

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

July 9, 2007

CALL TO PODIUM:

Greg Ossont, Director of Planning and Code Administration

RESPONSIBLE STAFF:

Rob Robinson, Planner

Lauren Pruss, Planning Director

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing
	Historic District
	Consent Item
	Ordinance
<input checked="" type="checkbox"/>	Resolution: Height Waiver
<input checked="" type="checkbox"/>	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	12/27/2006
	01/03/2007
Hearing Date	01/16/2007
Record Held Open	06/28/07
Policy Discussion	07/09/07

TITLE: SDP-06-004 HEIGHT WAIVER POLICY DISCUSSION

Height Waiver Request for the Fairfield at West Deer Park Development, SDP-06-004

SUPPORTING BACKGROUND:

The applicant, Fairfield Broadstone LP, represented by Mr. Jody Kline of Miller, Miller and Canby, has submitted a schematic development plan, as required by §24-160G.6 (Procedure for application and approval) of the City Code, in conjunction with rezoning application Z-304. A joint public hearing was held January 16, 2007 and was followed by a joint work session on February 12, 2007.

The applicant is proposing to redevelop 349 garden style apartments, currently known as the Broadstone Apartments, located at the intersection of MD 355 and West Deer Park Road. The proposed plan includes a 334 multi-family unit complex, 53 townhomes, 28 two-over-two units, and a community pool and clubhouse.

As part of the proposed application, the applicant is seeking a height waiver for the multi-family complex and two-over-two units, not to exceed four (4) stories or forty-eight (48') feet, in accordance with §24-160G.5(a), subject of the recently adopted (12/4/2006) T-378 text amendment. Within the CD zone, height waivers may only be granted when providing amenities to further enhance the CD zone, when the additional height is necessary to implement the master plan, and the additional height will be compatible with the existing and proposed land uses. The waiver must be granted concurrently with any schematic development plan approval.

The Planning Commission gave a recommendation of approval at their June 20, 2007 meeting, with 12 conditions. The Council's record closed at 5pm June 28, 2007.

Attached:

Draft Resolution

DESIRED OUTCOME:

**Conduct policy discussion for SDP-06-005 Height Waivers
Draft Resolution attached**

RESOLUTION NO. _____

RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF GAITHERSBURG GRANTING APPROVAL OF
A HEIGHT WAIVER AS PART OF SCHEMATIC DEVELOPMENT PLAN
SDP-06-004, KNOWN AS FAIRFIELD AT WEST DEER PARK, FOR
APPROXIMATELY 14.157 ACRES OF PROPERTY
ZONED CORRIDOR DEVELOPMENT (CD)

WHEREAS, on January 8, 2007, Fairfield Broadstone, LP, the Applicant on rezoning application Z-304 and schematic development application SDP 06-004, filed an application for Height Waiver, with accompanying Justification Statement, pursuant to Text Amendment T-378, codified at Section 24-160G.5(a)(1)-(3); and

WHEREAS, to accomplish the proposed design of the multi-family building as well as the addition of "2 over 2" condominiums included in the application, the applicant is seeking the height waiver from the Mayor & City Council; and

WHEREAS, under §24-160G.5.(a)(1) of the City Code, the City Council may, by resolution, waive building and structure height requirements for a residential district project, allowing a height not to exceed four (4) stories, or forty-eight (48) feet if the Mayor and Council make the find that: 1) the applicant will provide either on-site or off-site public amenities to further enhance the corridor development zone and the purposes of the CD zone; 2) the additional height is necessary to implement the master plan and a specific corridor plan for Gaithersburg, or attract and appropriate and compatible type or caliber of user; and 3) the additional height will be compatible with existing and proposed adjacent land uses and would not detrimentally impact those uses or public facilities serving a specific corridor; and

WHEREAS, the City Council heard testimony on the application as part of the joint public hearing on the SDP held January 16, 2007; and

WHEREAS, the City Council received the recommendation of approval from the Planning Commission on June 27, 2007; and

WHEREAS, the City Council has reviewed all testimony and evidence submitted into the record.

NOW THEREFORE, in accordance with §24-160G.5 of the City's Zoning Ordinance, the Mayor and City Council hereby find as follows:

1. The applicant will provide either on-site or off-site public amenities to further enhance the corridor development zone and the purposes of the CD zone.

The Applicant has proposed a number of enhancements to the existing property as part of SDP-06-004. The increased height of the multi-family structure and associated parking structure reduces the overall building footprint and minimizes on-site surface parking lots. These acts allow for the construction/creation of a number of amenities: an

outdoor community swimming pool; a clubhouse; a .42± acre pocket park sited next to the pool; a second .45± acre open space, including a community tot-lot, located near the townhouses, and the expansion of the existing forest by an additional .78 acres.

Similarly, the reduced footprint and surface parking will impact the streetscapes along both MD 355, South Frederick Avenue and West Deer Park Road. Along Frederick Avenue, the proposed streetscape will include an eighteen (18') foot green strip from curb to a newly installed eight (8') foot path. Utilities along West Deer Park will be moved underground, allowing the installation of a new five (5') foot sidewalk separated from the curb by a five (5') foot green strip. Existing bus stops will be enhanced per Public Works recommendations. These changes improve overall pedestrian safety by moving citizens off the curb and creates a more amenable walking environment within the Southern Residential zone of the Frederick Avenue corridor.

2. The additional height is necessary to implement the master plan and a specific corridor plan for Gaithersburg, or attract an appropriate and compatible type or caliber of user;

The intent of the Frederick Avenue Corridor Land Use Plan is to "...focus on the development of a comprehensive approach to improve the aesthetic quality of the Corridor, to provide a safer pedestrian environment and to ensure continued economic revitalization." To these ends, SDP-06-004 proposes a comprehensive plan that redevelops an aging apartment complex into a mix of residential units types; from single-family townhouses, to "2 over 2" condominiums, to moderately priced apartments. The application creates a unified community vision by including project wide landscaping, interlinking pedestrian paths, open community park spaces, an increased forest conservation area, a community pool and clubhouse, and complementary architecture among the various unit types. The application provides for a safer pedestrian environment by increasing sidewalk/pathway widths and adding green buffering strips along both Frederick Avenue and West Deer Park Road.

Application SDP-06-004 also complies with the adopted themes, objectives and actions expressed in the 2003 Process and Overview Element. Two actions adopted under the Redevelopment Theme include "Consider waiving the density or height requirements for a more desired project" and "Increase public green/open space through infrastructure re-design in existing neighborhoods." The Housing Theme includes the action "Encourage the redevelopment of aging apartment complexes." The granting of the height waiver for SDP-06-004 will allow this project to fulfill the stated goals of the City by supporting a desired project, redeveloping aging stock, and creating more open/green spaces by reducing building footprints and surface parking.

3. The additional height will be compatible with existing and proposed adjacent land uses and would not detrimentally impact those uses or public facilities serving a specific corridor.

This project demonstrates compliance with all required adequate public facility ordinance (APFO) standards required by the City of Gaithersburg. Additional height and stories for the Fairfield at West Deer Park project will not have an adverse affect on adjacent properties or on the character of the corridor. The south and east sides of the property are bordered by various land uses including office (south), institutional (funeral

home southeast), and other multi-family (east) across MD 355. These adjacent uses range from two (2) stories to four (4) stories.

On the north side of the subject property is Bohrer Park at Summit Hall Farm whose closest structure or activity area is at least 300 feet from the common property line. The additional height would have no negative impacts upon these diverse uses and may in fact spur new redevelopment within the residential section of the Frederick Avenue Corridor.

ADOPTED by the City Council this 9th day of July, 2007.

SIDNEY A. KATZ, MAYOR and
President of the Council

THIS IS TO CERTIFY that the foregoing
Resolution was adopted by the City Council
in public meeting assembled on the 9th
day of July, 2007.

David B. Humpton, City Manager