
STAFF COMMENTS FOR PLANNING COMMISSION

MEETING DATE: June 20, 2007

**SCHEM. DEV. PLAN: SDP-06-004 & Z-304
REZONING APP.**

TITLE: FAIRFIELD AT WEST DEER PARK

REQUEST: RECOMMENDATION TO M&CC

**ADDRESS: SUBJECT PROPERTY IS LOCATED AT THE
NORTHWEST INTERSECTION OF MD 355
AND WEST DEER PARK ROAD.**

**ZONE: REZONE FROM R-20 (MEDIUM
DENSITY RESIDENTIAL) TO CD
(CORRIDOR DEVELOPMENT)ZONE**

APPLICANT/REPRESENTATIVE/ATTORNEY/DEVELOPER: (as applicable)

Applicant: FAIRFIELD BROADSTONE LP
Attorney: MILLER, MILLER, AND CANBY
Engineer: VIKA
Architect: LESSARD GROUP INC.

STAFF PERSON: Rob Robinson, Planner
Planning and Code Administration

Enclosures:

Staff Analysis
Z-304 Index of Memorandum and Exhibits (In **Bold**)
SDP-06-004 Index of Memorandum and Exhibits (In **Bold**)

COMMUNICATION: PLANNING COMMISSION

MEMORANDUM TO: Planning Commission

FROM: Rob Robinson, Planner
Greg Ossont, Director, Planning & Code Administration

DATE: June 15, 2007

SUBJECT: Staff Analysis Z-304/SDP-06-004 - These applications concern the rezoning and redevelopment of the Broadstone Apartments, located at the intersection of MD 355 and West Deer Park Road. Z-304 is an application to rezone 14.157 acres of land from the existing R-20 (medium density residential) Zone to the CD (corridor development) Zone, in accordance with §24-196 (map amendments) and §24-160G.6 (Procedure for application and approval) of the City Code. SDP-06-004 is an application requesting the redevelopment of the Broadstone Apartments. The proposed plan includes 334 multiple-family units, 53 town homes, and 28 two-over-two units.

APPLICANT

FAIRFIELD BROADSTONE LP
c/o Jody Kline, Miller, Miller, and Canby
200B Monroe Street
Rockville, Maryland 20850

PROPERTY OWNER

FAIRFIELD BROADSTONE LP
7200 Wisconsin Avenue, Suite 1108
Bethesda, Maryland 20814

REQUEST

The applicant is requesting to rezone 14.157 acres of land, currently known as part Parcel A lots N-943; N-994; N-888; & N-939, the Broadstone Apartments, in the City of Gaithersburg, from the existing R-20 (Medium Density Residential) Zone to the CD (Corridor Development) Zone, in accordance with §24-196 (Map amendments) and §24-160G.6 (Procedure for application and approval) of the City Code. Rezoning to the CD Zone require the concurrent submission of either a concept plan or schematic development plan. The applicant has elected to submit a schematic development plan application. The applicant proposes to redevelop the existing 349 garden style apartments to construct a complex of 334 multiple-family units, 53 townhomes, and 28 “2 over 2” condominium units.

BACKGROUND

A joint public hearing was held on this application on January 16, 2007.¹ The development team of Mr. Jody Kline, counsel for the applicants; Mr. Mark Coletta and Mr. Jay Johnson, Fairfield Residential; Mr. Steve Gang, Lessard Architectural Group Inc.; and Mr. Bill Landfair, VIKA, presented background on the applicant’s company and a complete overview of the SDP application. During the course of the hearing, specific aspects of the application were commented upon. These key issues namely concerned comparisons of the changes to the proposed and existing heights and setbacks, streetscape design, traffic impacts, and tree impacts.

Following the joint public hearing, the development team continued to work with staff and returned for a joint work session on February 12, 2007. During this work session, staff briefed the Mayor & City Council and the Planning Commission on the progress of the plan and addressed those specific issues raised at the joint public hearing, namely the building height, setback, and streetscape changes and traffic and tree impacts. During their regularly scheduled meeting on June 6, 2007, the Planning Commission announced that their record would close on June 14, 2007, at 5PM.

¹ Exhibit 94

REQUIRED ACTIONS

PROPOSED ZONING Z-304

Fairfield Broadstone, LP, the applicant, wishes to rezone to the CD (corridor development) zone in order to bring its vision for this property to light. The accompanying schematic development plan is dependent upon said rezoning. The property is currently zoned R-20 (Medium Density Residential), whose density and height requirements would preclude this proposed project. The applicant believes that the change in zoning and the proposed schematic development plan will benefit the City of Gaithersburg.

The applicant states the rezoning is justified for the following reasons:²

The subject property is clearly eligible for CD zoning since

- (a) it was included within the study area for the “Southern Residential District” in the Frederick Avenue Corridor Plan;*
- (b) it confronts properties zoned in the CD classification;*
- (c) proposed development as shown in the companion schematic development plan application is consistent with the purposes of the zone.*

On page 4 of the Plan the following guidance is provided:

“Owners of properties not comprehensively rezoned are encouraged to apply for rezoning to the CD zone to meet the goals and objectives of the Frederick Avenue Corridor Master Plan.”

State law, under Article 66B, requires the applicant must demonstrate either a mistake or change in the neighborhood as a basis for a rezoning. The applicant submits the following to support the request to rezone the parcels from R-20 to the CD Zoning classification:

In summary, the R-20 zoning of the subject property is a carryover from long ago and has not been reconsidered in the past twenty years. Change in the way the City views development in the Route 355 Corridor is reflected in the 2001 Land Use Plan which was preceded by a special design study intended to invigorate development in the Corridor. Along with the City’s recent expression toward upgrading its housing stock, these public policy actions show a change that warrants rezoning to the CD classification for the subject property and the Frederick Avenue Corridor Plan invites and encourages this application.

² Z-304 Exhibit 22

SDP-06-004:

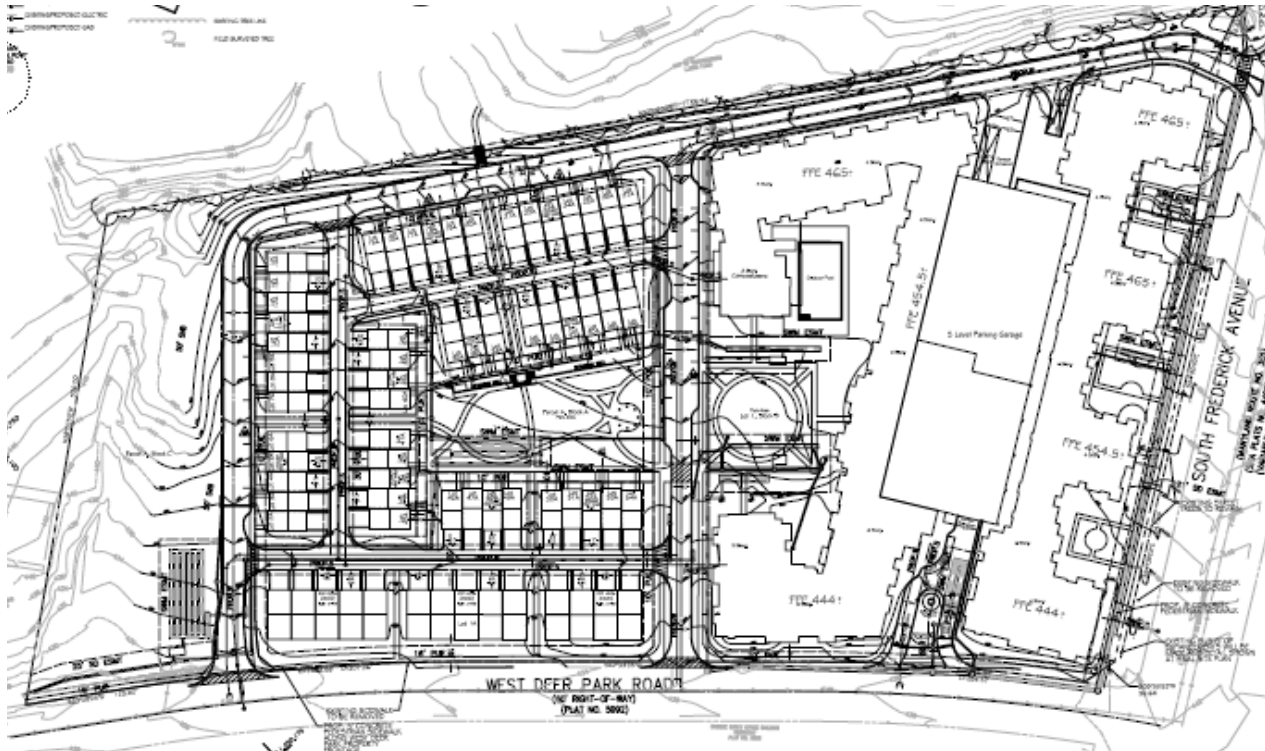


Exhibit 131

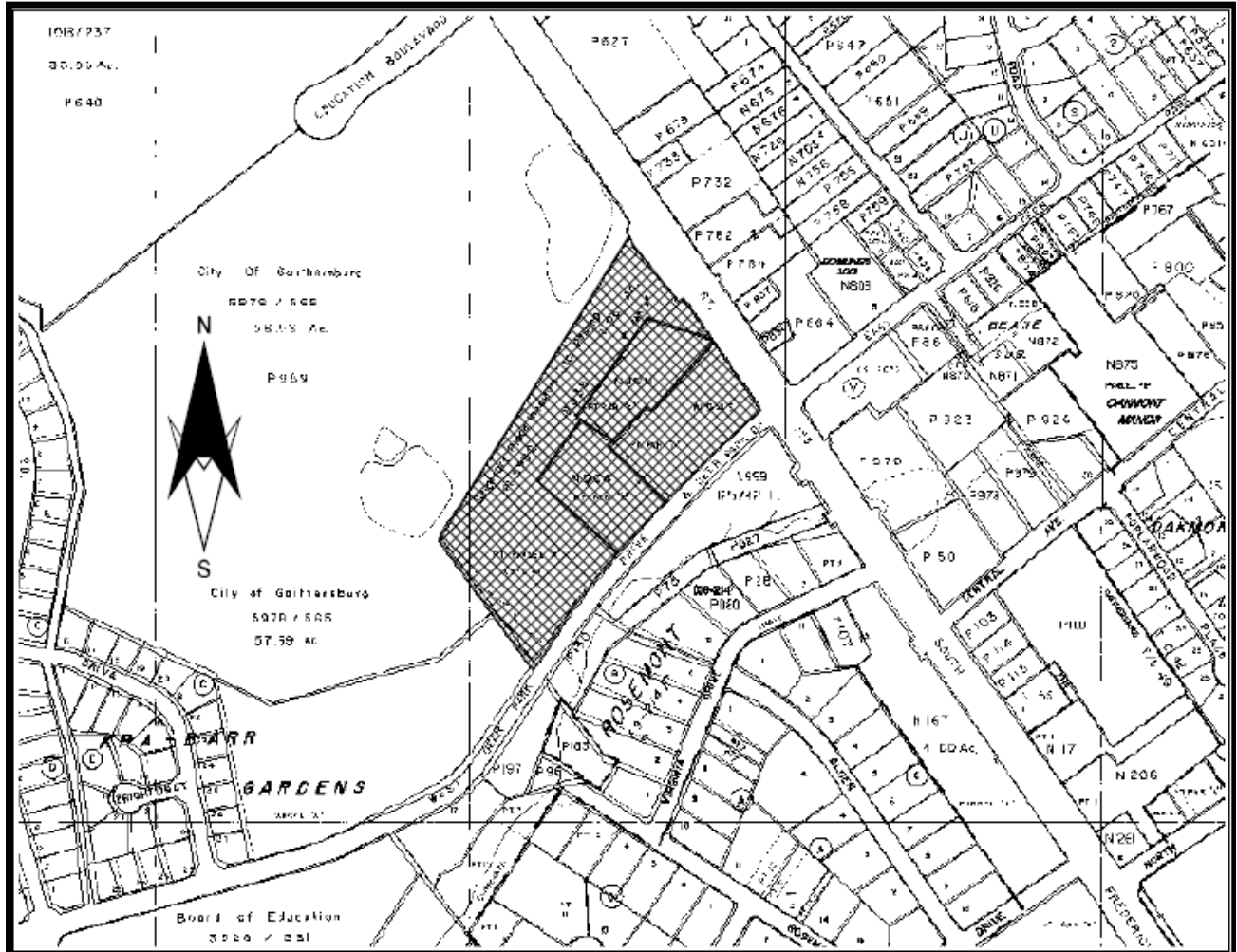
The schematic development plan application, SDP-06-004, is proposing to redevelop 349 garden style apartments to construct a complex of 334 multiple-family units, 53 townhomes, and 28 “2 over 2” condominium units.³ The multiple-family complex will be comprised of efficiencies, one (1), and two (2) bedroom apartment units. The project’s density will be twenty-nine (29) units per acre. The percentage of green space provided will equal forty-five percent (45%). The height of the tallest structure will be forty-eight (48’) feet. The plan incorporates environmental and infrastructure improvements as part of the project vision.

³ Exhibits 130-131

GENERAL INFORMATION

LOCATION

The subject property is located at the northwest corner of the South Frederick Avenue (MD 355) and West Deer Park Road intersection, in the City of Gaithersburg.



TAX MAP REFERENCE

FT 51

TAX ACCOUNT NUMBERS

Parcel N943: ID# 09-00842600
N994: ID# 09-00842894
N888: ID# 09-00842883
N939: ID# 09-00842770

MASTER PLAN AND ZONING HISTORY

The property has been zoned in the R-20 classification since prior to the Special Study Area Frederick Avenue Corridor Land Use Plan adopted by the City in January 2001. The study of this site dates back to the 1958 Tuemmler Master Plan, where this then undeveloped property was identified as Mount Pleasant. The 1958 plan called for multiple-family housing along MD 355 and single-family housing on the western half of property. The property was zoned R-20; however R-20 zoning in 1958 was defined as “multi-family residential.” The current apartment complex was constructed in 1965.

The property was next studied as part of the 1970 Master Plan. The 1970 Master Plan identified this site as zoned R-20; however this zone was now defined as “medium density residential” and not the prior “multi-family residential.” The 1974 Master Plan retained the medium density residential land use and R-20 zoning. The 1986 Neighborhood Two Land Use Plan again did not change the existing R-20 zoning on the property or the medium density residential land use.

In 1995, the City of Gaithersburg embarked on a master plan update for Neighborhoods Six, Two and Four. The result was the 1997 Neighborhood Two Master Plan Amendment that reaffirmed the retention of both land use and zoning categories for the subject property. Following a recommendation made in the 1997 Neighborhood One Master Plan Amendment, the City began a review of the Maryland Route 355, Frederick Avenue corridor.

Through 1998 and 1999, the City sponsored a review of land areas abutting and confronting the MD 355 corridor. This resulted in the publication of a Final Report entitled “Frederick Avenue Corridor Master Plan.” That publication was followed by the “Special Study Area - Frederick Avenue Corridor Land Use Plan” adopted by the City in January, 2001. These two documents established three districts with associated land uses and design guidelines. To implement the recommendations of the two planning documents, the City proposed and adopted regulations for a new zone, called the Corridor Development (CD) Zone.

The subject site was included within the Southern Residential District of the Frederick Avenue Corridor Special Study Area Master Plan. Concurrently with the adoption of the 2001 Frederick Avenue Corridor Plan, certain properties were designated for comprehensive rezoning to the CD zone. The subject property was not one of those designated parcels of land, although properties located east, southeast and south of this site were rezoned. The Master Plan does; however state that, “Owners of properties not comprehensively rezoned are encouraged to apply for rezoning to the CD zone to meet the goals and objectives of the Frederick Avenue Corridor Master Plan.”

EXISTING LAND USE/ENVIRONMENTAL CHARACTERISTICS



The 14.157 acre subject site is presently developed with 349 garden style apartments divided among 27 buildings, known as the Broadstone Apartments. The site lies to the southeast of two City-owned storm water management (SWM) ponds found on Bohrer Park at Summit Hall Farm (Bohrer Park). The Maryland Department of the Environment (MDE) has determined the northernmost pond (not shown) to be a “high hazard” dam. The site is predominately structures, sidewalks, driveways, surface parking lots, and landscaped pockets. There is a .63 acre forest stand located on the far western section of the property. Within this stand there exists a small intermittent stream with some associated wetland areas. These are fed by surface flow and an outfall drainage ditch running from the offsite southern pond (shown above). The Department of Natural Resources (DNR) has confirmed there are no rare, threatened, or endangered species on this developed site.

There are a total of twenty-four (24) specimen trees found on-site or adjacent to the subject property. The majority of these trees are sited within the existing forest or on the Bohrer Park side of the property line. The existing forest stand is of “good” quality for retention and dominated by red maple, tulip poplar, and white oaks. The understory species include mixed cherries, oaks, and holly. There is a dense mixed shrub layer including the invasive multiflora rose. The applicant has included a preliminary forest conservation plan as part of the SDP-06-004 submission. The plan calls for this stand to be expanded by .78 acres, following the demolition and removal of an existing apartment building, concrete pool structure, and paved parking lot, to create a conservation area of 1.41 acres total. The conservation area will also be cleared of invasive species. Additional landscaping and street tree plantings are proposed throughout the site; however the applicant will not be

able to accommodate the total reforestation requirements on-site.⁴ The final forest conservation plan will be submitted with any final site plan submission.

PUBLIC FACILITIES:

Water and Sewer Service & Public Utilities

The Fairfield proposal is a redevelopment project of an existing residential use; therefore the site maintains W-1 and S-1 (areas served by community systems which are either existing or under construction) categories. The existing WSSC⁵ on-site facilities will require extensions, but service does exist and fulfills the City’s adequate public facility ordinance (APFO) requirement.

A concept utility plan has been submitted as part of this SDP application.⁶ The plan delineates the Public Utility Easements (PUEs) to be used by the various entities. The plan itself has been reviewed by the Department of Public Works, Park Maintenance, & Engineering (DPWPM&E), PEPCO, Verizon, and Washington Gas. Representatives of the various utilities have submitted to Director Arnoult, letters of satisfaction with this level of design.⁷ Coordination with the various utility companies will continue when this project enters final design phase.

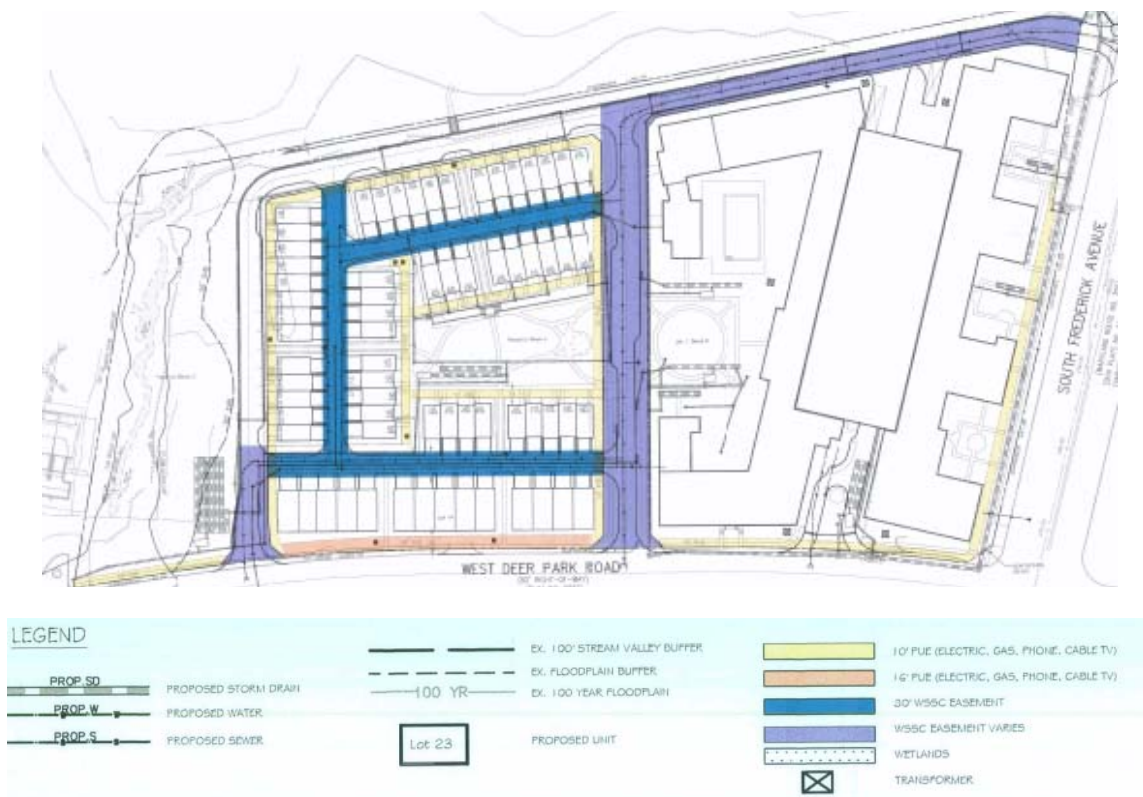


Exhibit 116

⁴ Exhibits 79-82

⁵ Exhibit 27

⁶ Exhibit 133

⁷ Exhibits 119, 120, 145

Emergency Services

The Fairfield Property currently resides within the ten (10) minute response areas of the following Montgomery County Fire & Rescue stations: Station numbers 3, 8 and 28. Emergency Services exceeds the City's adopted APFO requirements.

Schools

The proposed Fairfield SDP is currently located within the Gaithersburg Cluster of the Montgomery County Public School (MCPS) system. Students generated by this development will attend Rosemont Elementary School, Forest Oak Middle School, and Gaithersburg High School. Based upon the proposed build out of 53 townhomes, 28 "2 over 2" condos, and 334 multi-family units, MCPS has estimated that 32 elementary, 23 middle, and 19 high school students will be generated.⁸ This SDP proposal will actually generate fewer elementary and high school students than the existing development (42 elementary and 24 high). According to MCPS (the *FY 2007 Educational Facilities Master Plan* and *FY 2007-2012 Capital Improvements Program* for MCPS), enrollment at all of these schools is projected to remain within capacity for the six (6) year forecast period.

Traffic Impacts

Wells & Associates, in accordance with City and Maryland State Highway Administration (SHA) standards, prepared and submitted a traffic impact study to assess the road conditions associated with the redevelopment of the site on January 30, 2007. The analysis was reviewed by Engineering Services Director Mumpower of the DPWPM&E and SHA who both concurred with the conclusions.⁹ A summary of the conclusions are:

1. All of the study intersections currently operate within the applicable standards for the City of Gaithersburg, with critical lane volumes (CLV's) below 1450, during both the AM and PM peak hours. They would continue to operate at acceptable levels under background conditions without redevelopment of the site.
2. The proposed redevelopment will add 68 new weekday AM peak hour trips and 96 new weekday PM peak hour trips to the public street system upon project completion.
3. The proposed redevelopment would have minimal impact to the overall transportation network. All of the study area intersections would continue to operate within acceptable standards during both the AM and PM peak hours. Thus, no additional roadway or intersection geometric improvements are required.
4. In order to fully mitigate the additional traffic generated by the project and comply with the principles of the City vision and Master Plan, enhancements to the existing pedestrian and/or transit system are proposed. These may include upgrading of the existing bus shelter or other nearby bus stops to enhance transit in the area.

⁸ Exhibit 92

⁹ Exhibit 115, 125

- The queuing analyses indicate that adequate storage is provided by the northbound left turn lane at the existing median crossover on Frederick Avenue to accommodate new site generated trips. The critical eastbound queue on West Deer Park Road would be slightly alleviated by the conversion of the eastern most driveway to a right-in/right-out condition. This modification will improve traffic operations along West Deer Park Road and reduce vehicle conflicts.

Although the traffic analysis showed no appreciable impacts¹⁰, the Planning Commission and City Council raised concerns during the joint work session, held February 12, 2007, as to the distribution of traffic impacts as they relate to the various site access points and in particular the West Deer Park-MD 355 intersection. There are currently three (3) points of full movement access into the site from West Deer Park Road. The proposed plan retains these three (3) access points, but shifts them further west to minimize stacking issues at the MD 355 intersection and makes the access point closest to MD 355 a right-in/right-out only movement. The applicant has also added an additional access point along the northern property line from MD 355. This access point will be right-in/right-out only from southbound MD 355 and a left in only from northbound MD 355.

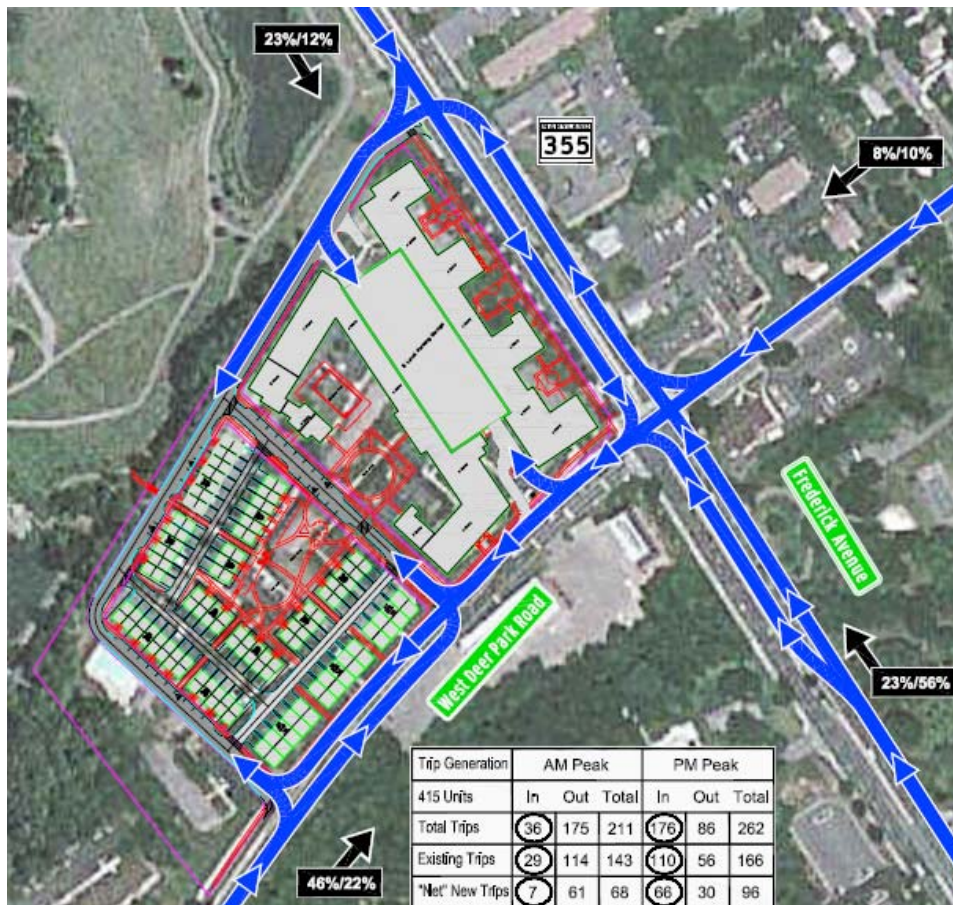


Diagram of entrance movements into the site
Exhibit 138

¹⁰ Exhibit 129

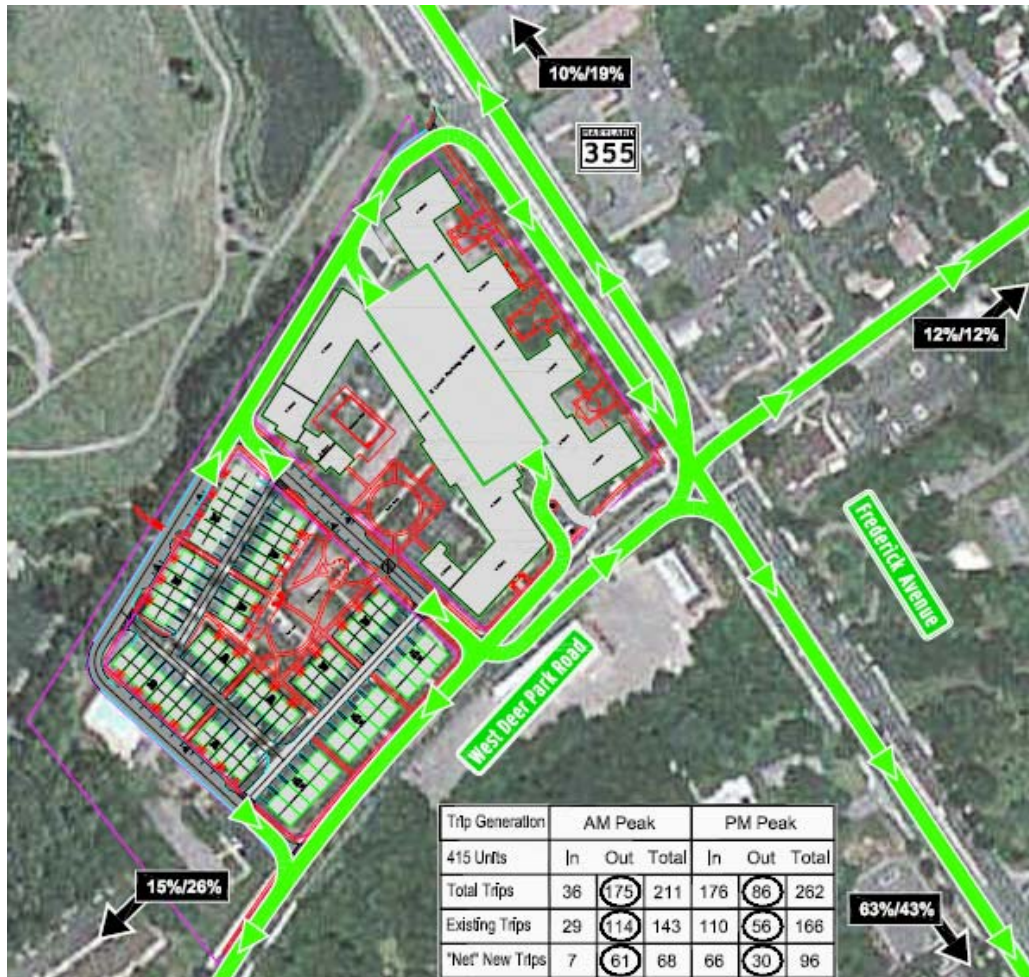


Diagram of exit movements from the site
Exhibit 139

The following diagram (Ex. 140) illustrates the traffic volumes associated with the proposed redevelopment, at the various access points and the West Deer Park Road-Frederick Avenue intersection. All points show that the critical lane volumes remain below the City standard of 1450. The “BG” statistic is the future volumes with no redevelopment. The “TF” statistic is the future volumes including impacts from this project.

The largest difference between redevelopment, no redevelopment volume impacts will occur at the access point off MD 355. An additional 72 vehicles will be added in the AM to the lanes above what would occur with no redevelopment. It should be noted that the volume along MD 355 at the West Deer Park intersection only increases by 38 vehicles in the AM and 27 vehicles in the PM, with the proposed plan.

A major concern voiced during the work session concerned the intersection of West Deer Park at MD 355. The diagram illustrates that in the AM there will actually be a decline of 21 vehicles at this point. This is a result of that access point having limited movements. Not being able to perform a left movement from the parking garage onto West Deer Park redistributes those vehicles to the remaining access points, with the exit onto MD 355 absorbing the majority. The 28 vehicle PM increase is easily facilitated by the right-in only turning movement into the garage.

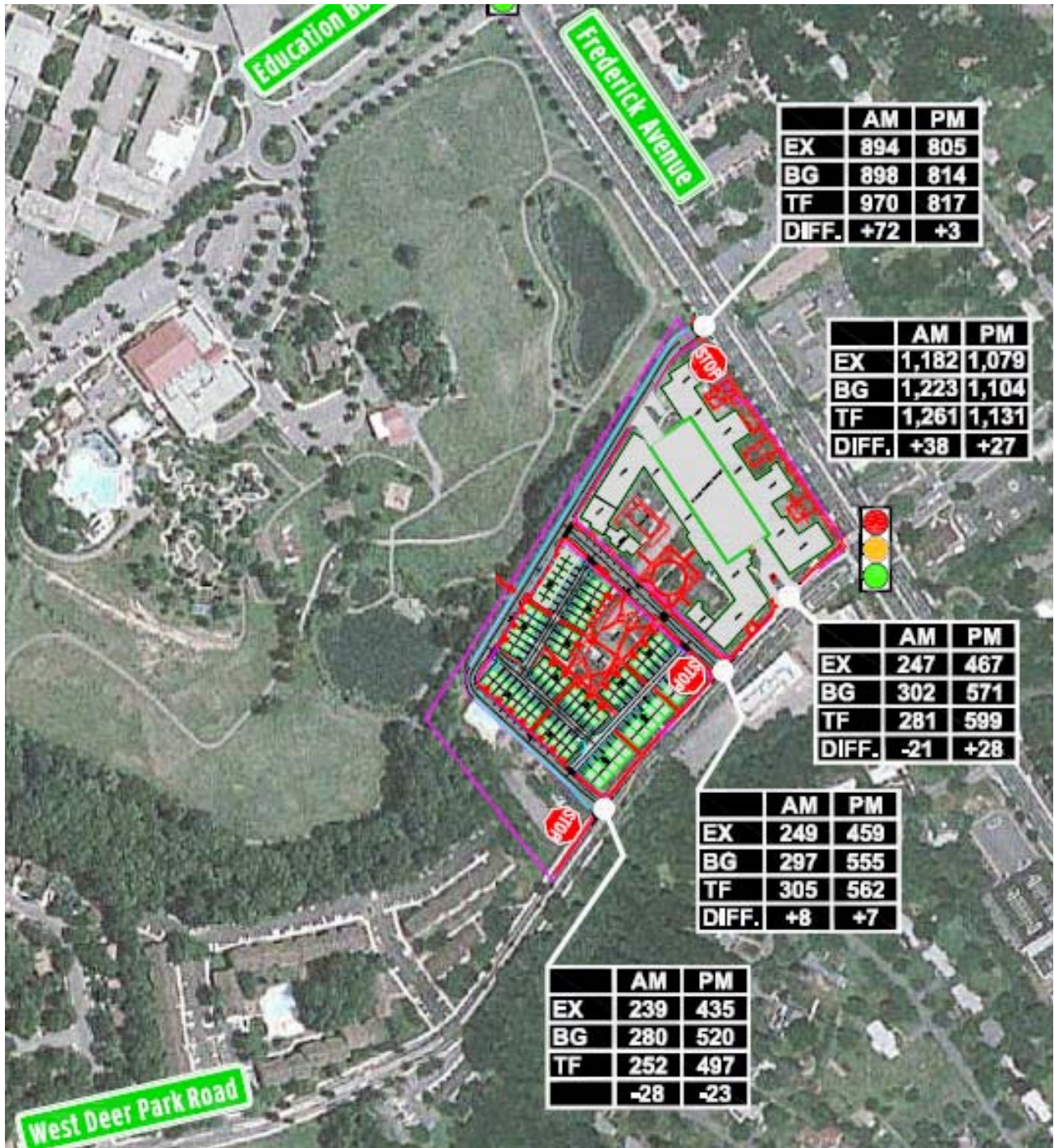


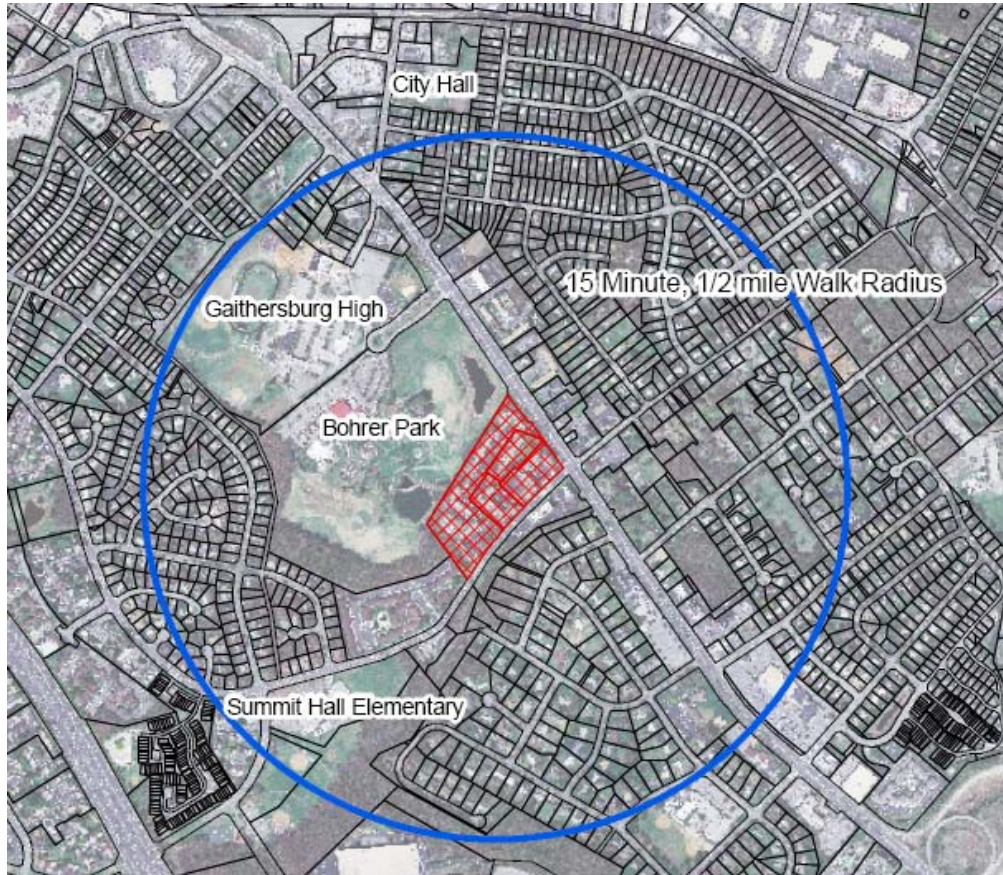
Exhibit 140

PROPOSED AMENITIES

The proposed Fairfield development is located within a fifteen (15) minute¹¹ walk of a number of off-site recreational amenities; the primary being Bohrer Park at Summit Hall Farm, found directly adjacent to the north. Bohrer Park is home to the City’s Activity Center,

¹¹ The National Recreation & Park Association has adopted the 15 minute walk as equaling ½ mile in distance

skate park, water park, fields, and path system. To the west of the property is Summit Hall Elementary School, providing a number of ballfields, courts, and jungle gym equipment. Just outside of the 15 minute walk zone is Rosemont Elementary and the City Pavilion, City Hall, and play area/ tennis courts.



Due to the proximity of the numerous active recreational amenities, the applicant has proposed more unique, passive on-site amenities for this project. The applicant has proposed an outdoor community swimming pool that will serve all of the residents of the development. Sited on the west side of the multi-family structure, the pool will have 3,120 square feet (SF) of water surface. This complies with the Montgomery County standards for pool size, which the City of Gaithersburg follows. Simplified, this equates to ten (10) SF of water surface area for each person within the service area.

Adjacent to the pool there will be a community clubhouse that will provide year-round recreational and meeting spaces. A number of open spaces will provide more passive on-site amenity opportunities. Along MD 355 there are three areas that provide green relief along this major roadway, as well as provide articulation in the facade of the building facing Frederick Avenue. On the west side of the multi-family building there is a .42± acre pocket park adjacent to the community swimming pool. Another .45± acre pocket park creates a green centerpiece for the townhouse section of the project. This open space will also

contain the community tot-lot. The internal sidewalk system will link the entire community and these amenities.

TRANSPORTATION

Roads

The applicant has proposed an internal road network comprised of public roads and a private alley. The public roads will provide access to MD 355, Frederick Avenue, and West Deer Park Road. The private alley will be sited behind the townhomes and “2 over 2” condominiums, providing access to the rear loaded garages. The proposed roads will require Road Code waivers from the Council.

Sidewalks

In addition to the roads proposed, the applicant, to benefit from the close proximity to bus service provided on Frederick Avenue, envisions enhancements to the existing pedestrian system¹² to help mitigate new site-generated trips. The property currently has five (5') foot sidewalks adjacent to the curb running along both Frederick Avenue and West Deer Park Road. A new 8-foot wide path will be constructed along the east side of the property fronting Frederick Avenue to facilitate pedestrian and bike access. The construction of this path will be in conjunction with the installation of a new green strip. This area will vary from eighteen (18') to nineteen (19') feet in width and will separate the path from the curb line.

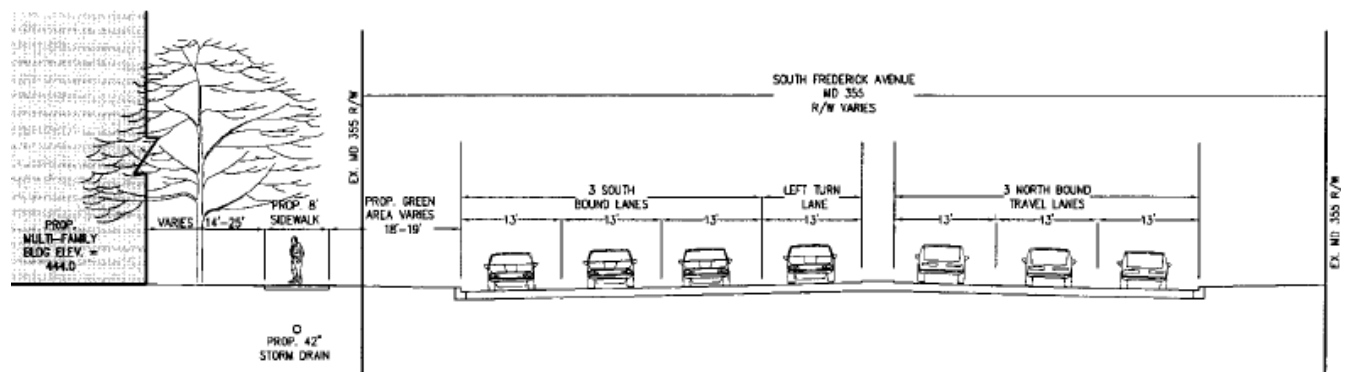


Exhibit 147

The applicant has also proposed a redesign of the pedestrian facilities along West Deer Park. Overhead utilities will be placed underground. The existing sidewalk will be resited away from the curbline and a five (5') planting strip inserted in its place. The following diagrams illustrate the West Deer Park Road crosssections and improved pedestrian facilities, in relation to the multi-family complex, followed by the “2 over 2” condominiums.

¹² Exhibits 146-152

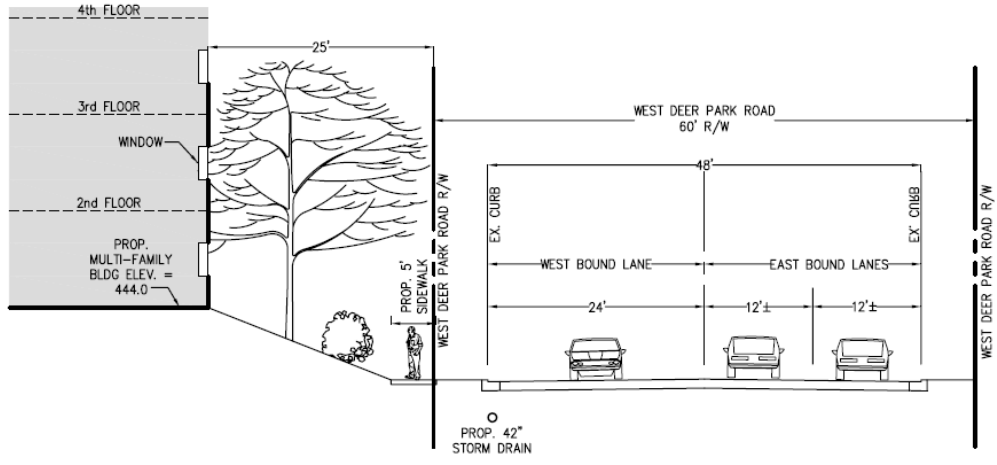


Exhibit 150

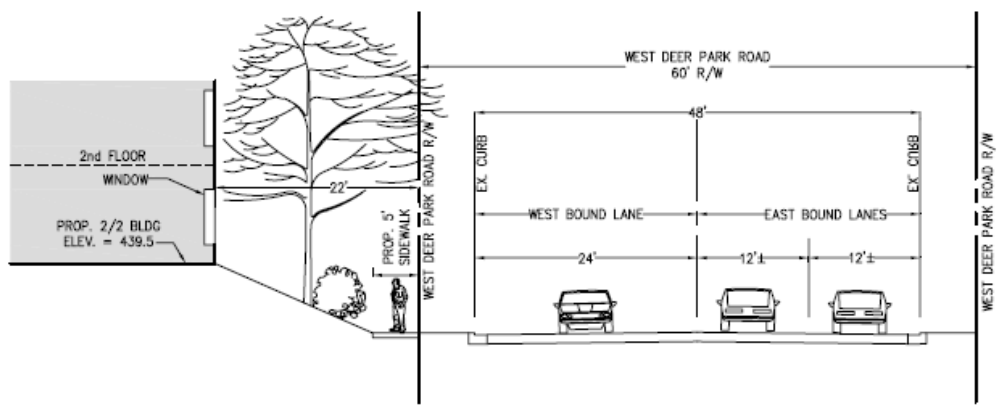


Exhibit 151

Within the property, a series of sidewalks are proposed that will link and unify the community. These walks will provide safe linkages among the various community facilities, such as the parks and pool, and connect to off-site destinations such as Bohrer Park and the Frederick Avenue corridor. To further promote alternatives to the single-occupancy vehicle, the applicant will work with DPWPM&E to enhance existing bus shelters.

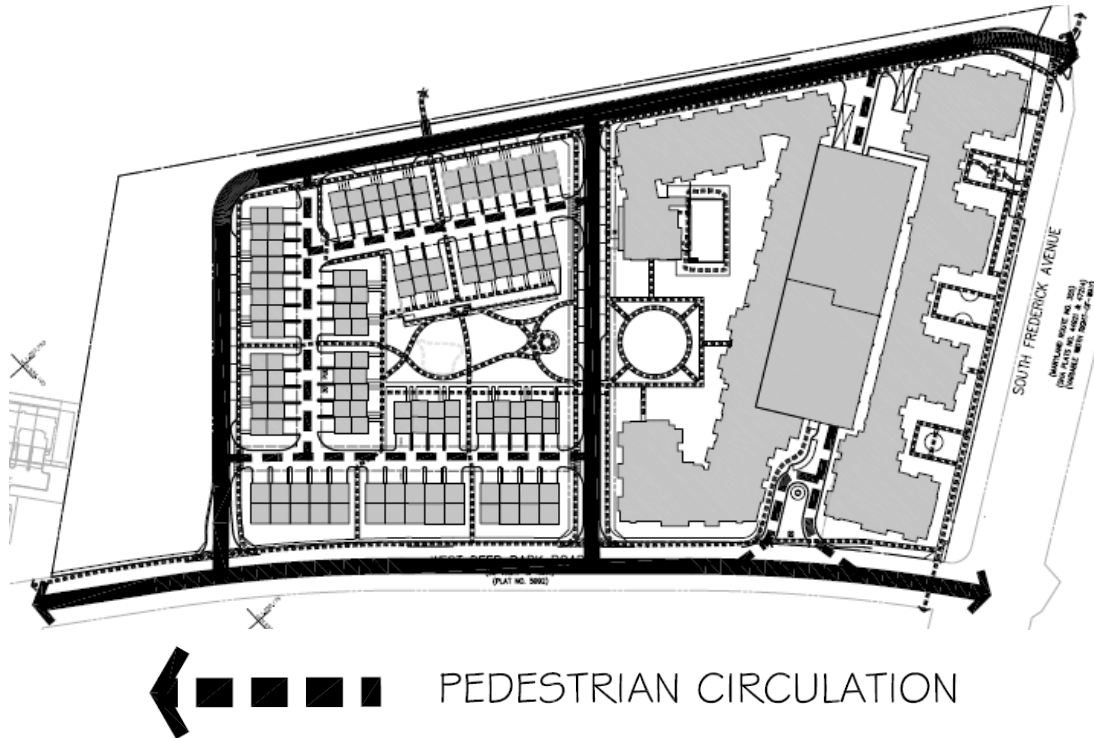


Exhibit 141

PARKING

Parking for the Fairfield project will be handled either through the parking structure within the multi-family building or by rear loaded garages, with twenty (20') foot driveways, associated with the individual single family units. This plan also provides thirty-four (34) on-street parking spaces; however no parking will be allowed on West Deer Park Road. Parking for the pool, at a rate of one (1) space per seventy (70) SF of water surface requires an additional forty-five (45) spaces. This would bring the total on-site parking requirement to 837 spaces. Overall there will be a surplus of nineteen (19) spaces. The following chart illustrates the parking breakdown.

RESIDENTIAL PARKING REQUIREMENTS			
Single Family Parking	Required Parking Ratio	Required	Provided
28 Two over Two Units	2.0	56	84
53 Townhouse Units	2.5	133	133
<i>81 Total Single Family Units</i>		<i>189</i>	<i>217</i>
Apartment Units Parking			
8 Efficiency Units	1.0	8.00	-
153 One Bedroom Units	1.7	260	-
38 One Bedroom plus Den Units	1.7	64	-
119 Two Bedroom Units	2.0	238.00	-
16 Two Bedroom Plus Den Units	2.0	32.00	-
<i>334 Total Condo Units</i>		<i>602</i>	<i>605</i>
On Street Spaces			34
Total Parking		791	856

STORMWATER MANAGEMENT

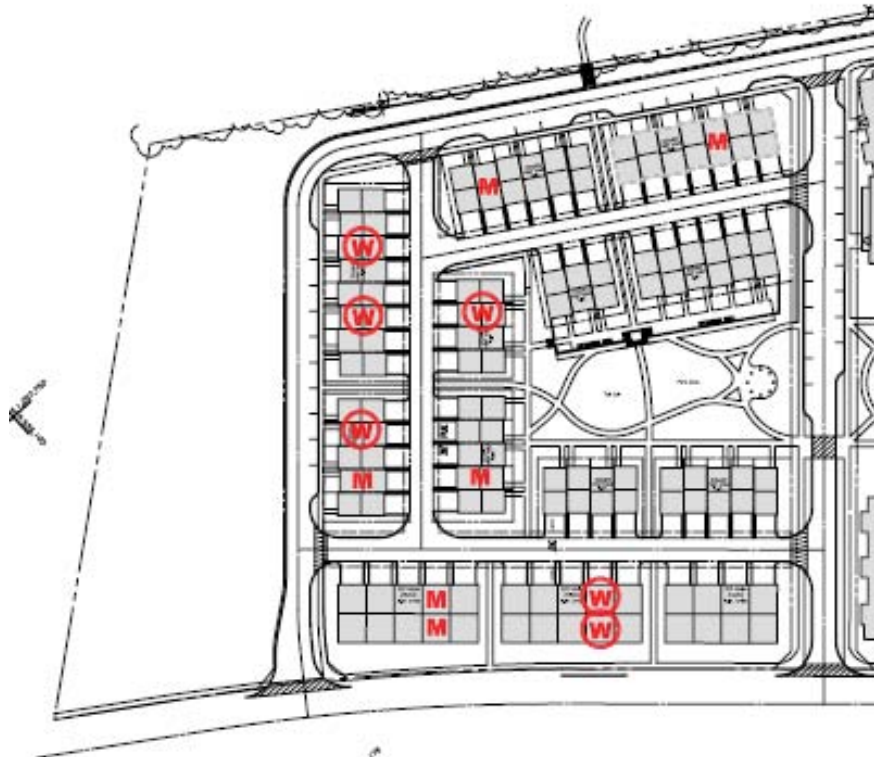
The project is required to provide quality and quantity protection for the run-off of any stormwater in order to protect the downstream water resources. The conceptual stormwater management (SWM) plan is being reviewed by DPWPM&E and Environmental Affairs and will be approved prior to any final site plan approval. The development will be served by a number of underground facilities situated throughout the site.

AFFORDABLE HOUSING

The Fairfield project will be required to provide an affordable housing component per City ordinance O-12-06 and will be instituted under City regulation no. 02-07. The applicant will be required to provide fifteen percent (15%) of the 334 multi-family units as moderately priced dwelling units (MPDUs). This will equal fifty (50) units. The final distribution of units within the multi-family structure will be determined at final site plan.¹³

The applicant will be required to provide seven and one half percent (7.5%) each of workforce housing and MPDUs for the total numbers of townhomes (53) and “2 over 2” condominiums (28). The townhomes will be required to have four (4) units designated as MPDUs and four (4) units as workforce housing. The “2 over 2” condominiums will be required to have two (2) MPDU units and two (2) workforce housing units. The following diagram illustrates the proposed distribution of these units.

¹³ Exhibit 136



M MPDU Unit

W Workforce Housing Unit

Exhibit 135

ARCHITECTURAL ELEVATIONS

The applicant has submitted conceptual elevations¹⁴ as part of SDP-06-004. There are three types of residential units proposed; single-family townhomes, “2 over 2” townhome condominiums, and a multiple-family structure. The townhomes and “2 over 2” condominiums are all rear loaded and self parked. The multiple-family structure will have an integrated garage structure having approximately 630 spaces. The building materials proposed are primarily masonry in nature and will provide a unifying theme among the various types of units. The specific building materials will be determined at final site plan. The multiple-family structure and “2 over 2” condominiums will require a height waiver from the Mayor & City Council, allowing a height of forty-eight (48’) feet. The following elevations are those presented at the joint public hearing:

¹⁴ Exhibits 61-65



Typical Front Elevation



Typical Side Elevation



Typical Rear Elevation

Conceptual Townhomes



Typical Front Elevation



Typical Side Elevation



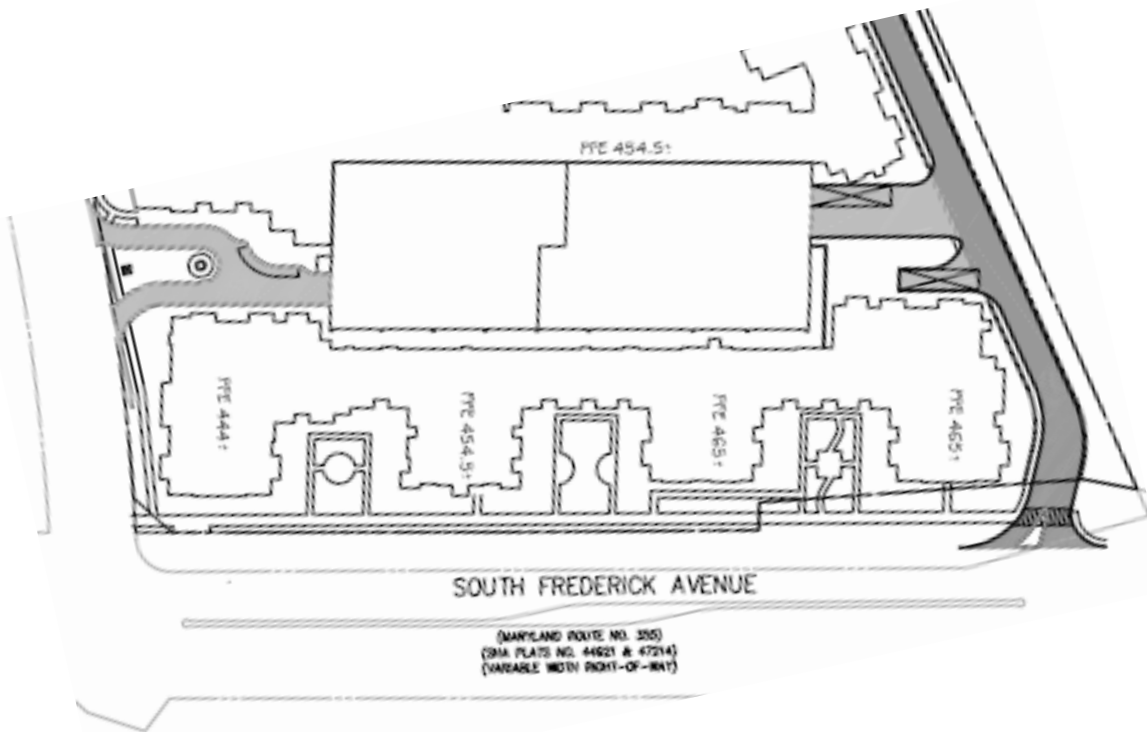
Typical Rear Elevation

Conceptual 2 over 2 Condominiums

Great emphasis has been placed upon the appearance of the multi-family structure. The applicant has proposed a design that while being a single building, will present the appearance of multiple structures. Each “section” of the building will have differing window treatments, roof designs, masonry treatments, and various architectural accents. To minimize the massing along Frederick Avenue, the applicant has proposed three (3) deep articulations along the façade. These areas will be landscaped and will enhance the Frederick Avenue streetscape by providing areas of relief. This will enhance the feeling that one is passing by multiple structures and not one building.



View from MD 355 Frederick Avenue



The aesthetic vision used along Frederick Avenue will be continued on the remaining sides of the building.



View from West Deer Park Road



View from townhome section of project



To scale representation of the multi-family structure from the MD 355-West Deer Park intersection

REQUESTED WAIVERS

HEIGHT WAIVER¹⁵

To accomplish the proposed design of the multi-family building as well as the addition of “2 over 2” condominiums, the applicant is seeking a height waiver from the Mayor & City

¹⁵ Exhibit 35

Council. Under §24-160G.5.(a)(1) of the City Code, The City Council may, by resolution, waive building and structure height requirements for a residential district project, allowing a height not to exceed four (4) stories, or forty-eight (48) feet. Staff recommends the granting of said waiver based on findings 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;

The Applicant has proposed a number of enhancements to the existing property as part of SDP-06-004. The increased height of the multi-family structure and associated parking structure reduces the overall building footprint and minimizes on-site surface parking lots. These acts allow for the construction/creation of a number of amenities: an outdoor community swimming pool; a clubhouse; a .42± acre pocket park sited next to the pool; a second .45± acre open space, including a community tot-lot, located near the townhouses, and the expansion of the existing forest by an additional .78 acres.

Similarly, the reduced footprint and surface parking will impact the streetscapes along both MD 355, South Frederick Avenue and West Deer Park Road. Along Frederick Avenue, the proposed streetscape will include an eighteen (18') foot green strip from curb to a newly installed eight (8') foot path. Utilities along West Deer Park will be moved underground, allowing the installation of a new five (5') foot sidewalk separated from the curb by a five (5') foot green strip. Existing bus stops will be enhanced per Public Works recommendations. These changes improve overall pedestrian safety by moving citizens off the curb and creates a more amenable walking environment within the Southern Residential zone of the Frederick Avenue corridor.

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-06-004 proposes a comprehensive plan that redevelops an aging apartment complex into a mix of residential units types; from single-family townhouses, to "2 over 2" condominiums, to moderately priced apartments. The application creates a unified community vision by including project wide landscaping, interlinking pedestrian paths, open community park spaces, an increased forest conservation area, a community pool and clubhouse, and complementary architecture among the various unit types. The application provides for a safer pedestrian environment by increasing sidewalk/pathway widths and adding green buffering strips along both Frederick Avenue and West Deer Park Road.

Application SDP-06-004 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." The granting of the height waiver for SDP-

06-004 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.

This project demonstrates compliance with all required adequate public facility ordinance (APFO) standards required by the City of Gaithersburg. Additional height and stories for the Fairfield at West Deer Park project will not have an adverse affect on adjacent properties or on the character of the corridor. The south and east sides of the property are bordered by various land uses including office (south), institutional (funeral home southeast), and other multi-family (east) across MD 355. These adjacent uses range from two (2) stories to four (4) stories.

On the north side of the subject property is Bohrer Park at Summit Hall Farm whose closest structure or activity area is at least 300 feet from the common property line. The additional height would have no negative impacts upon these diverse uses and may in fact spur new redevelopment within the residential section of the Frederick Avenue Corridor.

ROAD CODE WAIVER

The applicant has submitted as part of SDP-06-004, a Road Code waiver request from the Mayor & City Council.¹⁶ The waiver request concerns the design of tertiary residential streets and residential alleys. These waivers are being requested to help implement a layout that fosters a traditional neighborhood design. The waivers that are being requested are similar to those already approved in the Kentlands, Lakelands and Casey West developments. The following breaks down the request by road type:

SECTION “A” (PUBLIC) TERTIARY RESIDENTIAL STREET:

	Proposed with SDP
Min. R/W Width	56'
Min. Pavement Width	20'-34'*
Min. Side Width	11'
Min. C/L Radius	No Change
Curb and Gutter	Yes
Sidewalk	Yes (5')
Parking	Yes (Both Sides)

Notes:

*The minimum pavement width without parking is 20' (two 10' lanes).

¹⁶ Exhibits 71-73

SECTIONS “B & C” (PUBLIC) TERTIARY RESIDENTIAL STREET:

	Proposed with SDP
Min. R/W Width	28'-34'
Min. Pavement Width	20'-27'*
Min. Side Width	2'-5'
Min. C/L Radius	50'-100'
Curb and Gutter	Yes
Sidewalk	Yes (5')
Parking	Yes (One side, in 34' section)

Notes:

*The minimum pavement width without parking is 20' (two 10' lanes)

SECTION “D” (PRIVATE) RESIDENTIAL ALLEY:

	Proposed with SDP
Min. R/W Width	20'
Min. Pavement Width	20'
Min. Side Width	0'
Min. C/L Radius	No change
Curb and Gutter	Roll Curb
Sidewalk	No
Parking	N/A



Exhibit 144

ENVIRONMENTAL WAIVER

Fairfield Broadstone, LP has requested an Environmental Standards waiver from the City to permit work in the Stream Valley Buffer and construction within dam breach limits as part of the redevelopment of the Broadstone Apartments.¹⁷ The first waiver consists of a total of 19,500 square feet of disturbance to occur within the steam valley buffer. This includes the demolition and removal of an existing apartment building, concrete pool structure, and paved parking lot located within forty (40') feet of the existing stream channel. A total of 8,230 square feet of impervious area would be removed with no additional impervious area being added. This cleared area will facilitate a stormwater management facility and the addition of .78 acres of new forest within the conservation area.

The other Environmental Waiver requested by the Applicant is for the redevelopment of residential units within existing dam breach limits. Per the City's Environmental Standards for Development regulations, the applicant has submitted a dam breach analysis showing potential impacts and changes of flow and velocity should the high hazard dam to the north fail. The analysis has been reviewed by the Maryland Department of the Environment (MDE) Dam Safety Division. MDE has accepted the findings of the analysis and stated the redevelopment should be constructed as shown in relation to building footprints.¹⁸ The analysis is currently being reviewed by both the City's Departments of Public Works and Environmental Affairs.

STAFF ANALYSIS AND RECOMMENDATIONS

Z-304

Staff recommends approval of zoning map amendment application Z-304 to rezone the subject property from the existing R-20 (Medium Density Residential) Zone to the CD (Corridor Development) Zone based upon the following findings as required under §24-160G.7(a) of the City Code :

(1) The application meets or accomplishes the purposes, objectives, and minimum standards and requirements of the zone;

Purpose & Objective:

- a. Application Z-304 will provide economic vitality by creating a new community serving diverse economic demographics through a variety of housing options.
- b. Application Z-304 will create an important sense of place by placing a unique four story structure on the corner of the focal MD 355, West Deer Park Road intersection.
- c. Application Z-304 provides for the redevelopment of aging, declining apartment complex.
- d. Application Z-304 provides for the enhancement of pedestrian facilities along West Deer Park Road and Frederick Avenue by the addition of green strips and improved sidewalks/paths.

¹⁷ Exhibit 75-77, 124, 142-143

¹⁸ Exhibit 128

- e. Application Z-304 provides the applicant the ability to construct differing housing types all within a harmonious consistent architectural framework based upon masonry materials.

Standards & Requirements:

- a. Application Z-304 provides that the multiple-family complex and “2 over 2” condominiums front upon the public streets of West Deer Park Road and Frederick Avenue.
- b. Application Z-304 provides that all off-street parking is set back twenty feet (20’) from any front building line due to all single-family residential units being rear loaded and the multi-family complex containing an integrated parking structure.
- c. Application Z-304 incorporates requirements from the Frederick Avenue Corridor Design Guidelines in the design of the pedestrian streetscapes; in developing green strip buffers between curblines and paths; will provide an eight foot (8’) path along MD 355, Frederick Avenue; provides that public streets are fronted by buildings; and provides that all off-street parking does not front upon a public road and is visually buffered.

(2) The application is in accord with recommendations in the applicable master plan for the area and is consistent with any special conditions or requirements contained in said master plan;

Application Z-304’s site location was identified within the study limits of the Southern Residential District of the 2001 Frederick Avenue Corridor Special Study Area Master Plan. Application Z-304 is provided the ability to rezone because on page 4 of the Frederick Avenue Corridor Special Study Area Master Plan the following guidance is provided:

“Owners of properties not comprehensively rezoned are encouraged to apply for rezoning to the CD zone to meet the goals and objectives of the Frederick Avenue Corridor Master Plan.”

(3) The application and schematic development plan will be internally and externally compatible and harmonious with existing and planned land uses in the CD zoned areas and adjacent areas.

Application Z-304 proposes a residential use that demonstrates compliance with all required adequate public facility ordinance (APFO) standards required by the City of Gaithersburg and will not have an adverse affect on adjacent properties or on the character of the corridor. The south and east sides of the property are bordered by various land uses including office (south), institutional (funeral home southeast), and other multi-family (east) across MD 355. The northern use is a public use. These adjacent uses range from two (2) stories to four (4) stories. The mix of the proposed residential uses will complement the immediate neighborhood, as defined in the Applicant’s statement in support of rezoning, by providing a new aspect to the mix of uses strived for in this corridor.

(4) Compliance with standards for rezoning by local map amendment in Article 66B of the Maryland Code.

Application Z-304's intent to rezone is a reflection of the change in the surrounding neighborhood. The current R-20 zoning of the subject property was established in the 1950s and has not been reconsidered since. The current land use and zoning predates any of the neighboring properties existence. Many properties that were comprehensively rezoned to the CD zone in conjunction with 2001 Frederick Avenue Corridor Special Study Area Master Plan. The City has stated and adopted a policy towards upgrading its housing stock, 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." These adopted public policy actions coupled with the fact that the subject property confronts Frederick Avenue properties all zoned CD show a change that warrants a rezoning to the CD zone for the subject property and the 2001 Frederick Avenue Corridor Special Study Area Master Plan invites and encourages such rezoning.

SDP-06-004

Staff recommends approval of schematic development plan application SDP-06-004 based upon the following findings as required under §24-160G.7(b) of the City Code :

(1) The plan is substantially in accord with architectural, signage, lighting, streetscape, parking and other regulations, requirements and guidelines adopted by the city council for the applicable corridor area:

- a. Application SDP-06-004 maintains the residential land use called for in both the 2001 Frederick Avenue Corridor Special Study Area Master Plan and the associated Design Guidelines.
- b. Application SDP-06-004 provides that the multiple-family complex and "2 over 2" condominiums front upon the public streets of West Deer Park Road and Frederick Avenue, with pedestrian access from said streets.
- c. Application SDP-06-004 provides that all off-street parking is set back twenty (20') feet from any front building line due to all single-family residential units being rear loaded and the multiple-family complex containing an integrated parking structure.
- d. Application SDP-06-004 incorporates requirements from the Frederick Avenue Corridor Design Guidelines in the design of the pedestrian streetscapes; in developing green strip buffers between curblines and paths; will provide an eight (8') foot path along MD 355, Frederick Avenue; provides that public streets are fronted by buildings; and provides that all off-street parking does not front upon a public road and is visually buffered.

(2) The plan meets or accomplishes the purposes, objectives and minimum standards and requirements of the zone:

Purpose & Objective:

- a. Application SDP-06-004 will provide economic vitality by creating a new community serving diverse economic demographics through a variety of housing options.
- b. Application SDP-06-004 will create an important sense of place by placing a unique four story structure on the corner of the focal MD 355, West Deer Park Road intersection.
- c. Application SDP-06-004 provides for the redevelopment of aging, declining apartment complex.
- d. Application SDP-06-004 provides for the enhancement of pedestrian facilities along West Deer Park Road and Frederick Avenue by the addition of green strips and improved sidewalks/paths.
- e. Application SDP-06-004 provides the applicant the ability to construct differing housing types all within a harmonious architectural framework based upon masonry materials.

Standards & Requirements:

- e. Application SDP-06-004 provides that the multiple-family complex and “2 over 2” condominiums front upon the public streets of West Deer Park Road and Frederick Avenue.
- f. Application SDP-06-004 provides that all off-street parking is set back twenty (20’) feet from any front building line due to all single-family residential units being rear loaded and the multi-family complex containing an integrated parking structure.
- g. Application SDP-06-004 incorporates requirements from the Frederick Avenue Corridor Design Guidelines in the design of the pedestrian streetscapes; in developing green strip buffers between curblines and paths; will provide an eight (8’) foot path along MD 355, Frederick Avenue; provides that public streets are fronted by buildings; and provides that all off-street parking does not front upon a public road and is visually buffered.

(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:

- a. Application SDP-06-004’s site location was identified within the study limits of the Southern Residential District of the 2001 Frederick Avenue Corridor Special Study Area Master Plan.
- b. Application SDP-06-004 maintains the residential land use called for in both the 2001 Frederick Avenue Corridor Special Study Area Master Plan and the associated Design Guidelines.

(4) The plan will be internally and externally compatible and harmonious with existing and planned land uses in the CD zoned area and adjacent areas; and:

The Fairfield at West Deer Park project will not have an adverse affect on adjacent properties or on the character of the corridor. The south and east sides of the property are bordered by various land uses including office located to the south; institutional, a funeral

home located to the southeast; and other multiple-family residential across MD 355 to the east. To the west, a single-family residential redevelopment project has received final site plan approval. These adjacent uses range from two (2) stories to four (4) stories.

On the north side of the subject property is Bohrer Park at Summit Hall Farm whose closest structure or activity area is at least 300 feet from the common property line. The proposed plan will have no negative impacts upon these diverse uses and may in fact spur new redevelopment within this section of the corridor through the enhanced pedestrian linkages and diverse economic community population.

(5) That existing or planned public facilities are adequate to service the proposed development contained in the plan:

- a) As stated, MCPS has determined there is sufficient overall school capacity to absorb future Fairfield students.
- b) WSSC has established that this site maintains W-1 and S-1 (areas served by community systems which are either existing or under construction) categories.
- c) A traffic impact analysis has been submitted and reviewed by both SHA and the City and determines that no appreciable impacts requiring mitigation will be caused by this development
- d) The Fairfield Property is located within the ten (10) minute response areas of the following Montgomery County Fire & Rescue stations: Station numbers 3, 8 and 28.
- e) The community pool is sized to County standards that will adequately serve the Fairfield neighborhood.

(6) The development staging or phasing program if any, is adequate in relation to the provision of public facilities and private amenities to service the proposed development;

The applicant has stated the intent to build this development in one (1) phase so the entire community will be served by public facilities and amenities simultaneously.

(7) That the plan, if approved, would be in the public interest:

The Fairfield plan, SDP-06-004, will create a well planned and executed mixed-residential unit type development that establishes a sustainable and livable community that will remain a long term asset to the City. Fairfield will be designed through the application of good design principles, including the Frederick Avenue Corridor Design Guidelines, to have a strong sense of place and a distinct identity. The project will fulfill City objectives by providing home ownership opportunities while maintaining an affordable housing component. This will provide a larger tax base for the City to generate additional revenue that can help support a wider array of public programs, services, and improvements.

(8) The existing buildings with historic significance are considered for preservation and retention pursuant to the city's historic preservation ordinance.

There are no existing buildings of historic significance; therefore this finding is not applicable.

STAFF RECOMMENDED CONDITIONS

Staff recommends approval of SDP-06-004 with the following conditions:

1. Applicant shall obtain Concept Storm Water Management approval prior to Final Site Plan approval;
2. Applicant shall obtain all necessary Environmental Waivers prior to Final Site Plan approval;
3. Applicant shall obtain all necessary Road Code Waivers prior to Final Site Plan approval;
4. Applicant to provide a staging, milling, repaving, and reconstruction plan for the disturbance to W. Deer Park Road to DPWPM&E as part of any Final Site Plan application;
5. Applicant to receive all necessary State Highway Administration access permits prior to the issuance of site development permits;
6. Applicant to submit Home Owners Association (HOA) documents, including maintenance responsibility for storm water management facilities and common areas as part of any Final Site Plan application;
7. Applicant shall obtain final forest conservation plan and landscape plan approval by the City's Environmental Specialist prior to the issuance of site development permits;
8. Applicant to work with City staff and Montgomery County Ride-On regarding the review and approval of all bus shelter locations;
9. The final utility plan, including the undergrounding of utilities along West Deer Park Road, shall be revised and approved by DPWPM&E and receive final approval letters from appropriate utility agencies including, but not limited to, Washington Gas, PEPCO, Verizon, and WSSC prior to the issuance of Public Works permits for work within the West Deer Park Road right of way;
10. Final signing, lane marking, turning radii plans, lighting plans, paving and storm drain plans, grade establishment plans, and details to be reviewed and approved by DPMPM&E prior to the issuance of Public Works permits; and
11. Applicant to continue to work with staff to develop final tenant relocation, demolition of existing structures and new construction staging plans prior to final site plan approval.