

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

June 1, 2009

CALL TO PODIUM:

Jacqueline Marsh

RESPONSIBLE STAFF:

Jacqueline Marsh, Planner

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

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: Height Waiver
<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	

<p>TITLE: SDP-08-005 HEIGHT WAIVER POLICY DISCUSSION</p> <p>Height Waiver Request for the Suites 355 Development, SDP-08-005</p>

<p>SUPPORTING BACKGROUND:</p> <p>The applicant, Keystone REI, 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-309. A joint public hearing was held on March 16, 2009.</p> <p>The applicant is proposing to demolish the existing 85 garden style apartments known as Executive Gardens, located at the intersection of MD South Frederick Avenue (MD 355) and the State Highway Administration (SHA) service ramp. The proposed plan includes a 263-unit multiple family building with structured underground parking.</p> <p>As part of the proposed application, the applicant is seeking a height waiver for the multiple-family complex, not to exceed five (5) stories or sixty (60') feet, in accordance with §24-160G.5(a)(2) of the City Code. 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.</p> <p>The Planning Commission gave a recommendation of approval at their May 6, 2009 meeting, with 11 conditions. The Council's record closed at 5pm May 15, 2009.</p> <p>Attached: Draft Resolution Concept elevations</p>

<p>DESIRED OUTCOME:</p> <p>Conduct policy discussion for SDP-08-005 Height Waiver Draft Resolution attached</p>

RESOLUTION No. _____

RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF GAITHERSBURG GRANTING APPROVAL OF
A HEIGHT WAIVER AS PART OF SCHEMATIC DEVELOPMENT PLAN
SDP-08-005,
KNOWN AS SUITES 355, FOR
APPROXIMATELY 3.6859 ACRES OF PROPERTY
ZONED CORRIDOR DEVELOPMENT (CD)

WHEREAS, on November 13, 2008, Keystone REI, the Applicant on rezoning application Z-309 and schematic development application SDP-08-005, 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 multiple-family building with underground structured parking included in the application, the applicant is seeking the height waiver from the Mayor & City Council; and

WHEREAS, under §24-160G.5.(a)(2) of the City Code, the City Council may, by resolution, waive building and structure height requirements for a commercial district project, allowing a height not to exceed five (5) stories, or sixty (60) 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 March 16, 2009; and

WHEREAS, the City Council received the recommendation of approval from the Planning Commission on May 6, 2009; 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 Suites 355 project is proposing a spacious, well located and accessible outdoor community use park/green along the western edge of the site for the full length of its George Street frontage that will service the residents of the development and nearby neighborhoods. This area will provide ample space for active recreation activities. The schematic development plan proposes an excess of 50% green area, as defined by the City Code, which includes the park/green lawn to the south/southeast of the project, a green setback at the rear of the site, and landscaped courtyards.

The applicant will also be providing a community use clubhouse, a fitness center and business center, professionally landscaped courtyards with seating areas, and a swimming pool for the residents of the multiple family building.

The applicant is proposing to eliminate surface parking and driveways (impervious area) and providing parking for the community in a garage under the building footprint. The parking garage essentially becomes another onsite amenity by being conveniently located to the building in an air conditioned, well lit, secure area for its residents.

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-08-005 proposes a plan that redevelops an aging apartment complex to a more upscale multiple family building in an urban setting, that will provide for a range of incomes, including moderately priced apartments.

Application SDP-08-005 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." Granting the height waiver for SDP-08-005 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.

The project demonstrates compliance with all required adequate public facility

ordinance (APFO) standards required by the City of Gaithersburg.

Additional height and stories for the Suite 355 project will not have an adverse affect on adjacent properties or on the character of the corridor. The adjacent and nearby uses range in a height from two (2) to five (5) stories.

The land use to the south and southeast is medium density residential and directly to the south is a CD zoned property used as commercial/office building. To the northwest is Barron's Lumber yard, which is used mainly for industrial purposes with a smaller commercial component. The proposed multiple family building will be built with the same style and character as the recently approved Residence at Olde Towne project, which is also located in close proximity to the subject redevelopment. The proposed higher-density residential use will complement the immediate neighborhood by introducing a new aspect to the mix of uses strived for in the corridor.

And grant a height waiver to allow a height not to exceed five (5) stories or sixty (60') feet for the development of the property known as 12-26 South Frederick Avenue in accordance with Schematic Development Plan (SDP) application SDP-08-005.

ADOPTED by the City Council this 1st day of June, 2009.

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 1st
day of June, 2009.

Angel L. Jones, City Manager

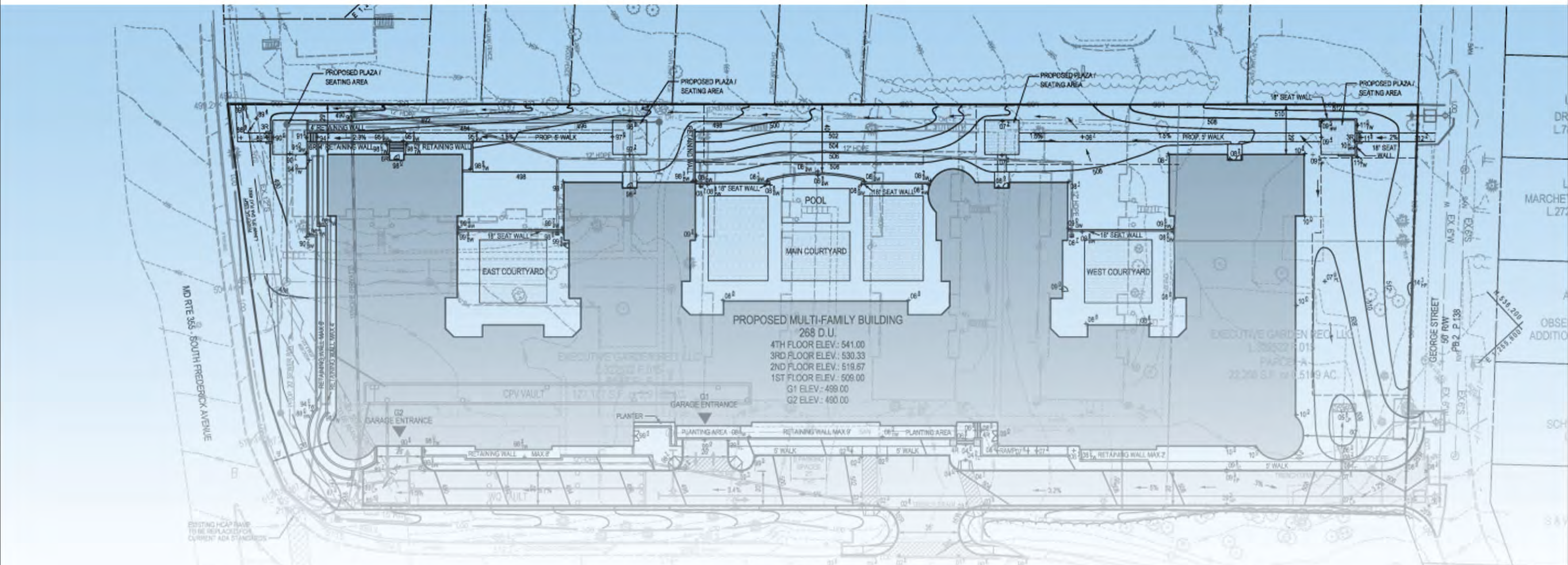
DVA
DONNALLY VUJIC ASSOCIATES, I.L.C.
 architecture ■ planning ■ interiors
 400 Professional Drive ■ Suite 200 ■ Gaithersburg, Maryland 20879-3433
 301-590-8900 ■ Fax 301-590-8620 ■ EMAIL: DVA-ARCH.COM



EXECUTIVE GARDEN REO LLC
 103 Leakes Lot Way
 Gaithersburg, MD 20878

SUITES 355
 Service Road
 Gaithersburg, MD
 ELEVATION

REVISIONS	
Submission - Dec 2008	
ISSUED	
DRAWN FL A.405/10X	CHECKED FL
DRAWING	
A201	
SHEET ___ OF ___	



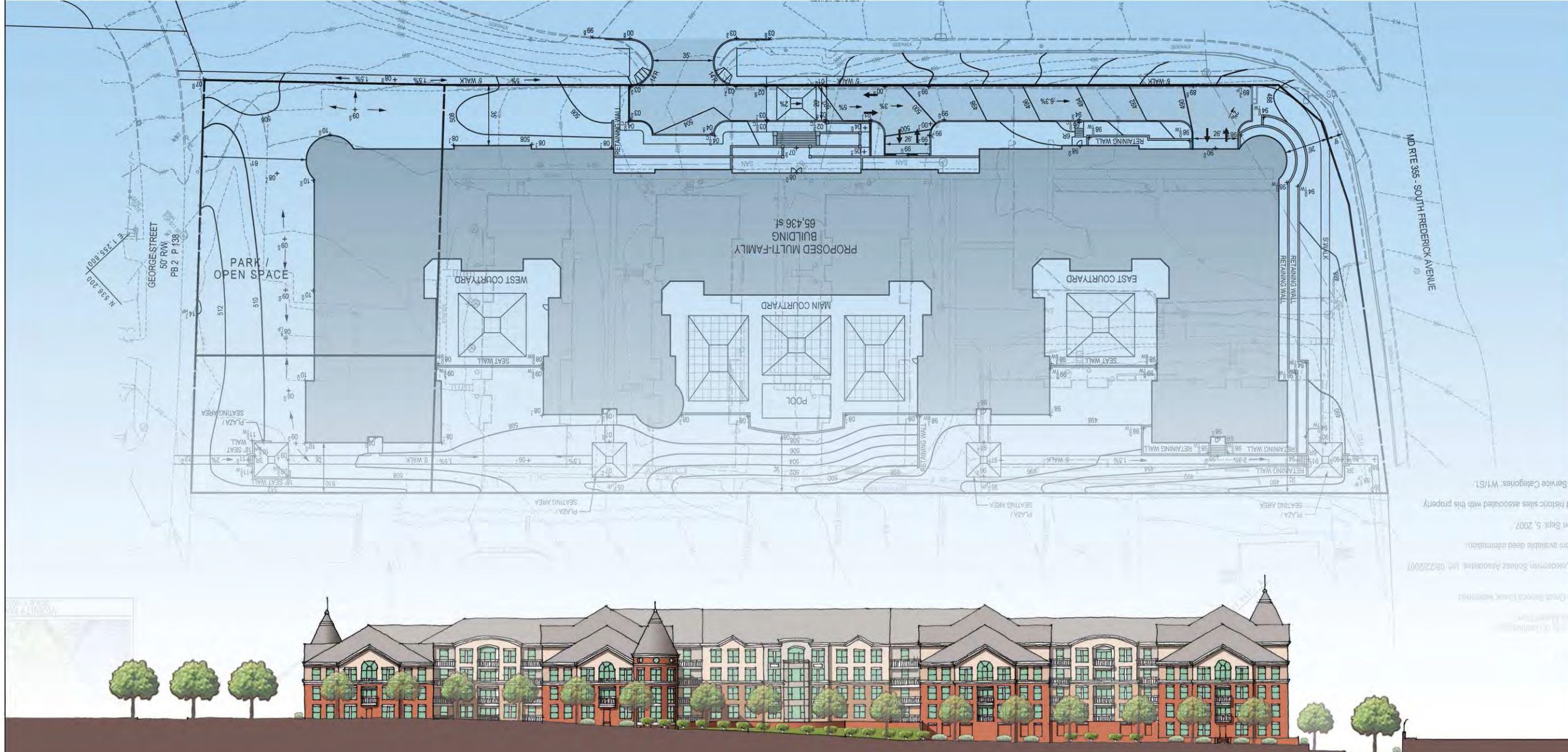
PROPOSED MULTI-FAMILY BUILDING
 268 D.U.
 4TH FLOOR ELEV: 541.00
 3RD FLOOR ELEV: 530.33
 2ND FLOOR ELEV: 519.67
 1ST FLOOR ELEV: 509.00
 G1 ELEV: 499.00
 G2 ELEV: 490.00



1 FRONT ELEVATION
 A201 SCALE: 1/32" = 1'

Joint Hearing - MCC & PC
 SDP-08-005
 #14

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SUITES 355
 Service Road
 Gaithersburg, MD
 ELEVATION

REVISIONS	
Submission - Oct 2008	
ISSUED	
DRAWN	CHECKED
FL	FL
DVA JOB NO. A.40510X	
DRAWING	

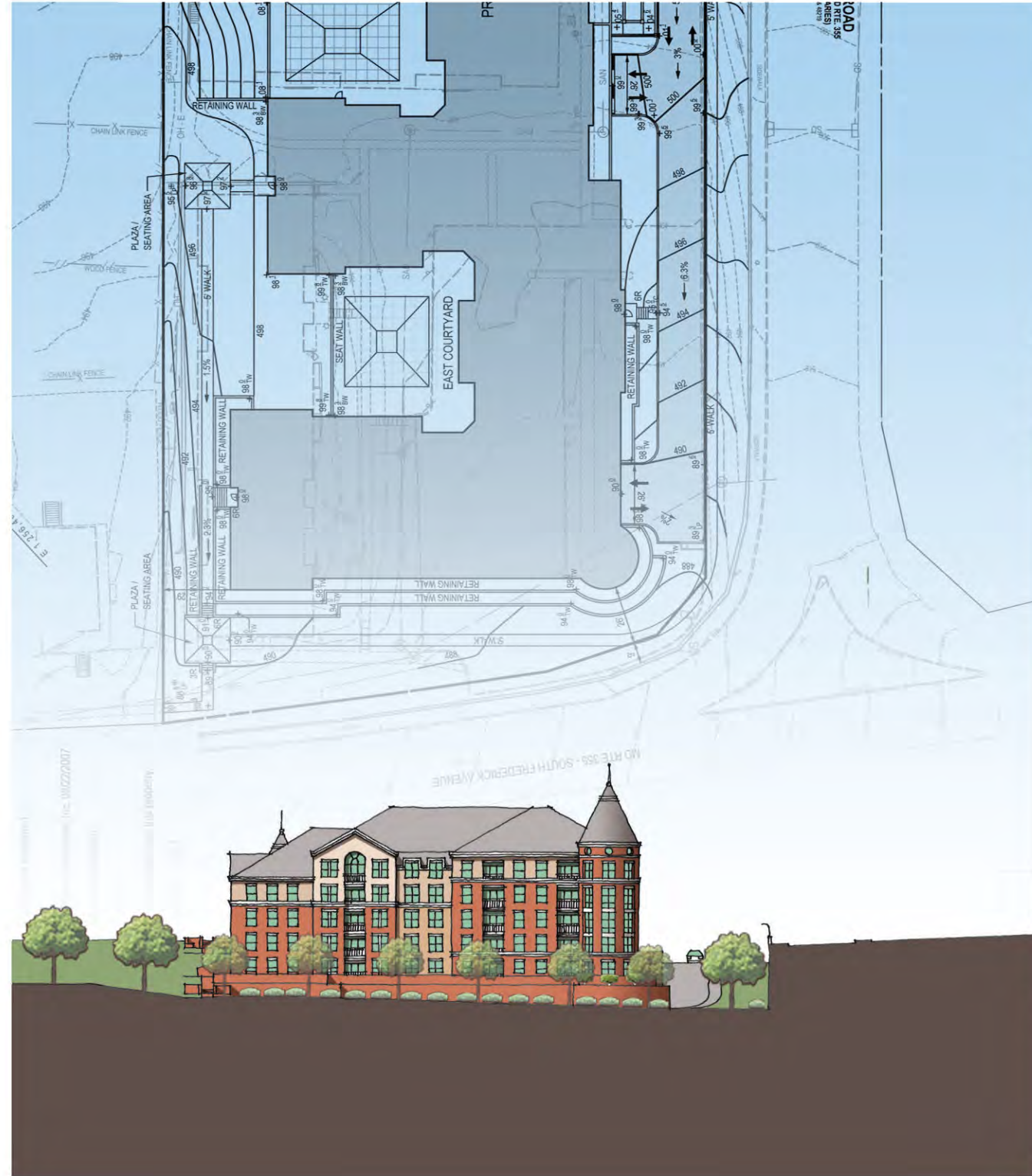
A202
 SHEET ___ OF ___

Joint Hearing - MCC & PC
 SDP-08-005
 #58

1 REAR ELEVATION
 A202 SCALE: 1/32" = 1'



1 RIGHT ELEVATION
A203 SCALE: 1/32" = 1'



1 LEFT ELEVATION
A203 SCALE: 1/32" = 1'

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Gaithersburg, MD
ELEVATION

REVISIONS
Submission - Dec 2008

ISSUED
DRAWN: FL
CHECKED: FL
DVA JOB NO. A.40310X
DRAWING

A203

SHEET ___ OF ___

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