

Exhibit 57 (h) OZAH
Case No: H-159

| | |
|-----------------|----------------------|
| Resolution No.: | <u>20-197</u> |
| Introduced: | <u>June 13, 2023</u> |
| Adopted: | <u>June 13, 2023</u> |

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
IN MONTGOMERY COUNTY, MARYLAND**

By: District Council

SUBJECT: APPLICATION NO. H-148 FOR AMENDMENT TO THE ZONING ORDINANCE MAP, Steven A. Robins, Esquire, Elizabeth C. Rogers, Esquire, Attorneys for the Applicant, CORSO DC LLC; OPINION AND RESOLUTION ON APPLICATION; Tax Account No. 07-00464946.

OPINION

CORSO DC LLC (CORSO or Applicant) filed Local Map Amendment (LMA) Application No. H-148 on November 2, 2022. The application seeks to rezone approximately 12.29 acres of property from the R-60 (Residential Detached) Zone to the CRNF-1.5, C-0.25, R-1.25, H-70 (Commercial Residential Neighborhood Floating) Zone. Exhibit 1. The subject property is located at 7100 Connecticut Avenue, Chevy Chase, MD, further identified as Parcel 1, Block 5, “Section 4 Chevy Chase” subdivision (Tax Account No. 07-00464946). *Id.*

Staff of the Montgomery County Planning Department (Planning Staff or Staff) transmitted its report and the Planning Board’s written recommendation on March 14, 2023. Staff recommended approval of the application with 21 binding elements. Exhibit 45, pp. 3-4. The Planning Board also recommended approval but modified some of the binding elements to address concerns expressed by both the Town of Chevy Chase (Section 4) (Town) and Section 3 of the Village of Chevy Chase (Village). Exhibit 47. OZAH’s public hearing proceeded as noticed on March 24, 2023. Representatives of the Town and Village testified at the public hearing. The Hearing Examiner issued a corrected Report and Recommendation (HE Report) recommending approval with two revised binding elements on May 12, 2023.

To avoid unnecessary detail in this Opinion, the HE Report is incorporated herein by reference. Based on its review of the entire record, the District Council finds that the application meets the standards required for approval of the requested rezoning for the reasons set forth by the Hearing Examiner.

Subject Property

The property is improved with buildings formerly used by the National 4-H Conference Center. Staff advises that the property slopes generally from west to east, rising 40 feet towards the center and then gently sloping down 10 feet approaching Connecticut Avenue. Approximately 3.71 acres of forest border the north, west and southern property lines. There are no wetlands, protected floodplains or stream valley buffers on the site. The site does contain some steep slopes along the western property boundary. Exhibit 45, pp. 8-9, 22.

Surrounding Area

The “surrounding area” is identified and characterized in a Floating Zone application to measure whether the development shown in the Floating Zone Plan (FZP) will be compatible with the properties directly impacted by the use. The boundaries of the surrounding area include those properties. Once delineated, the surrounding area is “characterized” to compare whether the development proposed will adversely impact the character of the area.

The Hearing Examiner agreed with Planning Staff that the surrounding area is bounded by major roadways and surrounding municipalities: East-West Highway to the north, Bradley Lane to the south, and Brookville Road to the east. Staff named the western boundary as the western limits of the Town of Chevy Chase, which is zoned R-60 as well.¹ Exhibit 45, p. 7. Based on this record, the Hearing Examiner characterizes the area as primarily single-family detached dwellings in the R-60 Zone with institutional uses typically associated with a residential neighborhood, including Chevy Chase Elementary School and the Chevy Chase United Methodist Church.

Proposed Development

CORSO proposes to remove the existing conference center and replace it with a “residentially scaled” senior care community containing 287 independent living dwelling units, 190 assisted living beds, and 30 memory care beds. Exhibit 45, pp. 10-11. The project will include up to 5,000 square feet of retail facing Connecticut Avenue that will be open to the public, bringing the total size to 700,000 square feet. Construction will be in two phases, beginning with structures in the site interior. Exhibit 45, pp. 9-10. Final phasing will be determined at site plan. *Id.* The binding elements, agreed upon with the Town and Village, limit heights of the buildings along the property’s perimeter. A binding element restricts the height of buildings along Connecticut Avenue to 60 feet for the first 80 feet into the site. Another binding elements requires all buildings on the perimeter to present as four stories plus a roof. Buildings on the northwest corner of the site are restricted to three stories on top of a garage plus the roof. Exhibit 45, p. 13.

The FZP contains 21 binding elements, two of which were modified during OZAH’s public hearing (Exhibits 65(a) and (b)). These are listed on Appendix A attached hereto and herein.

¹ There is a discrepancy in the text and the graphic of the surrounding area in the Staff Report. The text states that the boundary is the western limits of the Town, while the graphic shown places the western boundary at Maple Avenue. CORSO’s expert land planner opined that the distinction makes no difference, as the character of both is the same. The Hearing Examiner agreed, the larger area consists primarily of single-family detached homes in the R-60 Zone. The District Council agrees and so finds.

Criteria for Approval

Every application for a Floating Zone must be accompanied by a Floating Zone Plan (FZP) that meets certain requirements. *Zoning Ordinance*, §59-7.2.1.B.2.g. The Applicant has filed an FZP meeting those requirements (Exhibit 65(b)), which is described in the Hearing Examiner's Report. *HE Report*, pp. 9-11.

The Zoning Ordinance and State law govern the standards of approval for a floating zone application. Generally, these standards fall into five categories: (1) conformity to the Master Plan, (2) compatibility with adjacent uses and the surrounding area, (3) the adequacy of public services to support the proposed development, (4) technical requirements governing the property's eligibility to apply for a Floating Zone, and (5) whether the FZP meets the development standards of the zone requested.

Conformance with the Master Plan²

The 1990 *Bethesda Chevy Chase Master Plan* (Master Plan or Plan) guides the development of this property. The Plan reconfirmed the existing R-60 zoning but recommended that existing country clubs, private schools, and "institutional uses" be redeveloped residentially if ever abandoned. *Plan*, p. 2; Exhibit 45, p. 21.

The Hearing Examiner and Planning Staff found that this application conformed to four of the seven "overarching" goals of the Plan. *Id.*, p. 21. These goals call for: (1) a diverse supply of housing for different income levels, ages, backgrounds, and household characteristics, (2) maintaining a high quality of residential neighborhoods with both services and environmental enhancements, (3) protecting natural resources and environmental features, and (4) supporting development that contributes to a strong sense of community.

The Hearing Examiner found that the project provided diverse housing opportunities that will meet the needs of the surrounding community. It will provide three levels of care for seniors (*i.e.*, independent living, assisted living, and memory care) as well as Moderately Priced Dwelling Units to meet the housing needs of individuals with diverse incomes. The project is designed to protect and retain the existing tree canopy that exists along the northern, western, and southern property, providing a natural physical and visual buffer from the surrounding residential communities. This also permanently preserves the existing environmental features, such as forest and steep slopes. Based on this record, the District Council finds that the LMA substantially conforms to the Master Plan.

² Section 59-7.2.1.E.2.a. of the Zoning Ordinance requires the District Council to find that the FZP "substantially conforms with the recommendations of the applicable master plan, general plan, and other applicable County plans." Section 59-7.2.1.E.2.b requires the FZP to be "in the public interest," which includes a review of conformity with County plans and policies, which incorporates adequate public facilities tests to determine whether the development will be consistent with the coordinated and systematic development in the Regional District under State law. Section 59-7.2.1.E.2.c requires the application to further the intent of Floating Zones. The intent of Floating Zones incorporates compliance with the applicable master plan. *Zoning Ordinance*, §59-5.1.2.A.1.

Compatibility with Adjacent Uses and the Surrounding Area

Multiple standards for approval require the District Council to find that the FZP be compatible with adjacent uses and the surrounding area.³ The District Council agrees with the Hearing Examiner and Planning Staff that the project will be compatible with surrounding and adjacent land uses because the existing woods form a visual and physical barrier on three sides. These woods will be permanently protected by Category I Forest Conservation Easements. The Council also finds, as did the Hearing Examiner, that the transition in building heights from the outer boundary of the footprint to the site interior contributes to compatibility with adjacent single-family detached homes. *HE Report*, p. 27. CORSO's expert in architecture opined that that building materials and architectural elements of the project reflect those of the surrounding neighborhood. This also supports a finding that the use will be compatible with surrounding and adjacent development. T. 95-96.

The Town and Village are concerned about the compatibility of the site access on Connecticut Avenue and the potential for overflow parking on neighborhood streets. Both want to ensure that all parking can be accommodated on-site. They also want to ensure that the access point will operate as efficiently and safely as possible. Two binding elements address these concerns. One requires CORSO to complete a Comprehensive Vehicular Site Access Study before applying for site plan approval. This study will look at intersection geometrics, speed limits, existing turning movements, vehicular and pedestrian counts, evaluation of collision data for the most recent three-year period, forecasted future traffic volumes based upon the existing traffic counts and proposed program, and a signal warrant analysis. Exhibit 65(b). The second binding element requires CORSO to complete a Parking Demand Analysis to determine whether all parking for residents, employees, and visitors will be available on-site. *Id.*

Based on expert testimony from CORSO's transportation planner, the Hearing Examiner found that traffic from the site did not contribute to accidents at the access point when the 4-H Center was operating. While the Town believes that the traffic estimated for the redevelopment is too low, there was no expert testimony contradicting this and the issue can be further reviewed both in the Comprehensive Vehicle Site Access Study and during site plan review. The District Council agrees with the Hearing Examiner that the weight of testimony in this record demonstrates that the proposed development will not contribute to safety problems at the intersection.

Similarly, the project provides more than the number of parking spaces required by the Zoning Ordinance. There is no objective testimony or evidence that the number of on-site spaces will be inadequate to serve the demand for parking generated by the residential care facility. Due

³ The FZP must further the intent of Floating Zones in general and the purpose of the CRNF Zone. *Zoning Ordinance*, §§59-7.2.1.E.2.c; 59-5.1.2.C; 59-5.3.2. Floating zones are intended to: (1) establish compatible relationships between new development and existing neighborhoods through limits on applicability, density, and uses, (2) provide development standards and general compatibility standards to protect the character of adjacent neighborhoods; and (3) allow design flexibility to mitigate any negative impacts found to be caused by the new use. *Id.*, §59-5.1.2.C. One purpose of the CRNF Zone is to "provide mixed-use development that is compatible with adjacent development." *Id.*, §59-5.3.2.C. Similarly, Section 59-7.2.1.E.2.d of the Zoning Ordinance requires the Council to find that the FZP is "compatible with existing and approved adjacent development."

to the lack of objective testimony, the Hearing Examiner found that inadequate parking was not a basis for denying the rezoning. *HE Report*, pp. 28-29. The District Council agrees and finds that parking demand generated by the project may be accommodated on-site compatibly with adjacent and surrounding uses. Again, this will be reviewed further when the Parking Demand Analysis is completed prior to application for a site plan.

Adequacy of Public Facilities/Public Interest

The District Council must also find that public facilities will be adequate to serve the FZP. While a more detailed review will occur later in the development process, a threshold analysis must be performed at the rezoning stage.⁴

The Applicant in this case submitted a Traffic Statement rather than a Traffic Study, as permitted under Planning Board's Local Area Transportation Review (LATR) Guidelines when a development will generate fewer than 50 new weekday peak hour person trips. *Zoning Ordinance*, §59.7.2.1.E.2.e; *LATR Guidelines*, p. 8. CORSO's proposal is under 50 person trips due to a credit for "existing trips" from the 4-H Center, even though that use has been abandoned and no trips are currently on the road.⁵ CORSO'S Traffic Statement (Exhibit 10) finds that the proposed development will reduce the number of weekday peak hour person trips below the amount generated by the former conference center. The Town and Village believe that the estimated number of trips attributed to the conference center are too high and testified to community observations that traffic in the past was much lower. Lower estimates of the conference center trips would mean that the proposed development will generate more traffic than presented in the Traffic Statement, triggering a full traffic study.

CORSO's expert in transportation planning provided the rationale for the trip estimates stated in the Traffic Statement. The Hearing Examiner found the weight of the expert testimony more compelling than the anecdotal evidence presented by the Town. *HE Report*, pp. 27-29. Based on this record, the District Council agrees with the Hearing Examiner and so finds. A more detailed analysis of the actual traffic generated by the former conference center may still occur during the Comprehensive Vehicular Site Access Study required by the binding elements.

⁴Section 59.7.2.1.E.2.e requires that an Applicant demonstrate that traffic generated from the proposed development "does not exceed the critical lane volume or volume/capacity ratio standard as applicable under the Planning Board's LATR Guidelines, or, if traffic exceeds the applicable standard, that the applicant demonstrate an ability to mitigate such adverse impacts . . .". The adequacy of other facilities is part of the Council's determination that an application will be "in the public interest..." and that "it will be consistent with a coordinated and systematic development of the Regional District" under State law. *Zoning Ordinance*, §59-7.2.1.E.1.b; *Md. Land Use Art.*, §21-101(a) and (b). The intent of the Floating Zones is to "implement comprehensive planning objectives by...ensuring that the proposed uses are in balance with and supported by the existing and planned infrastructure..." *Zoning Ordinance*, §59-7.2.1.E.1.b; 59-5.1.2.A.2.

⁵ CORSO's transportation expert submitted information regarding Council Bill 38-10, adopted in 2010, that amended the definition of "existing building" for the purpose of testing the roadway adequacy. The Hearing Examiner reviewed the legislative history of the bill and included both the Bill and the legislative history in the record of this case. Exhibits 49(a)-(d). Based on the information presented, she found that the County Council intended to permit a credit for "existing trips" that are no longer on the road for a variety of policy reasons. *HE Report*, p. 28, fn. 4. The District Council agrees.

While a full traffic study is not required, CORSO'S transportation expert opined that intersections on Connecticut Avenue north and south of the site access would meet current LATR standards. T. 125-129. Nothing in the record contravenes this testimony. The District Council finds this further supports a finding that public facilities will be adequate to serve the use.

Uncontroverted evidence establishes that other public facilities are adequate as well. CORSO's expert in civil engineering testified the water, electric, sewer, and gas already serve the site. T. 47. Staff concluded police and fire services are adequate to serve the proposed development. Exhibit 45, p. 3. There is no evidence that stormwater management cannot be accommodated on the site, and this will be addressed at site plan. T. 47-48. The District Council finds that public facilities will be adequate to serve the proposed development.

The Intent of Floating Zones (Section 59.5.1.2)

The District Council must determine whether the FZP fulfills the intent of the Floating Zones. Several of these have already been addressed.⁶ The remaining (from Section 59.5.1.2) are:

Section 59-5.1.2.A.3. Implement comprehensive planning objectives by:

3. allowing design flexibility to integrate development into circulation networks, land use patterns, and natural features within and connected to the property; and

Planning Staff concluded that the project met this intent by preserving much of the existing natural features, including mature trees, forest, and steep slopes while providing needed senior housing. Exhibit 45, p. 23. The Hearing Examiner concluded that the project integrates the off-site community with the residential care facility by providing public retail and walking paths. *HE Report*, p. 18. Stepping up heights of the facades along Connecticut Avenue and Thornapple Street provides an appropriate transition from the lower density homes in the surrounding area to the larger structure. *HE Report*, p. 31. The District Council finds that the project meets this intent of the Floating Zones.

Section 5.1.2.B. Encourage the appropriate use of land by:

1. providing flexible applicability to respond to changing economic, demographic, and planning trends that occur between comprehensive District or Sectional Map Amendments;

2. allowing various uses, building types, and densities as determined by a property's size and base zone to serve a diverse and evolving population;

⁶ The intent of Floating Zones contained in Sections 59-5.1.2.A.1 and 2 and 59-5.1.2.C of the Zoning Ordinance has already been addressed in the Council's findings relating to the compatibility of the FZP with surrounding uses and the adequacy of public facilities. The balance of the Floating Zone intent clauses is discussed here.

3. ensuring that development satisfies basic sustainability requirements, including open space standards and environmental protection and mitigation; and

Planning Staff concluded that the project offers an opportunity to replace an unused institutional use with a more compatible residential development. Staff also confirmed that the development would comply with all sustainability requirements and meets smart growth principles because it is already served by transit. Exhibit 45, p. 25. The Hearing Examiner agreed, noting that the property is served by two bus routes. *HE Report*, p. 35. Based on this record, the District Council finds that the development will meet these intents of the Floating Zones.

The Applicability of the Zone (Section 59.5.1.3.)

Section 59.5.1.3. of the Zoning Ordinance sets up a series of threshold tests to determine whether a site may apply for a Floating Zone.⁷

Planning Staff provided uncontroverted evidence that the application meets all the threshold tests needed to apply a Floating Zone to the property. The District Council finds that the requirements of this section are met, as did the Hearing Examiner. *HE Report*, p. 33.

The Purpose of Commercial/Residential Floating Zones, Permitted Uses, and Permitted Building Types (Sections 59.5.3.2 through 59.5.3.4)

Zoning Ordinance Division 59-5.3 specifies the purposes of the Commercial/Residential Floating Zone, and establishes the allowed uses, building types, and development standards. The FZP must fulfill the purposes of the Commercial/Residential Floating Zones and meet all technical standards.

Section 59.5.3.3 of the Zoning Ordinance limits the uses permitted in the CRNF Zone to “only” those uses permitted in the CRN Zone. A residential care facility is a limited use in the CRNF Zone. Zoning Ordinance, §59.3.1.6. Commercial retail uses are permitted uses in the CRN Zone. The CRNF Zone permits any building type, thus, the multi-family buildings are permitted in the requested zone. *Id.*, §59.5.3.4.

Purpose. The District Council has already found that the FZP is compatible with adjacent development, one of the purposes of the Commercial/Residential Zones. *Zoning Ordinance*, §59.5.3.2.C. The remaining purposes are:

Section 5.3.2. Purpose

The purpose of the Commercial/Residential Floating zones is to:

- A. allow development of mixed-use centers and communities at a range of densities and heights flexible enough to respond to various settings;*
- B. allow flexibility in uses for a site...*

⁷ Section 59-5.1.3.A prohibits placement of a Floating Zone on property currently in an Agricultural or Residential Zone. As this property is zoned R-60, that section does not apply.

The District Council has already found that the FZP uses the additional height permitted and flexible setbacks permitted by the zone to accomplish a compatible residential project through height transition, public open space, and forest retention. The FZP allows redevelopment with a residential rather than institutional use, in accordance with the Master Plan. The District Council finds that this standard has been met, as did the Hearing Examiner.

Development Standards of the Zone (Section 5.3.5)

Planning Staff prepared a table comparing the development standards of the CRNF Zone with the development shown on the FZP. Exhibit 45, p. 29. The table demonstrates that the proposed development may meet all the development standards of the requested zone. The approved Floating Zone Plan determines the setbacks from the site boundary. Zoning Ordinance, §59.5.3.5.B.2. Remaining development standards may be finalized at site plan unless they are restricted by a binding element. The District Council agrees with the Hearing Examiner that the FZP meets all development standards of the Zone.

General Development Standards (Article 59.6)

Article 59.6 of the Zoning Ordinance contains general development standards for most developments. These standards regulate the number and design of parking spaces, drive aisles, landscaping, lighting, and public and private open space. Based on the undisputed evidence at this stage, the Applicant's proposal will be able to meet these standards, subject to review and modification of the particulars during site plan review.

Conclusion

Based on the foregoing analysis and after a thorough review of the entire record, including the corrected Hearing Examiner's Report and Recommendation issued May 12, 2023, the District Council concludes that the proposed reclassification and development will meet the standards set forth in the Zoning Ordinance, and that it will be consistent with the coordinated and systematic development of the Regional District under State law.

ACTION

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, Maryland, approves the following resolution:

Local Map Amendment Application No. H-148, requesting reclassification from the R-60 Zone to the CRNF-1.5, C-0.25, R-1.25, H-70 (Commercial Residential Neighborhood Floating) Zone for property located at 7100 Connecticut Avenue, Chevy Chase, MD, further identified as Parcel 1, Block 5, "Section 4 Chevy Chase" subdivision (Tax Account No. 07-00464946) is hereby **approved** in the amount requested and subject to the specifications and requirements of the Floating Zone Plan, Exhibit 65(b), provided that the Applicant files an executed Declaration of Covenants (Exhibit 65(a)) reflecting the binding elements in the land records and

submits to the Hearing Examiner for certification a true copy of the Floating Zone Plan approved by the District Council within 10 days of approval, in accordance with §§59.7.2.1.H.1.a. and b. of the Zoning Ordinance.

This is a correct copy of Council action.

Sara R. Tenenbaum
Clerk of the Council

APPENDIX A

Binding Elements

1. Use of the property will be limited to a residential care facility and ancillary commercial establishments. No more than 5,000 square feet of commercial use, with no single establishment larger than 2,500 square feet shall be permitted. Such commercial establishments shall be made available to the general public.
2. Vehicular access will be limited to Connecticut Avenue. Vehicular access to and from Thornapple Street, Woodside Place, and Meadow Lane and the property must be prohibited. Before submission of a Preliminary Plan and/or Site Plan applications, the Applicant will complete a Comprehensive Vehicular Site Access Study that shall include, but not be limited to review of the existing roadway, intersection geometrics, speed limits, existing turning movements, vehicular and pedestrian counts, evaluation of collision data for the most recent three-year period, forecasted future traffic volumes based upon the existing traffic counts and proposed program, and a signal warrant analysis. The Applicant will work with the State Highway Administration and the Town of Chevy Chase to determine the need for traffic-related measures along Connecticut Avenue. In addition, the Applicant will coordinate with Chevy Chase Section 3 to address traffic-related impacts to that neighborhood.
3. Before submission of Preliminary Plan and/or Site Plan Applications, the Applicant will complete a Parking Demand Analysis to ensure on-site parking for all property employees and visitors, including during peak use and visitation periods, is adequate. The Applicant will implement the recommendations of the Parking Demand Analysis to ensure that all parking necessary to meet the needs of the Project is accommodated on-site, subject to approval by the necessary governmental entities.
4. The Applicant shall provide garage space and five (5) separate parking spaces for use by the Town of Chevy Chase, the details of which will be provided during site plan review.
5. The Applicant shall place areas, as more accurately depicted on the Final Forest Conservation Plan, generally along the southern, western and northern property lines, in a Category I Conservation Easement. The Town of Chevy Chase forester shall be included in the proceedings regarding the creation and maintenance of the Category I Conservation Easement.
6. The Applicant shall construct new pathways connecting the existing sidewalk on Thornapple Street with Connecticut Avenue and connecting the property with Woodside Place. No pedestrian pathway shall directly connect between Woodside Place and Connecticut Avenue. A public walking path through the proposed

Category I Conservation Easement, as applicable, generally located along the western property boundary, shall be prohibited.

7. The Applicant shall maintain minimum building setbacks as shown on the Floating Zone Plan, including a maximum building height of sixty feet (60') for a distance of eighty feet (80') from Connecticut Avenue.
8. The Applicant shall comply with all applicable stormwater management regulations. A Town of Chevy Chase-appointed engineer will be included in the review of the stormwater management plans for the Property, as coordinated by the Montgomery County Department of Permitting Services.
9. The Applicant shall locate and/or screen refuse storage and collection areas and loading and service areas so as to minimize the view and noise from the adjacent property boundaries.
10. The Applicant shall install planting materials that are primarily native species. The Applicant will remove all invasive species on the Property, in accordance with the Final Forest Conservation Plan. The Applicant will provide sufficient planting depth above garage areas to support canopy and shade trees, where applicable.
11. The Applicant shall install a non-deciduous tree screen along the south property line outside of the Category I Conservation Easement. Foundation planting shall be installed where garage walls extend above grade.
12. The Applicant shall provide exterior lighting according to applicable County regulations and coordinated so as minimize impact to adjacent properties.
13. The Applicant will enter into a Construction Management agreement with the Town of Chevy Chase before approval of the Certified Site Plan for the Property.
14. At the time of Site Plan, the Applicant will provide an interim landscaping plan for the phased build-out of the Project.
15. Vinyl siding and EFIS are prohibited on all new buildings.
16. The Applicant shall execute and record among the land records, so as to be enforceable against all successors and assigns, a Declaration of Covenants that will include the binding elements included in the approved Local Map Amendment prior to approval of the Certified Site Plan for the Property.
17. The outward-facing architectural facades along all sides of the Property will be designed to read as four (4) stories plus roof, with the exception of the northwest corner of the Property, which shall be designed to read as three (3) stories on top of the garage plus roof. Additionally, these outward facing facades must adhere to a maximum height, as observed from the established measuring point of 55 feet, with

the exception of the northwest corner of the Property, which shall adhere to a maximum height of 50 feet.

18. The Project will provide ground floor entrances along both Thornapple Street and Connecticut Avenue commensurate with individual units located along these respective facades.
19. The Project will include a porte cochere at the site entrances featuring specialty paving, with the final design and location to be finalized at the time of Site Plan.
20. The Project will incorporate a fountain or similar gateway feature at the main entrance along Connecticut Avenue, with the final design to be approved by the Planning Board in connection with the Site Plan approval.
21. Before obtaining any building or grading permits, the Project must receive Site Plan approval.