. The maximum heights for Buildings 5 and 6 along Ansin Circle Drive are 45 feet and the minimum building heights are approximately 35 feet. On Park Potomac Avenue the maximum building heights for Buildings 3 and 4 are 47 feet, and Buildings 5 and 6 are 45 feet. To increase compatibility with the existing townhouses on Ansin Circle Drive, the buildings have a maximum of 5 stories on Park Potomac Avenue and step down to a maximum of 4 stories on Ansin Circle Drive.

Based on the following data table, which sets forth the development standards approved by the Planning Board and binding on the Applicant, and based on

other evidence and testimony of record, the Application meets all of the applicable requirements of the I-3 Zone.

Project Data Table for the I-3 Zone

Development Standard	Permitted/R equired by the Zoning Ordinance	Site Plan No. 82004015I
Maximum Building Heights		
Buildings 3 and 4	100 feet	47 feet
Buildings 5 and 6	100 feet	45 feet
Unit Mix for Buildings 3 and 4 (Parcel KK)		
One bed rooms	N/A	70 units
Two bed rooms	N/A	61 units
Three bed rooms	N/A	6 units
Total No. of units	N/A	137 units
GSF of Retails	N/A	5,995 sf.
Unit Mix for Buildings 5 and 6 (Parcel LL)		
One bed rooms	N/A	82 units
Two bed rooms	N/A	68 units
Three bed rooms	N/A	10 units
Total No. of units	N/A	160 units
GSF of Retails	N/A	4,576 sf.
Min. Green Area	35%	29.8%
Parking Tabulations²		
Parcel KK	N/A	221 spaces
Parcel LL	N/A	248 spaces
Parcel L	N/A	351 spaces
Total No. of spaces	N/A	820 spaces
Motorcycle Spaces	2% of the total	19 spaces (2%)
Bicycle Spaces	1 sp./ 20 parking sp.	44 spaces

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

² In accordance with section 59E-3.7, the total number of required spaces is calculated based on the unit mix and the retail gross floor area.

Buildings 3, 4, 5 and 6 are located in approximately the same locations as shown on the previous approvals. This Amendment will revise the lighting and landscape plans in order to include the photometrics of the new light fixtures along Ansin Circle Drive and within the picnic and seating area. The private plaza areas and public picnic and seating areas have been designed to create a sense of community within each of the buildings, add to the overall quality of design and character of the Property, and provide a convenient connection to the surrounding development.

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

The maximum height specified on the previously approved Site Plan for Buildings 3, 4, 5 and 6 was 100 feet (approximately 10 stories). This Amendment reduces the approved maximum height for the buildings by more than half (approximately 53 feet), which makes the buildings more compatible with the existing 4 story townhouses along Ansin Circle Drive. The finishings of the buildings are intended to enhance the character of the overall community by creating diversity and interest in the building facades. The rear facades of the buildings are setback approximately 10 feet from the curb and will included window and balcony treatments that establish a setting that is intended to encourage safe and efficient pedestrian and vehicular circulation. The access driveways to the structured parking garages will be relocated from Ansin Circle Drive to Park Potomac Avenue, which will reduce traffic in the front of the townhouses. The design of the corner of Building 6, at the intersection of the existing circle and Park Potomac Avenue, will provide a gateway entrance into the community. The design of the front building facades for Buildings 3, 4, 5 and 6, along Park Potomac Avenue will complement the future development of retail and office uses. The retail component on the ground floor of the buildings will establish an active streetscape that will slow traffic and encourage a walkable lifestyle.

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

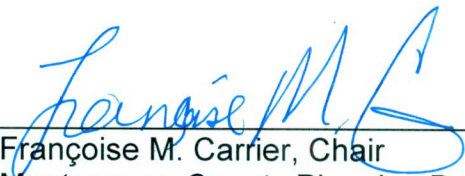
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is SEP 12 2012 (which is the date that this Resolution is mailed to all parties of record); and

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

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Vice Chair Wells-Harley, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion, at its regular meeting held on Thursday, September 6, 2012, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board

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