

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

May 19, 2008

CALL TO PODIUM:

Eliza Voigt, Planner

RESPONSIBLE STAFF:

Eliza Voigt, Planner

AGENDA ITEM:

(please check one)

<input type="checkbox"/>	Presentation
<input type="checkbox"/>	Proclamation/Certificate
<input type="checkbox"/>	Appointment
<input type="checkbox"/>	Joint Public Hearing
<input type="checkbox"/>	Historic District
<input type="checkbox"/>	Consent Item
<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Resolution
<input checked="" 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	NA
Advertised	4/2/2008
	4/9/2008
Hearing Date	4/21/2008
Record Held Open	05/9/08
Policy Discussion	05/19/08

TITLE: SDP-08-001 POLICY DISCUSSION:

This application requests approval for Schematic Development Plan SDP-08-001, known as Lot 3 Quince Orchard Crescent in Gaithersburg, Maryland. The property is zoned MXD (Mixed-Use Development).

SUPPORTING BACKGROUND:

This application, SDP-08-001 proposes to establish a Schematic Development Plan for this property incorporating the following uses within the existing buildings: office; medical office; and a religious facility.

The Joint Public Hearing for SDP-08-001 was held on April 21, 2008. An overview of the application was presented that evening.

The Planning Commission closed their record on April 30, 2008 and recommended approval for SDP-08-001 during the May 7, 2008 meeting. The recommended approval has no conditions.

The Mayor and City Council record closed on May 9, 2008. This application is ready for Final Action consideration and a draft resolution has been attached for your review.

Attachments:

Planning Commission Recommendation

Staff Analysis

Draft Resolution

*Index of Memoranda and Exhibits (In **Bold**)*

DESIRED OUTCOME:

Conduct Policy Discussion

Ready for Final Action

COMMUNICATION: PLANNING COMMISSION

MEMORANDUM TO: Mayor and City Council

VIA: James Arnoult, Acting City Manager

FROM: Eliza Voigt, Planner

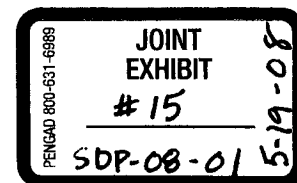
DATE: May 8, 2008

SUBJECT: SDP-08-001 - William Aiken for Soka Gakkai International-USA (SGI-USA)
Request for approval of Schematic Development Plan SDP-08-001, for Lot 3 of Quince Orchard Park Crescent. The proposed plan establishes the use of office, medical office and a religious facility within the two existing one-story buildings each containing 25,000 square feet. The subject property is located at 902/904 Wind River Lane in the Mixed Use Development (MXD) Zone

At its regular meeting on May 7, 2008, the Planning Commission made the following motion:

Commissioner Kaufman moved, seconded by Alternate Commissioner Lanier, to recommend SDP-08-001, Quince Orchard Park Crescent Lot 3, for APPROVAL to the Mayor and City Council, finding it in compliance with Zoning Ordinance §§ 24-160D.10(b).

Vote: 5-0



COMMUNICATION: PLANNING COMMISSION

MEMORANDUM TO: Planning Commission

FROM: Eliza Voigt, Planner

DATE: April 28, 2008

SUBJECT: SDP – 08-001 -- Application requests approval to establish Schematic Development Plan SDP-08-001, known as Lot 3 Quince Orchard Crescent in Gaithersburg, Maryland. The plan will incorporate office, medical office, and a religious facility. The subject property is located at 902 and 904 Wind River Lane in the MXD (Mixed Use Development) Zone.

APPLICANT:

William Aiken
Soka Gakkai International – USA
4603 Eastern Ave
Mount Ranier, Maryland 20712

OWNER:

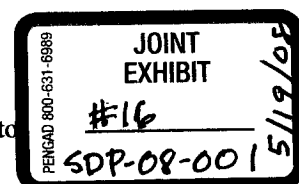
Washington Real Estate Investment Trust
6110 Executive Blvd Suite 800
Rockville, Maryland 20852

REQUEST:

The application requests approval of the Schematic Development Plan, SDP-08-001, per Annexation X-129 and Site Plan S-805, known as Lot 3 Quince Orchard Crescent in Gaithersburg, Maryland. The plan proposes to establish a Schematic Development Plan for this property incorporating the following uses within the existing buildings: office; medical office; and a religious facility.

LOCATION:

The parcel is located at 902 and 904 Wind River Lane and contains two one-story buildings each 25,000 square feet consisting of office and medical office uses. The parcel contains a total of 50,000 square feet. The parcel has frontage on Wind River Lane to the north and Quince Orchard Road to the south. Twin Lakes Drive is to the east of the site. Access to the site is via Wind River Lane, a private street. Surrounding the property is the Arbee Bldg (950 Wind River), the Crescents' berm and landscape buffer, the Fernshire Farm and Diamond Farm communities, Goddard School and



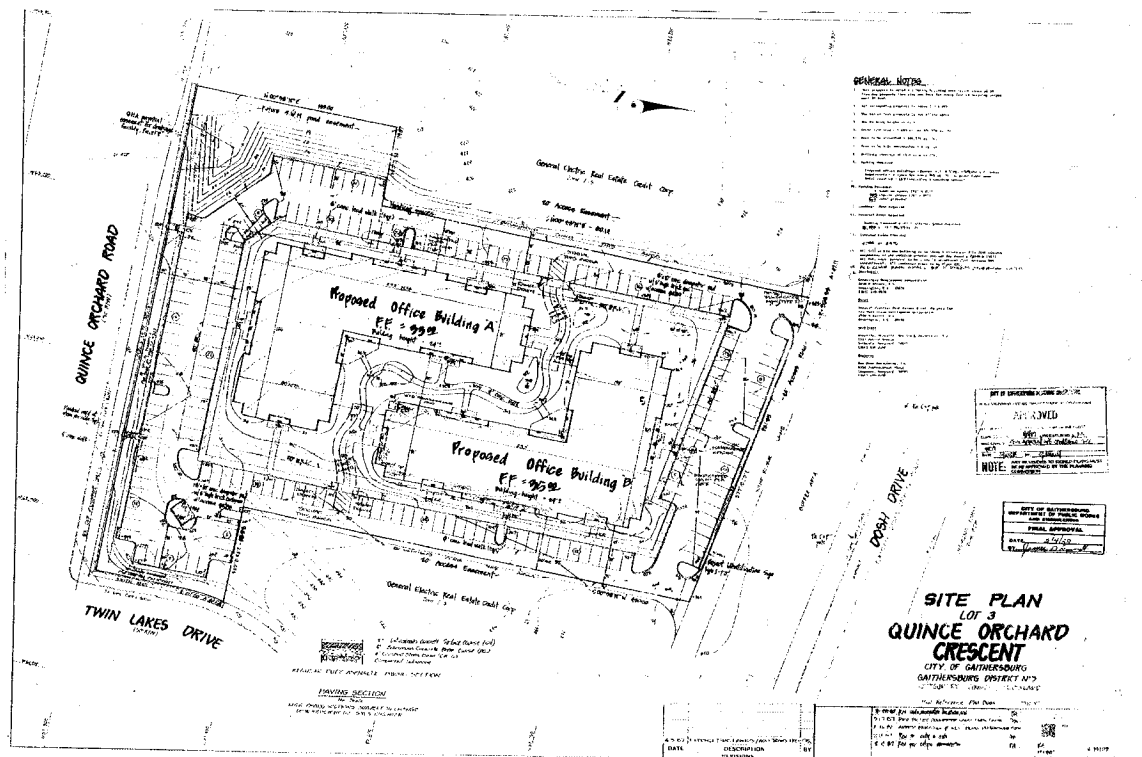
office building, and the Taipei Economic and Cultural Center. South of the property is a three-story office building and the site of the proposed Vistas residential development.

TAX MAP REFERENCE:

Tax Sheet: FS13
 Tax ID Number: 09-02749934

BACKGROUND:

The subject property is part of the original annexation of 212-acres in 1982 (X-129). Final site plan approval for the subject site was obtained in May 1988 and is shown below. In August of 1991, the annexation agreement, X-129, was amended to allow for changes to the size of the property, access points, square footage allowance, and envisioned transportation improvements. In 1993, the property was rezoned from I-3 (Industrial Office Park) to the MXD (Mixed Use Development) Zone, as part of the Zoning Map Amendment Application Z-275 for Quince Orchard Park. An accompanying sketch plan was approved in December 1993. The subject Crescent section was approved for office development not to exceed 150,000 square feet. Because the development previously existed prior to the rezoning, a schematic development plan was never developed. In order to change the use, in this case from office to religious facility, a schematic development plan must be established and approved.



Approved Site Plan S-805

The applicant filed SDP-08-001 with the Planning and Code Administration on March 7, 2008. Because this proposal is less than 200 dwelling units and 100,000 square feet, the applicant was required to obtain a waiver from the Planning Commission in accordance with Section 24 160D.9(b) (2). This waiver was granted on April 2, 2008. A joint public hearing on the Schematic Development Plan was held by the Mayor and City Council and the Planning Commission on April 21, 2008.

The Planning Commission held its record open until April 30, 2008, with the recommendation scheduled for May 7, 2008. The record for the Mayor and City Council closes on May 9, 2008, with anticipated discussion at the City Council's May 19, 2008 meeting.

MASTER PLAN

The parcel is identified in the *2003 City of Gaithersburg Master Plan* use as Commercial/Industrial-Research-Office. The uses proposed in the Schematic Development Plan conform to this designation.

PROPOSED USE

Site Considerations

The site has currently two existing buildings, each 25,000 square feet, consisting of office or office/medical uses. The lot has frontage on Wind River Lane to the north and Quince Orchard Road to the south. Twin Lakes Drive is to the east of the site. Access to the site is via Wind River Lane. The applicant is requesting a change in use from the existing office to a religious facility use. The religious facility will occupy a 2,558 square foot space in 902 Wind River Lane. The required parking will increase with this usage change. There will be no other changes proposed for the site. Religious facilities are a permitted use in the MXD (Mixed Use Development) zone.

Parking

The operation of the religious facility is as follows:

Sundays:	9am-2pm	(main assemblies 2-3 times/month)
Saturdays	9am-9pm	(group meetings)
2-3 weekday evenings	7pm-9pm	(group meetings)
1-2 weekdays	10am – 2pm	(bookstore and prayer use)

There are a total of 184 parking spaces at the site. The current office use of 2,558 square feet provides eight spaces. According to the zoning code, a religious facility is parked at one parking space per four seats. The highest use would be on Sundays with approximately 88 people in the worship area. This use would require 22-parking spaces during off-business hours. The use and parking needs fit well with the current use by the other tenants in the corporate park. The religious facility will have minimal parking needs during normal business hours and peak needs on weekends

and evenings when the office campus is otherwise near empty. The applicant conducted a parking survey at the site to illustrate this:

**Parking Survey
902-904 Wind River Lane**

Day	Date	10:00 AM		2:00 PM		6:30 PM		8:00 PM	
		Count	By	Count	By	Count	By	Count	By
Monday	9/10/2007	50	JW	62	JW	12	PW	7	TH
Tuesday	9/11/2007	59	MB	66	JW	17	AP	12	PW
Wednesday	9/12/2007	58	MB	60	JW	14	AP	11	PW
Thursday	9/13/2007	55	MB	65	JW	9	AP	9	PW
Friday	9/14/2007	62	JW	54	JW	11	AP	7	PW

Day	Date	9:00 AM		10:30 AM		12:00 PM		1:30 PM		7:30 PM	
		Count	By	Count	By	Count	By	Count	By	Count	By
Saturday	9/8/2007	9	PW	9	PW	11	PW	7	PW	6	PW
Sunday	9/9/2007	8	PW	8	MB	10	PW	7	PW	6	PW

Observers	
Name	Initials
Peter Walch	PW
Janice Walch	JW
Angela Pun	AP
Marshall Benedict	MB
Teruko Hicks	TH

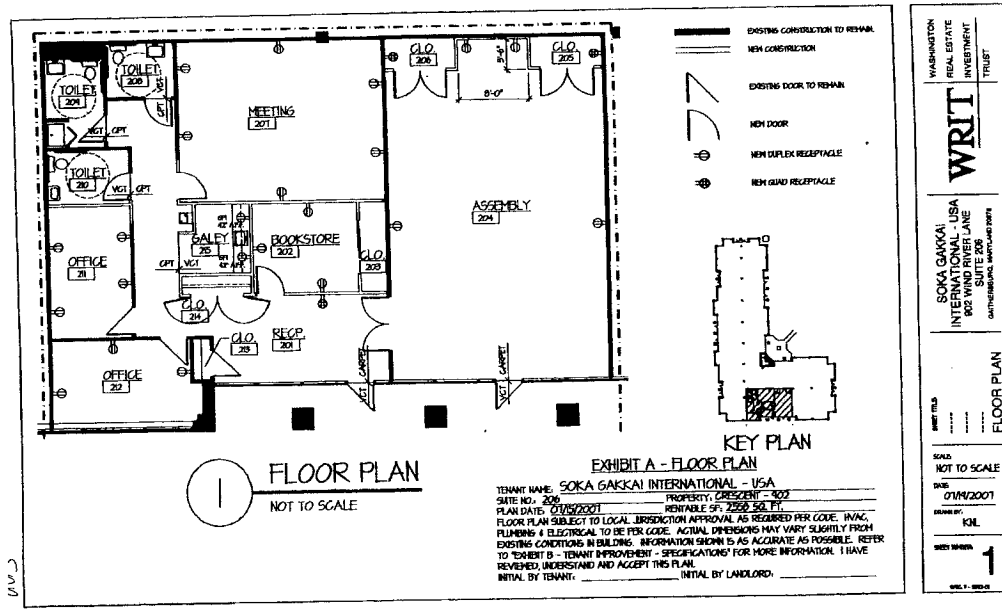
This survey was conducted on the dates shown above at 902-904 Wind River Lane. There are a total of 184 parking spaces in the lot surrounding these two buildings. The numbers above reflect the number of occupied spaces at the time of each observation.

Transportation

Ingress and egress to the site is via Wind River Lane. The additional traffic related to the religious facility would primarily be during off peak hours fitting well with the current use by the other tenants in the office park.

Architecture/Landscape

The external architecture/landscape of the building will remain the same. Internally, the center will include 2,558 square feet of which approximately 1,000 square feet will be an assembly space with an alter area and a seating capacity of 80-90 persons. The remainder of the space will be for a lobby, small bookstore, conference room, children's room, office, galley and bathrooms. This use will face Quince Orchard Road.



REQUIRED FINDINGS:

DIVISION 19. MXD ZONE, MIXED USE DEVELOPMENT

* * *

Sec. 24-160D.10. Findings required.

- (b) The city council shall approve a schematic development plan only upon the finding that:
 - (1) The plan is substantially in accord with the approved sketch plan; and
 - (2) The plan meets or accomplishes the purposes, objectives and minimum standards and requirements of the zone; and
 - (3) The plan is in accord with the area master plan and any accompanying special condition or requirements contained in said master plan for the area under consideration; and
 - (4) The plan will be internally and externally compatible and harmonious with existing and planned land uses in the MXD zoned area and adjacent areas; and
 - (5) Existing or planned public facilities are adequate to service the proposed development contained in the plan; and

- (6) The development staging or phasing program is adequate in relation to the provision of public facilities and private amenities to service the proposed development; and
- (7) The plan, if approved, would be in the public interest.

STAFF RECOMMENDATION:

Staff finds that the application complies with the requirements of the MXD Zone, Division 19 of the City Zoning Ordinance as it meets with the findings required by the Mayor and City Council to approve an SDP. This is accomplished by the following:

- (1) The plan is similar to what was approved in accordance with the sketch plan for Quince Orchard Park, which proposed a large comprehensively planned mixed use development of office and other commercial land uses for the Crescents area;
- (2) The plan meets the purposes and objectives of the zone by adding to the existing diversity of the area, which includes office, residential, and commercial uses, which defines the true spirit of Mixed Use Zoning;
- (3) The Master Plan recommended this area for a land use designation of Commercial/Industrial-Research-Office. A religious facility is a compatible use with this land use designation;
- (4) The proposed use will be compatible with the existing uses in that it will provide a service that is valued by the community. The religious facility creates an opportunity that may benefit the residents of the City of Gaithersburg;
- (5) All of the public facilities and services are in place for the building. As such, there will not be a burden imposed upon the infrastructure, both public and private;
- (6) The religious facility use is an added beneficial amenity to the neighborhood by providing a service that can be utilized by the office patrons and community residents;
- (7) The schematic development plan is in the public's interest to have a religious facility located in this area. The religious facility could be utilized by the people who work in the office developments that surround this area as well as the residents of the adjacent neighborhoods.

Staff recommends that the Planning Commission recommend APPROVAL of SDP-08-001, to the Mayor and City Council, as it complies with § 24-160D.10(b) of the Zoning Ordinance, with no conditions.

RESOLUTION NO. _____

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF GAITHERSBURG
GRANTING APPROVAL OF SCHEMATIC DEVELOPMENT PLAN SDP-08-001,
INCORPORATING OFFICE, MEDICAL OFFICE AND A RELIGIOUS FACILITY
LOCATED AT 902 AND 904 WIND RIVER LANE IN THE MIXED USE
DEVELOPMENT (MXD) ZONE, GAITHERSBURG, MARYLAND

SDP-08-001

OPINION

This proceeding constitutes an action pursuant to §24-160D of the Zoning Ordinance (Chapter 24 of the Gaithersburg City Code) which permits the Mayor and City Council to review and approve a schematic development plan in the MXD (Mixed Use Development) Zone.

The subject property is located on Lot 3 of the Quince Orchard Crescents, 902 and 904 Wind River Lane, Gaithersburg, Maryland, in the MXD (Mixed Use Development) Zone.

Operative Facts

The parcel contains two one-story buildings each 25,000 square feet consisting of office and medical office uses. The parcel has frontage on Wind River Lane to the north and Quince Orchard Road to the south. Twin Lakes Drive is located to the east of the site. Access to the site is via Wind River Lane, a private street.

In 1993, the property was rezoned from I-3 (Industrial Office Park) to the MXD (Mixed Use Development) Zone, as part of the Zoning Map Amendment Application Z-275 for Quince Orchard Park. An accompanying sketch plan was approved in December 1993. The subject Crescent section was approved for office development not to exceed 150,000 square feet.

The plan proposes to establish a Schematic Development Plan for this property incorporating the following uses within the existing buildings: office; medical office; and a religious facility. Since the development previously existed prior to the rezoning, a schematic development plan was never developed.

The applicant is requesting a change in use from the existing office to a religious facility use. The religious facility will occupy a 2,558 square foot space in 902 Wind River Lane. The required parking will increase with this usage change. However, the religious facility will have minimal parking needs during normal business hours and peak needs on weekends and evenings when the office campus is

otherwise near empty. There will be no other changes proposed for the site. Religious facilities are a permitted use in the MXD (Mixed Use Development) zone.

The applicant filed SDP-08-001 with the Planning and Code Administration on March 7, 2008. Since this proposal is less than 200 dwelling units and 100,000 square feet, the applicant was required to obtain a waiver from the Planning Commission in accordance with Section 24 160D.9(b) (2). This waiver was granted on April 2, 2008. A joint public hearing on the Schematic Development Plan was held by the Mayor and City Council and the Planning Commission on April 21, 2008. This hearing has been advertised in the *Gaithersburg Gazette* on April 2 and 9, 2008, the required parties have been given notice, and the property has been posted per §24-196 of the City Code.

The Planning Commission held its record open until April 30, 2008. Additional exhibits to the record include minutes from the joint public hearing and the staff analysis. The Planning Commission, at their regular meeting of May 7, 2008, reviewed the complete record and voted to recommend approval of SDP-08-001, to the City Council with no conditions as stated in the Planning Commission recommendation (Exhibit # 17 of the record).

There was no additional testimony added to the record of the Mayor and City Council, which closed on May 9, 2008.

Relevant Statutory Provisions

The following statutory provisions from the City Zoning Ordinance (Chapter 24 of the City Code) are among the provisions which define the nature of the City Council's review powers for schematic development plans in the MXD Zone.

Sec. 24-160D.10. Findings required.

* * * *

(b) The City Council may approve a schematic development plan only upon the finding that:

- (1) The plan is substantially in accord with the approved sketch plan; and
- (2) The plan meets or accomplishes the purposes, objectives, and minimum standards and requirements for the zone; and
- (3) The plan is in accord with the area master plan and any accompanying special condition or requirement contained in said master plan for the area under consideration; and

- (4) The plan will be internally and externally compatible and harmonious with existing and planned land uses in the MXD zoned area and adjacent areas; and
- (5) That existing or planned public facilities are adequate to service the proposed development contained in the plan; and
- (6) That the development staging or phasing program is adequate in relation to provisions of public facilities and private amenities to service the proposed development; and
- (7) The plan, if approved, would be in the public interest.

* * * *

Findings

The City Council has reviewed the evidence of record in this case, and agrees with the findings and recommendations of the City Planning Commission and the recommendations of City staff and accordingly finds:

- (1) The plan is similar to what was approved in the sketch plan for Quince Orchard Park, which proposed a large comprehensively planned mixed use development of office and other commercial land uses for the Crescents area;
- (2) The plan meets the purposes and objectives of the zone by adding to the existing diversity of the area, which includes office, residential, and commercial uses, and defines the true spirit of Mixed Use Zoning;
- (3) The Master Plan recommended this area for a land use designation of Commercial/Industrial-Research-Office. A religious facility is a compatible use with this land use designation;
- (4) The proposed religious use will be compatible with the existing uses in that it will operate at opposite hours from the existing uses and make efficient use of the existing parking facilities. The religious facility creates an opportunity that may benefit the residents of the City of Gaithersburg;
- (5) All of the public facilities and services are in place for the building. As such, there will not be a burden imposed upon the infrastructure, both public and private;

- (6) The religious facility use is an added beneficial amenity to the neighborhood by providing a service that can be utilized by the office patrons and community residents;
- (7) The schematic development plan is in the public's interest by having a religious facility located in this area. The religious facility could be utilized by the people who work in the office developments that surround this area as well as the residents of the adjacent neighborhoods.

Conclusion

Upon consideration of all the evidence pertaining to Schematic Development Plan SDP-08-001, the City Council concludes that the applicant has met the burden of proof that Schematic Development Plan SDP-08-001 meets the requirements of the MXD Zone, with the no conditions.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Gaithersburg, on May 19, 2008, that Schematic Development Plan SDP-08-001 is hereby approved.

ADOPTED by the City Council of the City of Gaithersburg on the 19th day of May, 2008.

SIDNEY A. KATZ, MAYOR and
President of the Council

THIS IS TO CERTIFY that the foregoing Resolution was adopted by the City of Gaithersburg Mayor and City Council in a Public meeting assembled on the 19th day Of May, 2008.

James D. Arnoult
Acting City Manager

Index of Memoranda
SDP-08-001
Lot 3
Quince Orchard Crescent

Number	Exhibit
1.	Application
2.	Application Appendix: Project Overview
3.	Site Location Map
4.	Current Site Plan
5.	Floor Plan 902 Wind River Lane Suite 206
6.	Use and Occupancy Spreadsheet
7.	Parking Survey
8.	Required Parking Schedule
9.	Letter dated March 18, 2008, requesting legal ad for Joint Public Hearing, in the April 2 nd and 9th, 2008, issues of the <i>Gaithersburg Gazette</i>
10.	Notice of Public Hearing sent April 4, 2008 to interested parties
11.	Waiver request letter from William Aiken to John Bauer – March 18, 2008
12.	Letter received 4/3/08 from WRIT (property owner) giving permission for the lessee to proceed with the Schematic Development Plan process
13.	Staff Comments concerning waiver for Planning Commission meeting – April 2, 2008
14.	Minutes from Planning Commission Meeting – April 2, 2008
15.	Planning Commission CPC – May 8, 2008
16.	Staff Analysis – April 28, 2008