

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

October 1, 2007

CALL TO PODIUM:

Jacqueline Marsh

RESPONSIBLE STAFF:

Jacqueline Marsh, Planner

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

Lauren Pruss, Planning Director

AGENDA ITEM:

(please check one)

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

PUBLIC HEARING HISTORY:

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

Introduced	
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

TITLE: CSP-07-005 - HEIGHT WAIVER
Height Waiver Request for the Archstone at Olde Towne Concept Site Plan Redevelopment Project, CSP-07-005

SUPPORTING BACKGROUND:
<p>This is a height wavier request submitted by Mr. Jody Kline, of Miller, Miller, and Canby, representatives of Archstone-Smith. Section 24-160F.5. of the City's Zoning Ordinance, entitled Waiver of Development standards, states the City Council may, by resolution, waive the building and structure height requirements in the Central Business District (CBD), and allow a height not to exceed nine (9) stories upon certain findings.</p> <p>The applicant is proposing to redevelop property located in the City's Olde Towne District with a mixed-use project containing 389 residential units and approximately 18,000 square feet of ground floor retail along East Diamond Avenue.</p> <p>The applicants are requesting approval to exceed the four (4) story height limit by one or two stories. As outlined in the applicant's statement in support of the request for the height waiver, varied portions of the residential buildings will be five (5) stories because certain units will have mezzanines. In limited areas, the addition of basements will add a below-grade story in the buildings that have mezzanines, bringing the total number of stories to six (6), as basement units are technically stories if they are used for dwelling purposes. The parking garage will be five stories.</p> <p>The concept site plan (CSP-07-005) is tentatively scheduled to be reviewed at the October 17, 2007, Planning Commission meeting.</p> <p><i>Attached: Statement in Support of Request for Height Waiver Draft Resolution Site Sections</i></p>

DESIRED OUTCOME:
Conduct policy discussion.
Draft resolution attached, ready for final action

STATEMENT IN SUPPORT OF REQUEST FOR HEIGHT WAIVER

Section 24-160F.4 (“Development Standards”) of the City Zoning Ordinance establishes a height limit in the Central Business District Zone of “... a total of four (4) stories in height.” However, Section 24-160F.5 (“Waiver of Development Standards”) authorizes the City Council to waive certain of the CBD development standards, including building height. In particular, subsection (a) allows a “... height not to exceed nine (9) stories... in the central business district” upon demonstration that the proposal will meet certain standards established in the Zoning Ordinance. The project to be known as “Archstone Olde Towne” proposes building heights of five (5) stories (4 stories with mezzanine conditions on top floor) and six (6) stories buildings (4 stories with mezzanine conditions and basement conditions). This Statement is intended to support the Applicant’s request for a height waiver pursuant to the provisions of Section 24-160F.5(a) of the Zoning Ordinance. This waiver addresses the fact that the unique design of “Archstone Olde Towne” will be, technically, taller than four (4) stories in certain locations of the buildings comprising the project.

The Applicant’s plans and elevations show a ground level of retail shops along a portion of the project’s East Diamond Avenue frontage. The remainder of the building’s square footage is devoted to residential and includes amenity areas for the residents of this multi-family housing community.

A height waiver is required for “Archstone Olde Towne” due to the factors of creative design and topographic conditions.

This project is being developed as, basically, a five story residential product (4 stories with mezzanine units located in certain visible points along the top floor). The mezzanine floor area within the units will be greater than one-third of the floor next below it and are, therefore,

considered a “story” themselves. Mezzanine units are very popular in today’s market and provide variety and interest to a building’s elevation. Not all the top floor units will be mezzanine units thus allowing variation in height and articulation along the roof line to provide a more pleasing elevation. The “corners” of the buildings along East Diamond Avenue are given emphasis through the introduction of tower elements that anchor the corners and provide visual design, additional height, and articulation through the use of different building materials and detailing. By placing design emphasis in strategic locations the buildings take on a unique and interesting character giving the appearance of separate and multiple buildings .

The use of mezzanines within the buildings creates the need for a height waiver of up to five stories. However, in a very limited area, the topography will necessitate that two buildings be designed with “basement units” and will constitute an additional sixth floor or story. Thus, a limited portion of the project will, technically, be considered a six story building, therefore requiring the greater height waiver for that section of the project.

In addition to varying the height of the roof line, the Applicant has stepped the building back along East Diamond Avenue at the second through fourth stories, providing a more thoughtful relationship between the building and the street. “Vertical” building breaks have been incorporated into the design to provide the sense of a “block” consistent with the existing building blocks along East Diamond Avenue. In addition to the building materials and articulation, areas of repose have been strategically located along the new streetscape, further enhancing the pedestrian experience. The applicant has proposed an arcade (covered sidewalk) immediately adjacent to the retail component helping to distinguish the retail areas from the residential portion located along East Diamond Avenue.

The introduction of stoops in the project distinguishes the residential component of the project at the street level. The incorporation of stoops along the sidewalks provides for a sense of comfort and safety for the pedestrians walking in the neighborhood.

Satisfaction of the Zoning Ordinance standards for the granting of the requested height waiver is achieved in the following manner:

1. “The Applicant will provide either on-site or off-site public amenities to further enhance the central business district and the purposes of the CBD zone.”

Most importantly, the “Archstone at Olde Towne” project will provide a streetscape environment along East Diamond Avenue where presently it does not exist. The Applicant will provide a variety of streetscape elements such as street trees, sidewalk pavers, benches, lights and landscaping that will enhance the public’s pedestrian experience along this street.

Additionally, “Archstone at Olde Towne”, as a redevelopment project, provides a new street and right-of-way for Teacher’s Way, thus improving the flow of traffic in Gaithersburg’s core. The construction of Teacher’s Way will provide not only vehicular connections but also pedestrian connections where there currently are none.

2. “The additional height is necessary to implement the Master Plan and the Olde Towne Master Plan, or attract an appropriate and compatible type caliber of user.”

The “Gaithersburg Olde Towne District Master Plan” adopted by the City in June, 2005, devotes an entire section (“Sector 3”) to providing design recommendations for the “Northeast corner of Diamond Avenue”. The proposed building height of five stories (four stories with mezzanine) supports the Plan’s recommendations by creating a stronger, more identifiable “pedestrian zone” along East Diamond

Avenue, giving it more of a “Main Street” quality as encouraged by the Master Plan. The fact that a modest portion of the project is considered, from a Zoning Ordinance point of view, as a six story building does not detract from the fact that the overall “presentation” made by “Archstone Olde Towne” is as a five story building that is in conformance with the Plan’s recommendations for project height.

The Plan recognizes that a critical mass of residential development is necessary to stimulate this core area and thus encourages mixed-use development with ground floor retail with “residential uses above the retail...”, both of which are achieved in this application.

Archstone’s proposal, which achieves the impression of five stories of building height, accomplishes all of the goals set forth in the design recommendations of the 2005 Master Plan and is the primary reason for the granting of this requested height waiver due to the strong compliance with the Master Plan’s design recommendations.

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 the CBD.”

The Applicant’s proposal reflects the recommendations of the 2005 Master Plan, but does not attempt to take full advantage of the nine story waiver provided in the Zoning Ordinance. This proposal recognizes that height compatibility of five stories (with mezzanines) is most appropriate with existing and proposed surrounding land uses. There was concern that taller buildings might be out of proportion and begin to dominate the northeast quadrant of the intersection of

Summit Street and East Diamond Avenue and may not be compatible with surrounding land uses. (Topographic conditions along northeast quadrant of the project facing the school grounds cause part of the project to be classified as a six story building, but the overall appearance of the project is not altered by this natural feature.) A building height of five stories, with a limited portion at six stories, as designed and proposed by the Applicant, best achieves the dual goals of creating a vital core at the center of Gaithersburg without any adverse or detrimental impact on surrounding land uses or the public facilities located within the Central Business District.

In summary, the proposal for “Archstone Olde Towne” warrants the granting of a waiver to allow building height up to six stories (in limited areas as described above) based on conformance with the standards set forth in Section 24-160F.5 of the Zoning Ordinance.

RESOLUTION No. _____

RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF GAITHERSBURG GRANTING APPROVAL OF
A HEIGHT WAIVER AS PART OF CONCEPT SITE PLAN CSP-07-005,
KNOWN AS ARCHSTONE AT OLDE TOWNE, IN THE
CENTRAL BUSINESS DISTRICT (CBD) ZONE

WHEREAS, this development application, requesting a waiver of the four-story height limit in the CBD Zone for a five to six story retail-residential building and a five-story parking garage in the Olde Towne District, was submitted to the Planning and Code Administration on September 7, 2007; and

WHEREAS, due to factors of creative design and topographic conditions, the applicant is seeking the height waiver from the Mayor & City Council; and

WHEREAS, pursuant to §24-160F.5, Waiver of Development Standards, the City Council may, by resolution, waive the building and structure height requirements in the central business district, and allow a height not to exceed nine (9) stories upon a finding that (1) the applicant will provide either on-site or off-site public amenities to further enhance the central business district and the purposes of the CBD Zone; and (2) the additional height is necessary to implement the master plan and the Olde Towne Master Plan, or attract an 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 the CBD; and

WHEREAS, the applicant has submitted a letter which outlines the general findings required by the Zoning Ordinance;

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

NOW THEREFORE, in accordance with §24-160F.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 central business district and the purposes of the CBD Zone.

The Archstone at Olde Towne project will provide a streetscape environment along East Diamond Avenue where presently it does not exist. The applicant will provide a variety of streetscape elements such as street trees, sidewalk pavers, benches, lights and landscaping that will enhance the public's pedestrian experience along East Diamond Avenue. The applicant is additionally proposing internal courtyards, one of which can be accessed by the public during specified hours.

Archstone at Olde Towne, as a redevelopment project, provides a new street and right-of-way for Teacher's Way, thus improving the flow of traffic in Gaithersburg's core downtown area. The construction of Teacher's Way will provide not only vehicular connections but also pedestrian connections where there currently are none.

2. The additional height is necessary to implement the master plan and the Olde Towne Master Plan, or attract an appropriate and compatible type or caliber of user.

The Gaithersburg Olde Towne District Master Plan, adopted by the city council on July 18, 2005, provided specific recommendations on the subject property as the "northeast corner of Diamond Avenue." It stated:

"To realize maximum development potential of this large parcel assemblage (the largest outside of Sector 1) buildings could achieve a height of five stories in mixed-use structures."

The proposed building heights of five and six stories supports the Plan's recommendations by creating a stronger, more identifiable pedestrian zone along East Diamond Avenue, giving it more a Main Street quality as encouraged by the Master Plan.

The Olde Towne District Master Plan recognizes that a critical mass of residential development is necessary to stimulate the core downtown area and thus encourages mixed-use development with ground floor retail with residential uses above the retail, both of which are being accomplished by this application. The applicant's proposal achieves the impression of five stories of building height and accomplishes all of the goals set forth in the design recommendations of the Olde Towne Master Plan.

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 the CBD.

This proposal recognizes that height compatibility of five stories (with mezzanines) is appropriate with existing and proposed surrounding land uses. Olde Towne hosts a variety of land uses, including residential, office, commercial, and educational. The additional height would have no negative impacts upon these diverse uses and may in fact spur new redevelopment within the Olde Towne Central Business District. Additional height and stories for the Archstone at Olde Towne project will not have an adverse affect on adjacent properties or on the character of Olde Towne.

The development of the Archstone at Olde Towne must comply with the Adequate Public Facilities Ordinance, thus demonstrating that it will not detrimentally impact the existing public facilities serving the Central Business District.

ADOPTED by the City Council this ____ day of _____, 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 ____
day of _____ 2007.

David B. Humpton, City Manager



THE PRESTON PARTNERSHIP, LLC

A MULTI-DISCIPLINARY DESIGN FIRM

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CONSULTANT _____

SEAL _____

PROJECT
**OLDE TOWNE
GAITHERSBURG**
MONTGOMERY COUNTY
GAITHERSBURG, MD

FOR _____

ARCHSTONE SMITH

23245 CRYSTAL DRIVE 11TH FLOOR
ARLINGTON, VA 22202
TEL 703 399-3533

REVISIONS _____

DATE 09/25/07

JOB NUMBER 0511704

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CHECKED BY _____

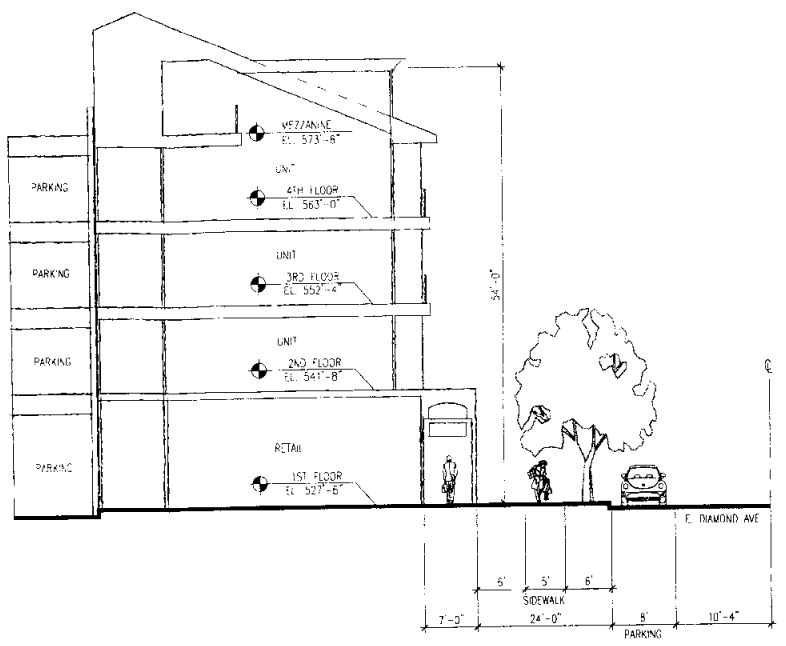
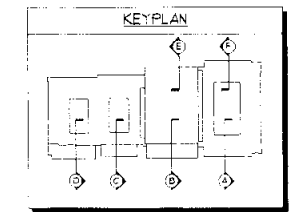
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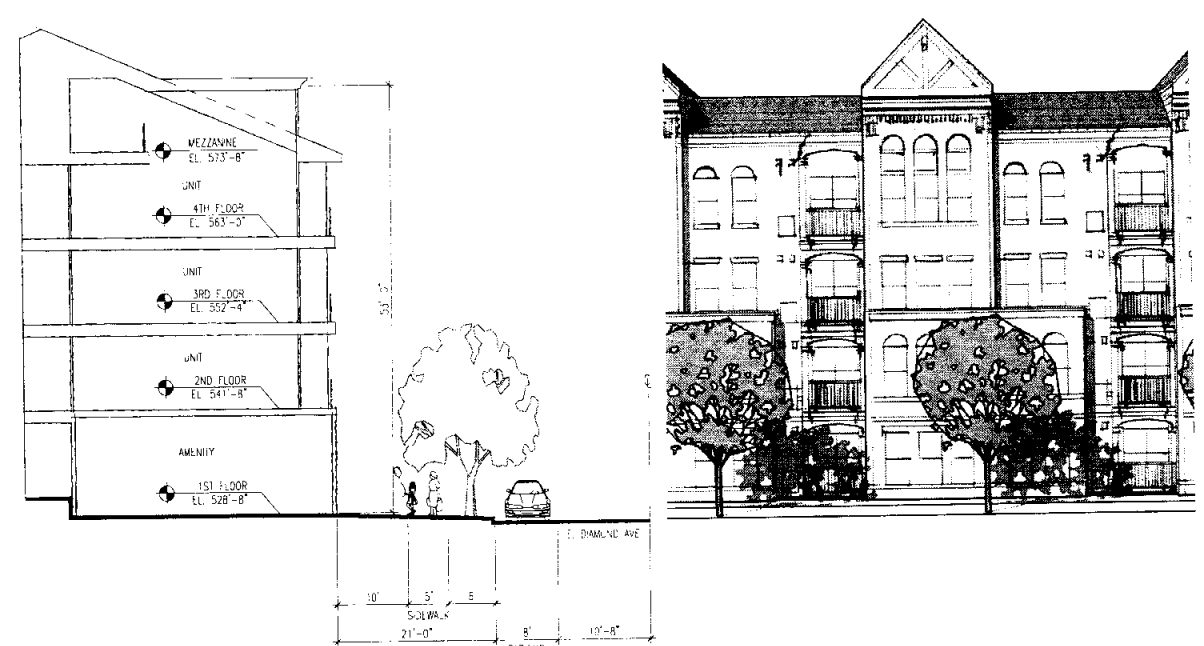
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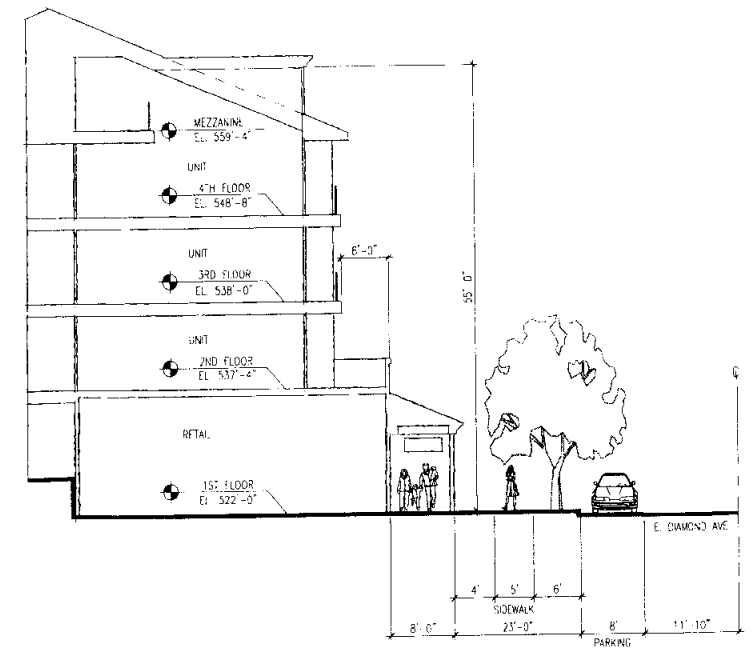
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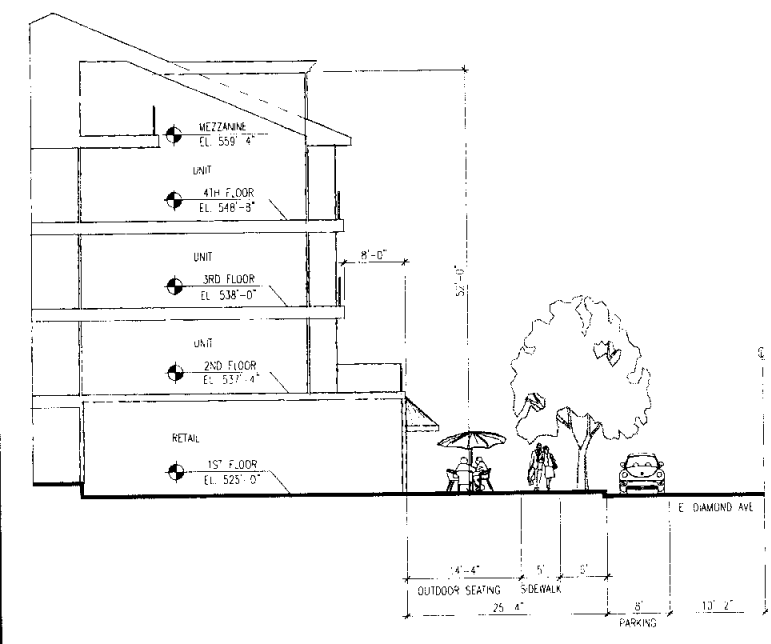
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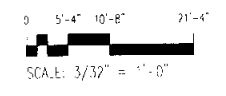
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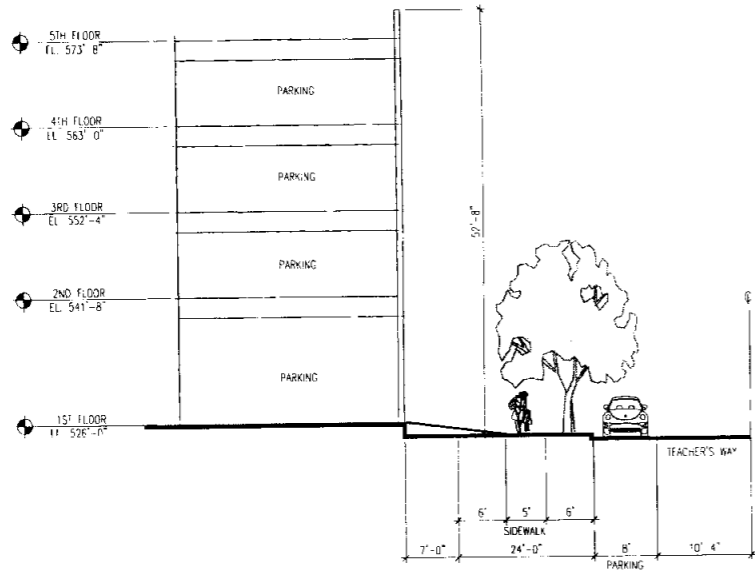
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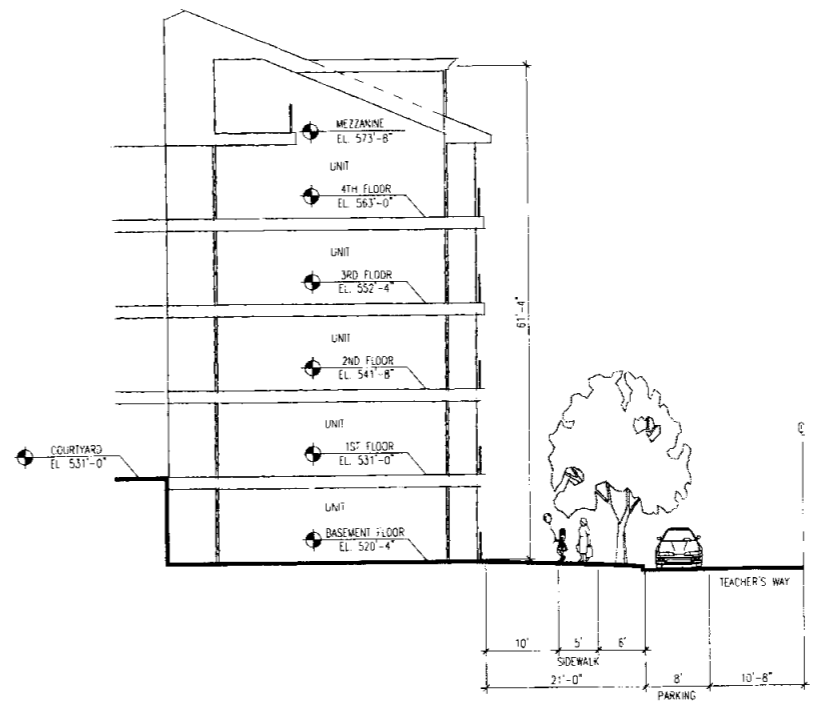
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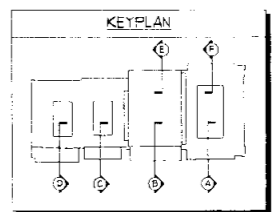
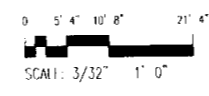
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