

ORDINANCE NO. O-1-08

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GAITHERSBURG GRANTING APPROVAL FOR AMENDMENT TO PREVIOUSLY APPROVED SKETCH PLAN APPLICATION X-182 AND APPROVING A NEW SKETCH PLAN IDENTIFIED AS APPICATION Z-310 FOR LAND, KNOWN AS THE CROWN FARM, LOCATED AT THE SOUTHWEST SIDE OF FIELDS ROAD, BOUNDED BY SAM EIG HIGHWAY TO THE NORTHWEST AND OMEGA DRIVE TO THE SOUTHEAST CONTAINING APPROXIMATELY 178 ACRES OF PROPERTY ZONED MIXED USE DEVELOPMENT (MXD)

Z-310

OPINION

Application Z-310 has come before the Mayor & City Council for approval as an amendment to the previously approved sketch plan that was part of Annexation Application X-182 approval for land zoned Mixed Use Development (MXD). The City Council's authority in this matter is pursuant to Section 24-160D.11 of the City of Gaithersburg Zoning Ordinance (Chapter 24 of the City Code).

The subject case involves approximately 178 acres of land and is bordered by Fields Road, Sam Eig Highway, and Omega Drive. The Crown property is identified as Parcels P445, P600, P905, P883, and P820.

OPERATIVE FACTS

A. Background

The Mayor & City Council approved the Crown Farm annexation, application X-182, into the City of Gaithersburg August 7, 2006 by resolution R-82-06. In addition to the annexation approval, the Mayor & City Council also established MXD (Mixed Use Development) zoning for the Crown Farm and approved the associated sketch plan by ordinance O-8-06. The approved sketch plan was based upon and further defined by the approved X-182 Annexation Agreement.

The Crown Property is identified in the *2003 City of Gaithersburg Master Plan* as Special Study Area 4, that study has not yet been completed or incorporated into the adopted plan. Further, that Master Plan makes no specific land use or zoning recommendations for the property. It is the opinion that the annexation process and adoption of the X-182 Sketch Plan serves as guidance for land use in the same manner as an adopted Special Study Area.

The sketch plan and agreement established a mix of uses including 2,250 residential units in a variety of dwelling unit types and 320,000 square feet of commercial/retail development, divided among six (6) Pods. Two of the Pods would have neither housing nor commercial components, in that one is a future Montgomery County school site (Pod 6) and the other (Pod 4), a City park. The residential unit mix and commercial/retail development for the development were as follows:

Pod (Neighborhood) 1 – a total of 820 to 867 dwelling units and up to 300,000 square feet of gross leasable area of Commercial/Retail Development.

Pod (Neighborhood) 2 – a total of 310 to 325 dwelling units;

Pod (Neighborhood) 3 – a total of 280 to 290 units; and

Pod (Neighborhood) 5 – a total of 768 to 1,010 multi-family units and up to 20,000 square feet of Commercial/Retail Development.

Following approval of the original X-182 sketch plan the applicant, Crown Village Farm LLC, submitted schematic development plan (SDP) application SDP-06-005, which focused primarily on Neighborhoods 2 and 3 and the associated base infrastructure needed for the entire site. The remaining neighborhoods would be submitted as separate SDP applications at future dates. Neighborhood 2 was comprised of 324 units, made up of single family attached, single family detached units, and 2 over 2 stacked condos. Neighborhood 3 was comprised of 288 units, made up of single family attached, single family detached units, and 2 over 2 stacked condos. There was no commercial component associated with either of these neighborhoods. The application, SDP-06-005, was approved by the Mayor and City Council by resolution R-51-07 on May 21, 2007. SDP approvals act as preliminary plan and subdivision approvals and remain binding:

Following SDP-06-005 approval, Crown Village Farm LLC submitted Final Site Plan approval applications for Neighborhood 3. The Applicant had divided Neighborhood 3 into two phases with Phase I, application SP-07-0004, being granted final approval August 8, 2007 and Phase II, application SP-07-0013, being granted final approval on October 17, 2007. These two approvals together conformed to the unit numbers and housing type breakdowns defined by the approved SDP-06-005 for Neighborhood 3.

B. Current Application:

On December 7, 2007, Mr. Gary Unterberg, Rodgers Consulting Inc., on behalf of the applicant, Crown Village Farm LLC, submitted an Amendment to Sketch Plan Application for approximately 178 acres known as the Crown Farm. The file

number and name for the amendment to sketch plan are Z-310 and the Crown Property, respectively.

The application proposes a re-allocation of housing units among two of the original pods established by the X-182 Sketch Plan. The maximum cap of 2,250 overall units, 320,000 square feet of commercial, and respective height requirements for each pod remain unchanged from the original approved X-182 Sketch Plan. The original approved sketch plan defined Pod (Neighborhood) 1 as having between 820 and 867 residential units. This application proposes an increase in units to a range of 882 to 927. This increase coincides with a decrease of units in Pod (Neighborhood) 5. Originally, Pod 5 was allocated between 768 and 1,010 residential units. This proposed plan shows a range of 700 to 820 units. The application reflects the density changes incorporated in the Amended X-182 Annexation Agreement negotiated between the City of Gaithersburg and the Crown Village Farm LLC.

The Z-310 application proposes the establishment of six (6) PODs with specific density, use, and height requirements, as applicable, that shall become binding upon Sketch Plan approval. They are as follows:

1. POD 1 is mixed use with a height cap of five (5) stories for 300,000 square feet of commercial and a range of residential between 882-927 units;
2. POD 2 is residential use with a height cap of four (4) stories and a range 310-325 units;
3. POD 3 is residential use with a height cap of four (4) stories and a range 280-290 units;
4. POD 4 is a City of Gaithersburg park;
5. POD 5 is mixed use with a height cap of twenty (20) stories for a range of 10,000 square feet to 20,000 square feet of commercial and a range of multiple-family residential between 700-820 units; and
6. POD 6 is a school site.

The Mayor and City Council and Planning Commission held a joint public hearing regarding application Z-310 on January 22, 2008, at which time evidence was received on the subject application. A presentation was given by Mr. Gary Unterberg, Rodgers Consulting Inc., on behalf of the applicant.

During the public hearing, the applicant's representatives presented and discussed the amended plan for development. The applicant's representative reviewed the sketch plan application, indicating the concept is to have a mix of uses divided among six (6) PODs or neighborhoods. At the conclusion of the joint public

hearing, the Planning Commission agreed to hold their record open until February 6, 2008. The Mayor & City Council agreed to keep their record open until February 14, 2008.

The Planning Commission made its recommendation on February 13, 2008, and forwarded its recommendation of approval to the Mayor and City Council for Z-310. Based on their review of the evidence, the Planning Commission further found that the Z-310 application is in conformance with the MXD (Mixed Use Development) Zone of the City's Zoning Ordinance and recommended approval with the following condition:

The Applicant and City shall record the Amendment to the X-182 Annexation Agreement prior to the approval of any future Schematic Development Plan or Amendment to Schematic Development Plan applications.

C. Evaluation and Findings

The Mayor & City Council agrees with the findings, conclusions, and recommendations of approval by the City Planning Commission and City staff. The Mayor & City Council finds those recommendations to be well reasoned and adopts and incorporates their findings as part of this action.

In reviewing the subject application the Mayor & City Council finds that the application accomplishes the purposes, objectives, minimum standards, and requirements of the MXD zone, as set forth in Chapter 24, Article III, Division 19, of the City Zoning Ordinance. The Mayor & City Council finds the Z-310 application meets the submission requirements for a sketch plan in that:

- 1) The applicant filed, together with the prescribed application fee, an application for approval of a Sketch Plan pursuant to the provisions of section 24-196 of this Code;
- 2) The sketch plan depicts the boundaries of the entire tract or parcel;
- 3) The sketch plan provides generalized location of existing and proposed external roads and adjacent land use and development;
- 4) The sketch plan provides generalized location and description of various internal proposed land use components, including general information as to proposed densities and intensities, proposed size and heights of development;
- 5) The sketch plan provides generalized location, description and timing of proposed roads, proposed dedicated public lands and perimeter setback or buffer areas;
- 6) The sketch plan provides proposed phasing or staging plan of development, public facilities and information regarding such plan's consistency with provision of master planned and other necessary public facilities;
- 7) The sketch plan describes generalized area of woodlands, streams and watercourses and other areas intended for natural preservation, as well as an

approved natural resource inventory/forest stand delineation, as defined in Chapter 22 of this Code, and required by section 22-7 thereof; and

8) The sketch plan demonstrates general compliance with master plan recommendations for the property, including any special conditions or requirements related to the property set forth in the master plan.

The Mayor & City Council finds the Z-310 application and sketch plan provides orderly staged development through a phasing schedule and fully integrates commercial, residential, open spaces and community facilities within the development. Employment and retail is located near residential and access is adequate based upon accepted sketch plan traffic studies and enhanced by a future transit center. Public water and sewer service currently serves adjacent development and is available to this site. No inadequacy or other concerns with respect to the provision of these facilities has been identified in the record.

The Mayor & City Council finds that the Z-310 application and sketch plan will be internally and externally compatible and harmonious with existing and planned land uses within the MXD zoned areas and adjacent areas. The Crown Farm development will provide a mix of land uses including residential, commercial, recreational, open space, and amenities that work to complement one another within a neighborhood framework. The densities and uses proposed in this sketch plan are harmonious and consistent with the surrounding developments of publicly owned land, office, research and development, residential uses, and among the internal neighborhoods of the Crown Farm. The proposed mix of Crown Farm land uses will provide shoppers and employees to the nearby Washingtonian Waterfront offices and retailers; the proposed 320,000 square feet of commercial space will serve the neighboring residential developments as well as the Crown residents; the future High School will service the greater Montgomery County community; and the future CCT transit stop is to serve the Crown/Washingtonian region

The Mayor & City Council finds that the Crown Property is identified in the *2003 City of Gaithersburg Master Plan* as Special Study Area 4, that has yet to be completed or incorporated into the adopted plan. The Mayor & City Council further finds that the City Master Plan makes no specific land use or zoning recommendations for the property and is of the opinion that the annexation process and adoption of the X-182 Sketch Plan serve as guidance for land use in the same manner as an adopted Special Study Area. Therefore, the Z-310 application and sketch plan is in accord with any recommendations in the applicable master plan for the area and is consistent with any special conditions or requirements contained in said master plan.

In conclusion, the Mayor & City Council finds that Z-310, as submitted in accordance with Section 24-160D.11 and hereafter conditioned, is in the public interest and should be approved due to the presence of sufficient evidence in the record to indicate that the subject Amendment to Sketch Plan has accomplished the purposes of the MXD Zone, reflects an internally and externally compatible form of development, and is consistent with the City's Master Plan, as well as generally

accepted city planning and land use policies, subject to the applicant complying with the conditions stated in this Ordinance.

AMENDMENT TO SKETCH PLAN Z-310

ORDINANCE

NOW, THEREFORE, BE IT ORDAINED by the City Council of Gaithersburg, that Application Z-310, being an application filed by the Crown Village Farm LLC, is hereby approved with the following conditions required of the applicant:

The Applicant and City shall record the Amendment to the X-182 Annexation Agreement prior to the approval of any future Schematic Development Plan or Amendment to Schematic Development Plan applications.

ADOPTED by the Mayor and City Council of Gaithersburg, Maryland, on the 3rd day of March, 2008.

SIDNEY A. KATZ, MAYOR and
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg this 3rd day of March, 2008.
APPROVED by the Mayor of the City of Gaithersburg this 3rd day of March, 2008.

SIDNEY A. KATZ, MAYOR and
President of the Council

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the City Council in public meeting assembled on the 3rd day of March, 2008. This Ordinance will become effective on the 24th day of March, 2008.

James D. Arnoult, Acting City Manager