

# MAYOR & COUNCIL AGENDA COVER SHEET

**MEETING DATE:**

September 4, 2007

**CALL TO PODIUM:**

**Jacqueline Marsh**

**RESPONSIBLE STAFF:**

**Greg Ossont, Director  
Planning and Code  
Administration**

**Lauren Pruss,  
Planning Director**

**Jacqueline Marsh, Planner**

**AGENDA ITEM:**

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
<b>X</b>	Joint Public Hearing
	Historic District Commission
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

**PUBLIC HEARING HISTORY:**

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

Introduced	
Advertised	8/15/2007
	8/22/2007
Hearing Date	9/4/2007
Record Held Open	
Policy Discussion	

**TITLE: Z-306**

Amendment to the Sketch Plan for the Humane Society (HSUS) Property, Requesting up to 300,000 Square Feet of Office Development in Structures Between 6 and 12 Stories and up to 250-300 Residential Units. The Subject Property contains 10.5 Acres of Land and is Located East of I-270, South of the Existing Terminus of Professional Drive, and West of MD Route 355, North Frederick Avenue, in the Mixed Use Development (MXD) Zone.

**SUPPORTING BACKGROUND:**

This is an amendment to sketch plan request submitted by the Humane Society of the United States (HSUS). The proposal includes approximately 10.5 acres of property, located east of Interstate 270, south of the existing terminus of Professional Drive, and west of MD Route 355, North Frederick Avenue, in the Mixed Use Development (MXD) Zone.

This property was rezoned to MXD as part of a Comprehensive rezoning after the 1997 Master Plan; however, a sketch plan was not approved during the rezoning process for unknown reasons. The existing 67,800 square foot, 2- story building at the site is the national headquarters of the HSUS.

This application proposes up to 300,000 square feet of office development in structures between 6 and 12 stories, up to 250-300 residential units in multifamily buildings between 6 and 12 stories, and a combination of above and below ground structured parking with limited surface parking. HSUS is requesting that all of the proposed density be phased so that no development would occur on this site until the Watkins Mill Road interchange is under construction.

Staff, in cooperation with Montgomery County and the State Highway Administration, has been in discussion with HSUS for some time in an effort to secure dedication of the interchange right-of-way located on their property, and believes that the densities and uses proposed in this sketch plan is harmonious with the recently approved Casey West and Casey East projects. Further, the uses and densities will promote signature buildings on I-270 when the interchange is built.

Attachments:  
Z-306 Index of Memoranda and Exhibits identified in **bold**

**DESIRED OUTCOME:**

**Hold Public Hearing.**

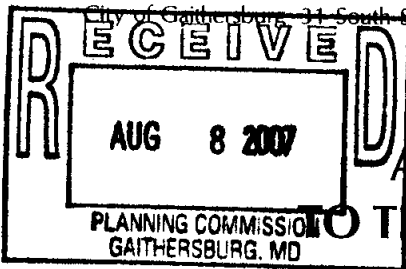
**Staff recommends the Planning Commission hold the record open until 5PM on September 26<sup>th</sup> (22 days) with anticipated recommendation on October 3<sup>rd</sup>. Staff recommends the Mayor and City Council hold the record open until 5PM on October 8<sup>th</sup> (34 days) with anticipated policy discussion October 15<sup>th</sup>.**

Joint Public Hearing  
Mayor and City Council  
And Planning Commission  
September 4, 2007

**Z-306**  
**Humane Society of the United States (HSUS) Property**

Number      Exhibit

- 1. Application for Amendment to the Zoning Map**
- 2. Letter from C. Robert Dalrymple, dated August 8, 2007**
3. Adjoining and Adjacent Property Owners
4. Natural Resources Inventory, approved January 24, 2007
5. Record Plat R-423
6. Traffic Study prepared by The Traffic Group, dated June 15, 2007
- 7. Aerial Location Map**
8. Letter to Gazette requesting legal advertisement of Joint Public Hearing in the August 15 and 22, 2007, issues
9. Notice of Joint Public Hearing sent August 14, 2007, to Required Parties
- 10. Sketch Plan Amendment Site Plan**



City of Gaithersburg, 31 South Summit Avenue • Gaithersburg, Maryland 20877 • Telephone: (301) 258-6330 • Fax: (301) 258-6336  
plancode@gaitthersburgmd.gov • www.gaitthersburgmd.gov

# AMENDMENT TO THE ZONING MAP

## SKETCH PLAN AMENDMENT

In accordance with Chapter 24, Article VIII of the City Code

Application No. Z-306
Filing Date 8-8-07
Fee 1,000 PD
PC Hearing 9-4-07
PC Recommendation _____
M & CC Hearing _____
Decision _____
Date _____

JPH

**SUBJECT PROPERTY** Humane Society of the United States  
 Address (if none, the location with respect to streets) 700 Professional Drive  
 Lot p 1 Block \_\_\_\_\_ Subdivision Tektronix, Inc.

**REQUESTED CHANGE**

From the existing ~~MXD~~ <sup>WXD</sup> Zone to the \_\_\_\_\_ Zone

Optional Method of Development (check if applicable)

\*Note: The optional method is excluded from the RA Zone and the MXD Zone.

**APPLICANT(S)** HUMANE Society of the United States  
 Address 700 Professional Drive 20879 Telephone 301.258.3018

**OWNER(S)** Humane Society of teh United States  
 Address Same as above Telephone \_\_\_\_\_

**TAX ASSESSMENT INFORMATION**

As shown on the tax docket of the State Department of Assessment and Taxation, Montgomery County, or on the Montgomery County, Maryland Real Estate Tax Bill.

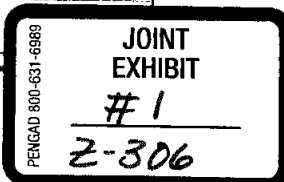
DISTRICT SUBDIVISION	ACCOUNT NUMBER	LOT	BLOCK	ACRES/FEET	SUBDIVISION OR TRACT NAME
9-	02214652	p 1		456,073 sf	Tektronix, Inc. Plat # 13885
9-					
9-					
9-					
9-					
9-					

**ZONING HISTORY**

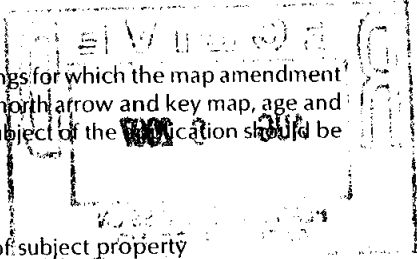
List below the application numbers, date of filing, and actions taken on all applications filed within 3 years prior to this date for the reclassification of the whole or any part of the land above described.

APPLICATION #	DATE FILED	ACTION TAKEN
None		

continued on reverse side



**SUBMISSION REQUIREMENTS**



- **Map or plat** prepared by registered surveyor or engineer showing land and existing buildings for which the map amendment is sought, the bordering properties, streets and street names, lot and block designations, north arrow and key map, age and location of existing buildings, property size in acres/square feet. The area which is the subject of the application should be outlined in red. (10 copies)
- **Legal metes and bounds** of property
- **Fee** (see separate schedule)
- **List of names and addresses** of all property owners within 200 feet of any boundary of subject property
- **Statement** demonstrating a change in the neighborhood or a mistake in the Master Plan

**If Optional Method submit also:**

- **Schematic Development Plan** (which needs to include):
  - Uses of all buildings and structures
  - Location, height, dimensions of all buildings, structures, and parking areas, dimensions of all buildings
  - Location of points of access to site
  - Existing topography (contours of not more than 5-foot intervals) 100-year flood plains, and other natural features
  - Utility Easements
  - Natural Resource Inventory (See Environmental Standards)

• **Proposed Covenant**

• **Statements:**

Applicant proposes to limit uses on the subject parcel to the following: \_\_\_\_\_

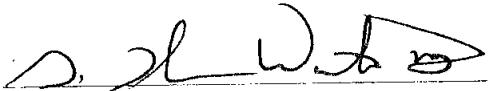
Applicant has submitted Schematic Development Plan which imposes the following limitations of development standards: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ADDITIONAL INFORMATION**

Within five (5) days after filing the application, the applicant shall erect appropriate signs, posting notice of the requested zoning map amendment public hearing (per Section 24-196e of the City Code). The signs are made available to the applicant from the City staff and must remain posted until thirty (30) days after the decision on the application.

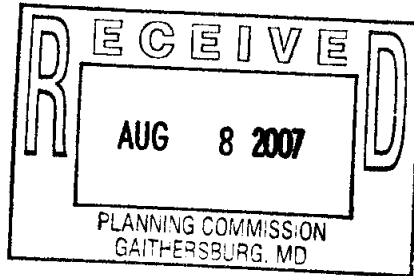
**I have read and complied with the submission requirements and affirm that all statements contained herein are true and correct.**

Applicant's Signature  Date 8/2/07

Owner's Signature (same) Date \_\_\_\_\_

**LINOWES**  
**AND BLOCHER LLP**  
ATTORNEYS AT LAW

August 8, 2007



**C. Robert Dalrymple**  
301.961.5208  
bdalrymple@linowes-law.com

Mr. Greg Ossont  
Director  
Planning & Code Administration  
City of Gaithersburg  
31 South Summit Avenue  
Gaithersburg, Maryland 20877-2098

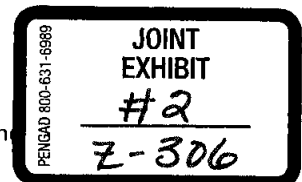
Hand Delivered (by Site Solutions, Inc.)

Re: Humane Society of the United States ("HSUS") / MXD Sketch Plan Amendment

Dear Mr. Ossont:

On behalf of HSUS, and pursuant to our many discussions, we are pleased to submit a Sketch Plan Amendment for the HSUS property located east of I-270, south of the existing terminus of Professional Drive and north of future Watkins Mill Road extended in the City of Gaithersburg (the "HSUS Property"). The general purpose and intent of this Sketch Plan Amendment is to secure future development entitlements for HSUS in the MXD zone while also providing for dedication of right-of-way necessary for Watkins Mill Road extended and the future on-ramp to northbound Interstate 270. This will provide HSUS with a degree of certainty as it weighs its future intentions for HSUS relocation and/or redevelopment of the HSUS Property, and it provides the City of Gaithersburg with the ability to deliver to State Highway Administration necessary right-of-way to help expedite the construction of the Watkins Mill Road interchange.

The HSUS Property, comprised of 10.49 acres, is currently the location of the central headquarters for HSUS. The existing improvements were constructed several years ago in the City's I-3 zone. As a result of comprehensive planning and rezoning processes several years ago, the HSUS Property (unknown to HSUS) was rezoned to the City's MXD zone; however, notwithstanding the need to approve a sketch plan concurrent with MXD zoning, there is no indication or record of a sketch plan having been approved for the HSUS Property. Accordingly, in agreement with the Planning Staff, we are treating the existing improvements (which were in existence when the HSUS Property was rezoned to the MXD zone) as the approved sketch plan for the HSUS Property and are thereby submitting this as an amendment to sketch plan.



Mr. Greg Ossont  
August 8, 2007  
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The desire of HSUS is to have approved for the HSUS Property a density envelope comprised of a mix of office and residential uses, with flexibility to respond to the market as the time for redevelopment grows nearer. The major components of the redevelopment project will be comprised of the following:

- Up to 300,000 sq. ft. of office development in structures between 6 and 12 stories; and
- Up to 250 to 300 residential units in structures between 6 and 12 stories; and
- A combination of above and below ground structure parking with limited surface parking; and
- The extension of Professional Drive through the HSUS Property, thereby connecting the existing Professional Drive north of the HSUS Property to the proposed Spectrum Way and Restaurant Row through the Casey east property and to Watkins Mill Road extended.

These development components, in addition to other proposed binding aspects of the Sketch Plan Amendment, are identified as "Binding Elements" on the face of the Sketch Plan submitted herewith. Included among the Binding Elements is an obligation on the part of HSUS to dedicate right-of-way for Watkins Mill Road and a ramp system from Watkins Mill Road to northbound I-270, which dedication shall be to the State Highway Administration and shall occur upon the completion of the design of the interchange. The dedication area is reflected as reserved area on the Sketch Plan. By binding element, no development of the HSUS Property pursuant to the Sketch Plan can occur until such time as the interchange construction is commenced.

With the proposed Watkins Mill Road interchange, the HSUS Property is a strategic parcel for the City of Gaithersburg, essentially creating a gateway to that portion of Gaithersburg east of Interstate 270. While the actual details of the proposed development of the HSUS Property will surface at the time of schematic development plan approval, the ultimate location of Professional Drive through the HSUS Property and the utilization of the existing topography of the property will largely determine the organization of buildings, parking structures and open spaces. The development of the HSUS Property should have a strong presence towards I-270 and Watkins Mill Road, and it will provide an appropriate and compatible utilization of land between the mixed-use development of the Casey west and Casey east properties as well as office and other non-residential uses located to the south and the north of HSUS Property.

Mr. Greg Ossont  
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While there are no specific recommendations or special conditions or requirements contained in the master plan for this area, the primary goal of the MXD zone to create internal and external compatibility and development that is harmonious with existing and planned land uses in the MXD zoned areas and adjacent areas support the mixed-use development of the HSUS Property as set forth on the Sketch Plan Amendment.

In addition to the attached Sketch Plan Amendment, we have also provided the following information in support of the Sketch Plan Amendment:

- An approved Natural Resource Inventory/Forest Stand Delineation;
- An existing Record Plat;
- A Traffic Statement (a full traffic analysis will occur pursuant to the City's APFO at the time of SDP approval);
- A list of adjoining and confronting property owners; and
- An application fee of \$1,000 made payable to the City of Gaithersburg.

Upon review of these materials, please do not hesitate to contact me if additional information is necessary or if you have any questions relating to this submission. We would ask that you provide us with the schedule for processing this through the Planning Commission and the Mayor and Council as expeditiously as possible, and we look forward to working with Staff, the Planning Commission and the Mayor and Council over the next several weeks on the existing proposal.

Very truly yours,

**LINOWES AND BLOCHER LLP**



C. Robert Dalrymple

CRD:pi

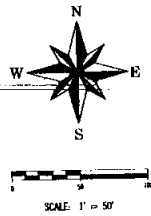
Mr. Greg Ossont  
August 8, 2007  
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Enclosures

cc: Mr. Fred Felton  
Ms. Lauren Pruss  
Mr. Thomas Waite  
Mr. Alfred Blumberg

L&B 846209v2/04390.0004





**LEGEND**

	RESIDENTIAL
	OFFICE
	RESIDENTIAL or OFFICE OVERLAP (To be determined at Schematic Design Plan)
	PREVIOUS PROFESSIONAL DRIVE RIGHT-OF-WAY DEDICATION

**SITE & DEVELOPMENT DATA**

- Existing Zoning: MD
- Site Area: 10.49 Acres
- Proposed Development:
  - Residential - Up to 250 - 300 Units
  - Office - Up to 300,000 sq.ft. (Maximum 0.75 FAR)
- Building Height: 6 to 12 Stories
- Parking: Minimum 90% Structured  
Maximum 10% Surface  
Shared parking to be encouraged
- Green Space:
  - Residential - Minimum of 40%
  - Office - Minimum of 25%
- Forest Conservation: To be provided on site; To be determined at Site Plan
- Stormwater Management: To be provided by a combination of above & below ground facilities; Concept to be determined / approved at time of Site Plan

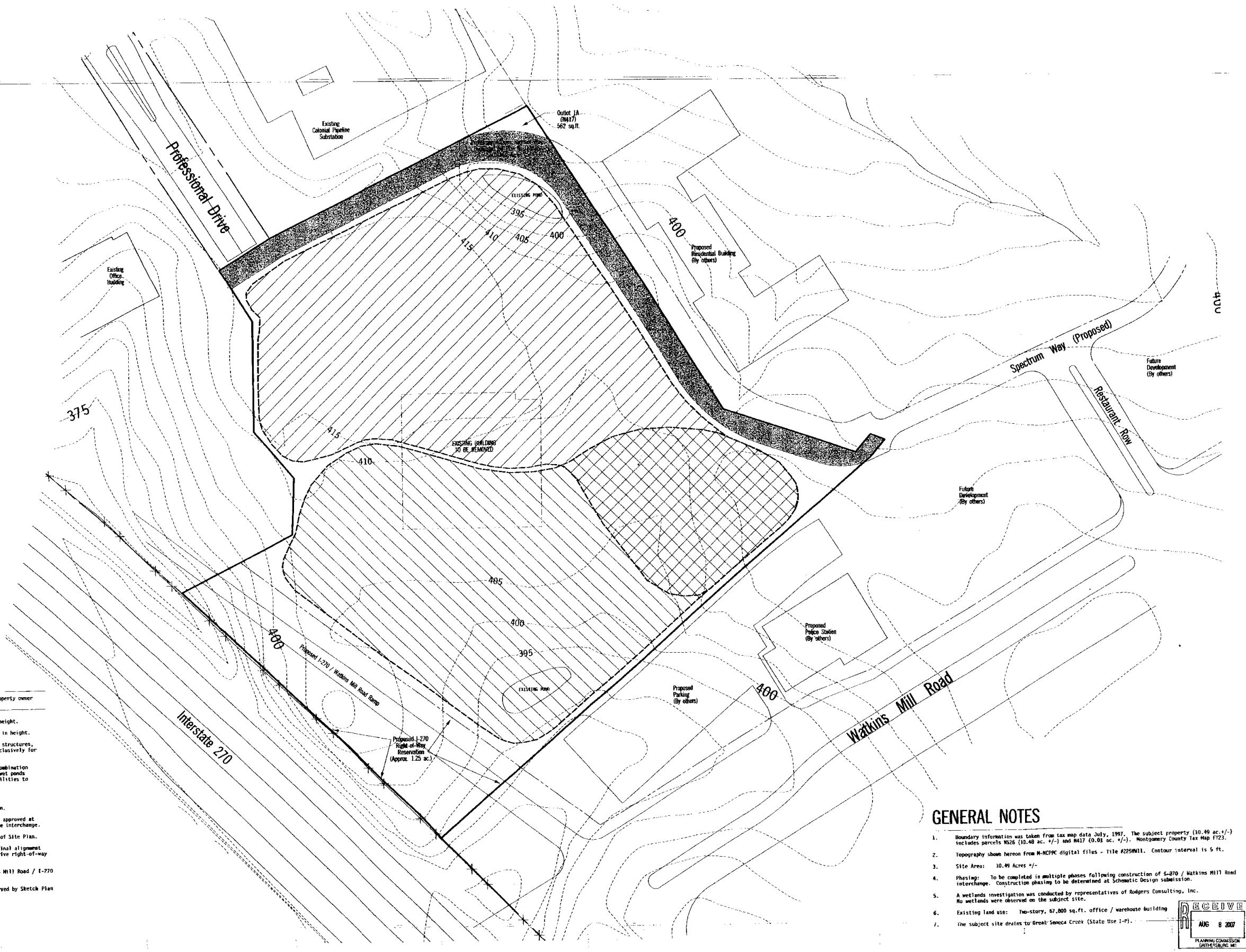
**BINDING ELEMENTS**

The following Binding Elements are intended to be binding on both the property owner and the City of Gaithersburg.

- Up to 300,000 sq.ft. of office in structures 6 to 12 stories in height.
- Up to 250 to 300 residential units in structures 6 to 12 stories in height.
- Parking will be provided in combination of above and below grade structures, plus surface parking. A minimum of ninety percent of parking exclusively for office and residential use must be in structures.
- Stormwater management quantity requirements will be met with a combination of surface and below-grade facilities (surface facilities to be wet ponds within the watershed, either on or off site). Water quality facilities to be provided using below-grade or surface facilities.
- Improvements will be qualified for LEED certification.
- A wildlife management plan shall be prepared at time of Site Plan.
- A full traffic impact study, along with project phasing, will be approved at time of Site Plan with the study assuming the construction of the interchange.
- A Forest Conservation Plan to be submitted and approved at time of Site Plan.
- Professional Drive is to be extended through the property with final alignment to be determined at Schematic Development Plan. Professional Drive right-of-way dedicated by Plat #13865 may be abandoned.
- No development activity will begin until construction of Watkins Mill Road / I-270 interchange has commenced.
- Area for Watkins Mill Road / Interstate 270 interchange is reserved by Sketch Plan with dedication upon final design of interchange.

**GENERAL NOTES**

- Boundary information was taken from tax map date July, 1997. The subject property (10.49 ac +/-) includes parcels MS26 (10.40 ac +/-) and M17 (0.09 ac +/-). Montgomery County Tax Map F723.
- Topography shown hereon from M-NCPC digital files - Title #225M11. Contour interval is 5 ft.
- Site Area: 10.49 Acres +/-
- Phasing: To be completed in multiple phases following construction of I-270 / Watkins Mill Road interchange. Construction phasing to be determined at Schematic Design submission.
- A wetlands investigation was conducted by representatives of Rodgers Consulting, Inc. No wetlands were observed on the subject site.
- Existing land use: Two-story, 67,800 sq.ft. office / warehouse building
- The subject site drains to Great Seneca Creek (State Use I-P).



Note: Use information by Rodgers Consulting

COMPLETED BY AN ARCHITECT

1" = 50'

JOINT EXHIBIT #10 Z-306

PENGDAD 800-631-6989