

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

November 17, 2008

CALL TO PODIUM:

Greg Ossont

RESPONSIBLE STAFF:

Greg Ossont, Director
Planning and Code Administration

Jacqueline Marsh, Planner

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: SP-08-0008 - HEIGHT WAIVER

Resolution of the Mayor and City Council of Gaithersburg Granting Approval of a Height Waiver as Part of Preliminary Site Plan SP-08-0008, Known as Residences at Olde Towne, in the Central Business District (CBD) Zone

SUPPORTING BACKGROUND:

This is a height wavier request submitted by Mr. Jody Kline, of Miller, Miller, and Canby, representatives of Keystone Real Estate Investments. 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.

On July 21, 2008, the applicant received approval from the Mayor and City Council for map amendment, Z-308(o), a request to rezone 2.14 acres of land from R-20 (Medium Density Residential) Zone to the CBD Zone. The schematic development plan associated with the map amendment proposed 191 multiple-family dwelling units with structured parking. The subject property is located at the intersection of Water Street and West Diamond Avenue. The State Highway Administration (SHA) service ramp, which leads from West Diamond Avenue to southbound Route 355, South Frederick Avenue, is located to the east of the property

The applicant is requesting approval to exceed the four (4) story height limit by one story. 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. While this is not a 5-story project, there are 6 walk-out units and a fitness center on a portion of the building that is partially below grade. This portion of the building meets the technical definition of a "story" thus requiring the waiver.

The preliminary site plan (SP-08-0008) is tentatively scheduled to be reviewed at the December 3, 2008, Planning Commission meeting.

Attached:
Statement in Support of Request for Height Waiver
Draft Resolution
Site Sections & Elevations

DESIRED OUTCOME:

Draft resolution attached and ready for final action.

BEFORE THE MAYOR AND CITY COUNCIL
OF GAITHERSBURG, MARYLAND

IN THE MATTER OF THE APPLICATION :
OF KEYSTONE REAL ESTATE INVESTMENTS LLC : Application No. SP-08-0008
FOR APPROVAL OF PRELIMINARY SITE PLAN :

STATEMENT IN SUPPORT OF HEIGHT WAIVER REQUEST

Residences at Olde Towne

Zoning Application Z-308 was approved by the City Council on July 21, 2008 rezoning certain land comprising 2.18 acres from the R-20 Zone to the CBD Zone. Included with Zoning Application Z-308(o) was a concept site plan and illustrative architectural elevations for a 191 unit four level multifamily building above a two level parking garage. A five level walk out basement condition at the rear of the building and a five level front entry tower feature that is an integral part of the multifamily building architecture design were incorporated in the elevations submitted with the Zoning Application.

Section 24-160F.4(a) specifies that building height in the CBD Zone shall not "...exceed a total of four (4) stories in height...except as may be provided in Section 24-160F.5 of this Code. Section 24-160F.5 of the Zoning Ordinance provides for building "height not to exceed nine stories" with the approval of a height waiver from the City Council upon certain findings as enumerated in Section 24-160F.5 (a)(1) through (3) below.

The Applicant provides the following justification for the granting of the requested height waiver.

“(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;”

Consistent with Zoning Application Z-308(o), SP-08-0008 proposes redevelopment of the existing Diamond House and Diamond Acres Apartments at the intersections of West Diamond Avenue, Service Road and Water Street with 191 multi-family units. This Applicant has taken advantage of the opportunity provided by CBD Zoning to provide the critical mass of dwelling units necessary to economically justify such an ambitious redevelopment effort while simultaneously providing on-site amenities for the benefit of the neighborhood and the residents of the new community, as well as to provide a better “streetscape appearance” for those persons viewing the property from off-site vantage points.

For on-site amenities, the Preliminary Site Plan shows a spacious, well-located and accessible outdoor community use park and a community use playground that will serve the residents of the development and the nearby neighborhoods. At the corner of West Diamond Avenue and Water Street, there is a large community use park which saves a majestic 100+ year old oak tree at this corner. This expansive open space is intended for passive recreational purposes (with pathways, benches and substantial landscaping). A playground is located at the south east corner of the site includes children playground equipment and provides an active recreation area for children.

Also, inside the multifamily building, there will be a community use clubhouse, fitness center and business center that are amenities that have come to be expected by the residents that choose the “lifestyle” provided by new multifamily communities many of which are located in reemerging urban areas of cities. Second only to affordability, convenience and amenity are of the utmost importance to the residents that choose this lifestyle.

The land use plan for the project reflects in excess of 40% “green space” which includes the public use parks and the professionally designed courtyards on the concrete transfer slabs which are the ceilings of the garage below these amenity areas. These courtyards are accessed

through the community clubroom and business center located on the first floor of the building and provide open space and passive recreation for the exclusive use of the residents only.

One of the major benefits of the CBD Zone is that it allows increased building height to relieve the pressure to maximize the extent of the site's building envelope creating more efficient development that is required for redevelopment in urban areas. The waiver provisions of Section 24-160F.5 provide the tools for the Applicant to use to create and design a successful redevelopment project using best land planning and design techniques, such as eliminating existing surface parking areas and driveways and locating parking for the community in a garage under the building footprint. The parking garage becomes another form of "on-site amenity" because the parking is located conveniently below the building in an air conditioned, well lighted and secure area which is critical for residents that choose to live in an urban area.

In summary, through the waiver process that allows for additional building height, the Applicant has been able to create meaningful green space and open areas and has devoted that "found area" to providing on-site amenities for the residents of the community as well as to benefit passersby who will see a better land plan and architectural designed project within a more effective "green" environment at this site.

“(2) The additional height is necessary to implement the master plan and the Downtown Plan for Gaithersburg, or attract an appropriate and compatible type or caliber of use;”

The Master Plan recommends this site to be a “premier gateway development into downtown Gaithersburg....” Additional building height and stories help the Applicant and the City accomplish this goal in at least three ways:

1. It creates a building with presence and importance at this important western gateway entrance to Olde Towne;
2. It provides the vehicle by which more meaningful open space, more useful green area and more effective on-site amenities are possible due to the better organizations and design of the community;
3. It provides the economic support to deliver a mixed income residential community with the attractive amenities and features for residents that choose the lifestyle provided by urban living.

“(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 proposed development will abut existing R-20 multifamily residential development that is recommended by the Master Plan to be redeveloped using the CBD Zoning on the southern end of the property. The proposed development will be surrounded on the remaining three sides by public streets, including Water Street, West Diamond Avenue and Service Road. Across the street to the east of the proposed development is CBD zoned property currently used for a lumber yard, surface parking and the outside storage of building materials. (This site will likely be redeveloped sometime in the future.) Across the street to the west is a WSSC depot on a surplus public school site. North of the site is a mini-storage facility. Therefore, additional height and stories at the “Residences at Olde Towne ” project will not have an adverse affect on adjacent properties or on the character of the corridor. In fact, the additional height accomplishes an objective of the Master Plan to signal that one is now entering a more urban area of the City – its Olde Towne or core.

All of the public facilities needed to serve the proposed development are adequate including but not limited to roads, schools, fire and police and the approval of the additional height and stories does not detrimentally impact these facilities.

In summary, additional height and additional stories is justified and warranted in conjunction with the proposed development because it will 1) increase the openness and “greening” of the proposed community; 2) create a building of importance and presence at this location; 3) provide distinctive architectural character for the community; 4) provide on-site amenities for active and passive recreation; 5) justify putting the parking garage below the building and 5) assist in satisfying the goals and purposes of the CBD zone. For these reasons, the Applicant requests a height waiver to allow construction of a building that, at its highest point will be five stories in height.

RESOLUTION No. _____

RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF GAITHERSBURG GRANTING APPROVAL OF
A HEIGHT WAIVER AS PART OF PRELIMINARY SITE PLAN SP-08-0008,
KNOWN AS RESIDENCES 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-level multi-family building in the Olde Towne District, was submitted to the Planning and Code Administration on September 4, 2008; 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 Residences at Olde Towne project is proposing a spacious, centrally located and accessible outdoor community use park and a community use playground that will serve community residents. The community use park, located at the corner of West Diamond Avenue and Water Street will provide passive open space with benches, pathways, and abundant landscaping. An important feature of the community park is the

preservation of a majestic oak tree. The community use playground will have playground equipment and serve as an active recreation for children.

The applicant will be providing a community use clubhouse, fitness center, and business center for the residents of the multifamily building. Two rooftop courtyards, accessible to residents only, will serve as onsite amenities by providing open space and passive recreation areas.

The applicant is utilizing planning practices that will enable the provision of underground parking located beneath the building footprint, thus eliminating excess surface parking. The parking garage serves as an onsite amenity by providing an air-conditioned, well lit, and secure area for community residents to park.

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 Master Plan recommends this site to be a “premier gateway development into downtown Gaithersburg.” To these ends, Residences at Olde Towne proposes a building with presence and importance at this important western gateway entrance into Olde Towne. The application provides a vehicle by which more meaningful open space, more useful green area, and more effective onsite amenities are possible due to the better organizations and design of the community.

Application SP-08-0008 also complies with the adopted themes, objectives, and actions expressed in the 2003 Process and Overview Element of the Master Plan. 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 SP-08-0008 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 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 the CBD.

This proposal recognizes that height compatibility of five stories is appropriate with existing and proposed surrounding land uses. The site abuts existing R-20 (Medium Density Development) multifamily residential development on the southern end of the property and is surrounded by on the remaining sides by three public streets. Additional height and stories for the Residences at Olde Towne project will not have an adverse affect on the adjacent properties.

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

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

THEREFORE, having determined that this height waiver request meets the standards of Section 24-160F.5 of the City's Zoning Ordinance, and further finding that granting of this height wavier request is in the public interest, the Mayor and City Council of Gaithersburg hereby grant this requested height waiver.

ADOPTED by the City Council this ____ day of _____, 2008.

SIDNEY A. KATZ

THIS IS TO CERTIFY that the foregoing Resolution was adopted by the City Council in public meeting assembled on the ____ day of _____ 2008.

Angel L. Jones, City Manager



WEST DIAMOND AVENUE ELEVATION



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RESIDENCES AT OLDE TOWNE
 SERVICE ROAD
 GAITHERSBURG, MARYLAND 20877
 ELEVATION

REVISIONS	
ISSUED	PRELIMINARY REVIEW SEPT 2008
DRAWN	CHECKED
DVA JOB NO. A-4032	FL

DRAWING
A202
 SHEET ___ OF ___

NOT FOR CONSTRUCTION

