
STAFF COMMENTS FOR PLANNING COMMISSION

MEETING DATE: October 3, 2007

SUBJECT: Z-306

TITLE: Amendment to Sketch Plan

REQUEST: **RECOMMENDATION TO M&CC**

ADDRESS: 700 Professional Drive

APPLICANT: The Humane Society of the
United States (HSUS)

STAFF PERSON: Jacqueline Marsh, Planner

Enclosures:

Staff Analysis
Index of Memorandum and Exhibits (In **Bold**)

See attached Staff Analysis

Joint Public Hearing
Mayor and City Council
And Planning Commission
September 4, 2007

Z-306
Humane Society of the United States (HSUS) Property

Number Exhibit

1. Application for Amendment to the Zoning Map
2. Letter from C. Robert Dalrymple, dated August 8, 2007
3. Adjoining and Adjacent Property Owners
4. Natural Resources Inventory, approved January 24, 2007
5. Record Plat R-423
6. Traffic Study prepared by The Traffic Group, dated June 15, 2007
7. Aerial Location Map
8. Letter to Gazette requesting legal advertisement of Joint Public Hearing in the August 15 and 22, 2007, issues
9. Notice of Joint Public Hearing sent August 14, 2007, to Required Parties
10. Sketch Plan Amendment Site Plan
11. Letter from Norma Thacker, WSSC, dated August 14, 2007
12. Certified legal ad, received August 21, 2007
13. Letter to Gazette requesting legal advertisement of Joint Public Hearing in the September 7, 2007, issue
- 14. Cover Sheet for the September 10, 2007, Mayor and City Council meeting**
- 15. Letter from C. Robert Dalrymple, dated September 17, 2007**
- 16. Revised Sketch Plan Amendment Site Plan**

17. Joint Public Hearing Transcript

18. DRAFT minutes of the September 10, 2007, Mayor and City Council meeting

19. Staff Analysis

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

September 4, 2007

CALL TO PODIUM:

Jacqueline Marsh

RESPONSIBLE STAFF:

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

**Lauren Pruss,
Planning Director**

Jacqueline Marsh, Planner

AGENDA ITEM:

(please check one)

<input type="checkbox"/>	Presentation
<input type="checkbox"/>	Proclamation/Certificate
<input type="checkbox"/>	Appointment
<input checked="" type="checkbox"/>	Joint Public Hearing
<input type="checkbox"/>	Historic District Commission
<input type="checkbox"/>	Consent Item
<input type="checkbox"/>	Ordinance
<input 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	8/15/2007
	8/22/2007
Hearing Date	9/4/2007
Record Held Open	
Policy Discussion	

TITLE: Z-306

Amendment to the Sketch Plan for the Humane Society (HSUS) Property, Requesting up to 300,000 Square Feet of Office Development in Structures Between 6 and 12 Stories and up to 250-300 Residential Units. The Subject Property contains 10.5 Acres of Land and is Located East of I-270, South of the Existing Terminus of Professional Drive, and West of MD Route 355, North Frederick Avenue, in the Mixed Use Development (MXD) Zone.

SUPPORTING BACKGROUND:

This is an amendment to sketch plan request submitted by the Humane Society of the United States (HSUS). The proposal includes approximately 10.5 acres of property, located east of Interstate 270, south of the existing terminus of Professional Drive, and west of MD Route 355, North Frederick Avenue, in the Mixed Use Development (MXD) Zone.

This property was rezoned to MXD as part of a Comprehensive rezoning after the 1997 Master Plan; however, a sketch plan was not approved during the rezoning process for unknown reasons. The existing 67,800 square foot, 2- story building at the site is the national headquarters of the HSUS.

This application proposes up to 300,000 square feet of office development in structures between 6 and 12 stories, up to 250-300 residential units in multifamily buildings between 6 and 12 stories, and a combination of above and below ground structured parking with limited surface parking. HSUS is requesting that all of the proposed density be phased so that no development would occur on this site until the Watkins Mill Road interchange is under construction.

Staff, in cooperation with Montgomery County and the State Highway Administration, has been in discussion with HSUS for some time in an effort to secure dedication of the interchange right-of-way located on their property, and believes that the densities and uses proposed in this sketch plan is harmonious with the recently approved Casey West and Casey East projects. Further, the uses and densities will promote signature buildings on I-270 when the interchange is built.

Attachments:

Z-306 Index of Memoranda and Exhibits identified in bold

DESIRED OUTCOME:

Hold Public Hearing.

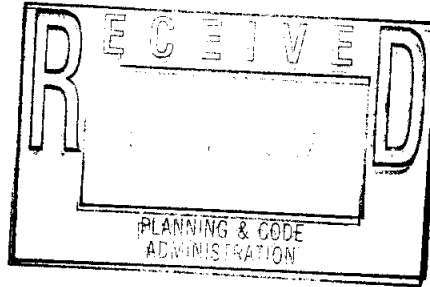
Staff recommends the Planning Commission hold the record open until 5PM on September 26th (22 days) with anticipated recommendation on October 3rd. Staff recommends the Mayor and City Council hold the record open until 5PM on October 8th (34 days) with anticipated policy discussion October 15th.

JOINT EXHIBIT
#14
Z-306

PENGAD 800-631-6889

LINOWES
AND BLOCHER LLP
ATTORNEYS AT LAW

September 17, 2007



C. Robert Dalrymple
301.961.5208
bdalrymple@linowes-law.com

Mr. Greg Ossont
Director
Planning & Code Administration
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, Maryland 20877-2098

Hand Delivered

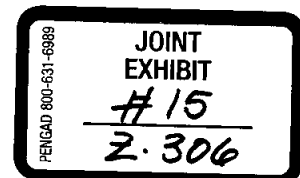
Re: Humane Society of the United States (HSUS); Z-306 (Sketch Plan Amendment)

Dear Mr. Ossont:

During the recent joint public hearing before the Mayor and Council and Planning Commission on the referenced matter, it was requested that HSUS revise its proposed Sketch Plan to correct certain errors that were contained in the binding elements referenced on the face of the Sketch Plan. It was also requested that the binding elements be separately set out in a letter so as to permit the Planning Commission and Mayor and Council to focus more intently on each of the binding elements during their respective worksessions relative to the proposed Sketch Plan Amendment. I am enclosing herewith 5 copies of the revised Sketch Plan, and this letter sets out the proposed binding elements.

The 11 binding elements proposed by the applicant to become binding upon both HSUS and the City should this Sketch Plan Amendment be approved are as follows:

1. Up to 300,000 square feet of office and structures 6 to 12 stories in height;
2. Up to 250 to 300 residential units and structures 6 to 12 stories in height;
3. Parking will be provided in combination of above and below grade structures, plus surface parking. A minimum of ninety percent of parking exclusively for office and residential use must be in structures;
4. Stormwater management quantity requirements will be met with a combination of surface and below-grade facilities (surface facilities to be wet ponds within the water



Mr. Greg Ossont
September 17, 2007
Page 2

- shed, either on or off-site). Water quality facilities to be provided using below-grade or surface facilities;
5. Improvements will be qualified for LEED Certification;
 6. A wildlife management plan shall be prepared at time of schematic development plan;
 7. A full traffic impact study, along with project phasing, will be approved at time of schematic development plan with the study assuming the construction of the interchange;
 8. A forest conservation plan to be submitted and approved at time of schematic development plan;
 9. Professional Drive is to be extended through the property with final alignment to be determined at schematic development plan. Professional Drive right-of-way dedicated by Plat No. 13885 may be abandoned;
 10. No development activity will begin until construction of Watkins Mill Road/I-270 Interchange has commenced;
 11. Area for Watkins Mill Road/Interstate 270 Interchange is reserved by Sketch Plan with dedication upon final design of Interchange.

We request that you make this letter and the attached Sketch Plan Amendment parts of both the Planning Commission's and Mayor and Council's public records on this matter. We will be present for the October 3 Planning Commission worksession and the anticipated October 15th Mayor and Council session to answer any additional questions that either of these bodies may have relative to this request. In the meantime, if you need additional information or have any questions, please do not hesitate to contact me.

Very truly yours,

LINOWES AND BLOCHER LLP

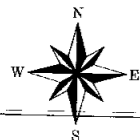


C. Robert Dalrymple

Mr. Greg Ossont
September 17, 2007
Page 3

Enclosure

cc: Mr. Fred Felton (w/out encls.)
Ms. Lauren Pruss, Planning Director (w/out encls.)
Ms. Jacqueline Marsh, Planner (w/out encls.)
Mr. Tom Waite (w/out encls.)
Mr. Al Blumberg (w/out encls.)



LEGEND

RESIDENTIAL

OFFICE

RESIDENTIAL or OFFICE OVERLAP - (To be determined at Schematic Design Plan)

PREVIOUS PROFESSIONAL DRIVE RIGHT-OF-WAY DEDICATION

SITE & DEVELOPMENT DATA

- Existing Zoning: R00
- Site Area: 10.49 Acres
- Proposed Development:
 - Residential - Up to 250 - 300 Units
 - Office - Up to 300,000 sq-ft. (Maximum 0.75 FAR)
- Building Height: 6 to 12 Stories
- Parking: Minimum 90% Structured
Maximum 10% Surface
Shared parking to be encouraged
- Green Space:
 - Residential - Minimum of 40%
 - Office - Minimum of 25%
- Forest Conservation: To be provided on site; To be determined at Site Plan
- Stormwater Management: To be provided by a combination of above & below ground facilities; Concept to be determined / approved at time of Site Plan

BINDING ELEMENTS

The following Binding Elements are intended to be binding on both the property owner and the City of Gaithersburg.

- Up to 300,000 sq-ft. of office in structures 6 to 12 stories in height.
- Up to 250 to 300 residential units in structures 6 to 12 stories in height.
- Parking will be provided in combination of above and below grade structures, plus surface parking. A minimum of ninety percent of parking exclusively for office and residential use must be in structures.
- Stormwater management quantity requirements will be met with a combination of surface and below-grade facilities (surface facilities to be wet ponds within the watershed, either on or off site). Water quality facilities to be provided using below-grade or surface facilities.
- Improvements will be qualified for LEED certification.
- A wildlife management plan shall be prepared at time of Schematic Development Plan.
- A full traffic impact study, along with project phasing, will be approved at time of Schematic Development Plan with the study assuming the construction of the interchange.
- A Forest Conservation Plan to be submitted and approved at time of Schematic Development Plan.
- Professional Drive is to be extended through the property with final alignment to be determined at Schematic Development Plan. Professional Drive right-of-way dedicated by Plat #13885 may be abandoned.
- No development activity will begin until construction of Watkins Mill Road / I-270 interchange has commenced.
- Area for Watkins Mill Road / Interstate 270 Interchange is reserved by Sketch Plan with dedication upon final design of interchange.

Note: Base information by Rodgers Consulting

SITE SOLUTIONS, INC.
 20410 Observation Drive, Suite 200
 Germantown, Maryland 20877-4000
 (301) 840-7880 Fax (301) 840-7881
 Planning Engineering Landscape Architecture

OWNER:
 The Humane Society of the United States
 700 Professional Drive
 Gaithersburg, Md. 20879

SKETCH PLAN AMENDMENT
THE HUMANE SOCIETY OF THE UNITED STATES
 9th ELECTION DISTRICT
 GAITHERSBURG, MARYLAND



GENERAL NOTES

- Boundary information was taken from tax map data July, 1997. The subject property (10.49 ac +/-) includes parcels M62b (10.48 ac +/-) and M17 (0.01 ac +/-). Montgomery County Tax Map #123.
- Topography shown herein from M-NCPPC digital files - File #2299M11. Contour interval is 5 ft.
- Site Area: 10.49 Acres +/-
- Phasing: To be completed in multiple phases following construction of I-270 / Watkins Mill Road interchange. Construction phasing to be determined at Schematic Design submission.
- A wetlands investigation was conducted by representatives of Rodgers Consulting, Inc. No wetlands were observed on the subject site.
- Existing land use: Two-story, 67,800 sq-ft. office / warehouse building
- The subject site drains to Great Seneca Creek (State Use 1-4).



THE HUMAN SOCIETY OF THE UNITED STATES

DATE	5/17/2007	SCALE	1" = 50'
NO.		SHEET	1 OF 1
PROJECT		DATE	5/17/2007
NO.		PROJ. NO.	1061

PENGAD 800-631-6989
JOINT EXHIBIT #16
Z.306

TRANSCRIPT OF
JOINT PUBLIC HEARING
ON

Z-306

Amendment to the Sketch Plan for the Humane Society (HSUS) Property, Requesting up to 300,000 Square Feet of Office Development in Structures Between 6 and 12 Stories and up to 250-300 Residential Units. The Subject Property Contains 10.5 Acres of Land and is Located East of I-270, South of the Existing Terminus of Professional Drive, and West of MD Route 355, North Frederick Avenue, in the Mixed Use Development (MXD) Zone

BEFORE THE

CITY OF GAITHERSBURG

MAYOR AND CITY COUNCIL

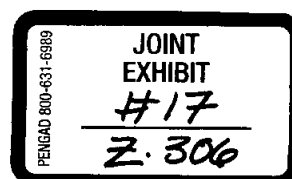
and

PLANNING COMMISSION

on

September 10, 2007

Transcribed by
Doris R. Stokes



PARTICIPANTS

CITY COUNCIL

Mayor Katz
Council Vice President Alster
Council Member Edens
Council Member Marraffa
Council Member Sesma

PLANNING COMMISSION

Chair Bauer
Vice Chair Levy
Commissioner Hopkins
Commissioner Kaufman

CITY ATTORNEY

Cathy G. Borten

STAFF

Planner Marsh
Assistant City Manager Felton

SPEAKERS FROM THE PUBLIC

Tom Wade, Humane Society of the United States
Alfred Blumberg, Engineer, Sight Solutions
Robert Dalrymple, Linowes and Blocher, LLP

Katz Next we are going to hear from Jackie Marsh, please.

Marsh Thank you. This is a joint public hearing on Z-306 an amendment to the sketch plan for the Humane Society (HSUS) property, requesting up to 300,000 square feet of office development in structures between 6 and 12 stories and up to 250-300 residential units. The subject property contains 10.5 acres of land and is located east of I-270, south of the existing terminus of Professional Drive, and west of MD Route 355, North Frederick Avenue, in the Mixed Use Development (MXD) Zone. The hearing was duly advertised on August 15 and 22, 2007 in the *Gaithersburg Gazette*, the property has been posted. At the present time there are 10 exhibits in the record file. I would like to orient you to the site. The Humane Society property is located at 700 Professional Drive. Professional Drive ends here, just located East of I-270 and West of MD Route 355 and the proposed Casey East project is constructed to be here. This application proposes up to 300,000 square feet of office development and structures between 6 and 12 stories, up to 250 to 300 residential units in multifamily buildings between 6 and 12 stories, and a combination of above and below ground structured parking with limited surface parking. HSUS is requesting that all of the proposed density be phased so that no development would occur on this site until the Watkins Mill Road Interchange is under construction. By way of background, this property was rezoned to MXD as part of a comprehensive rezoning after the 1997 Master Plan; however, land was not approved during this rezoning process. The existing 67,800 square foot two story building at the site is the national headquarters of the HSUS. Staff, in cooperation with Montgomery County and the State Highway Administration (SHA), has been in discussion with HSUS for some time in an effort to secure dedication of the interchange right-of-way located on their property, and believes that the densities and uses proposed on this sketch plan are harmonious with the recently approved Casey West and Casey East

projects. To further explain this proposal is Tom Wade from the Humane Society.

Wade Good evening. My name is Tom Wade and I am the Chief Finance Officer for the Humane Society of the United States. And with me here tonight are Bob Dalrymple with Linowes and Blocher and my engineer Al Blumberg from Sight Solutions. 700 Professional Drive has been our headquarters for the past 15 years. We purchased the building back in 1992 from Tectronics. At that time it was a two story building. At that time we moved in on the top floor and we rented the bottom floor to Tectronics. Since then, we have grown considerably. Now we have over 400 employees and about half of them are located in the Gaithersburg building. So we have considering our options for growth. So that you know, in terms of our expansion plans, we would love to stay in the City of Gaithersburg. Our employees live here in the surrounding areas and its good proximity to the District of Columbia and we have other ties (inaudible) done a number of projects with you at Lakeforest, at Casey West. I couldn't mow my grass at the building for about a year because of that (inaudible) over there about 40 of them so we were looking at the critters for you guys. Casey East and we are working on the Crown Property as well. Now when we bought this property it had an Industrial Zone. And we started looking at a development for expansion opportunities, we realized that it was a MXD Zoning. So we been working with staff to come up with a plan which will give us a idea of what we can put on this site which would address the new zoning requirements, the Watkins Mill Interchange, and of course the surrounding developments, and that is the plan that is being presented tonight. And as you know, the Human Society is not a developer and we have no immediate plans to develop the property. But this property will be caught in our expansion plan either as redevelopment or (inaudible) or some other combination. Ultimately, we have an obligation to our constituents, our members, and

our donors to enhance the value of our assets and this is a significant asset with the Humane Society. So let me close by saying that we would like to have a quality development for this site. Something that serves the need for the market place that is appropriate, but also something that compliments the image of the City. I just thank you and the Council and Planning Commission for considering our application. I also want to thank the City staff for working with us to get us to this point. And now I will ask Bob Dalrymple to speak.

Dalrymple Good evening, Bob Dalrymple, Linowes and Blocher, LLP, on behalf of the Humane Society. I wished we planned ahead and had a commercial for you but we don't. Al Blumberg with Sight Solutions is here as well. We've been at this for quite awhile in discussion with staff. Primarily because I got a very hard head and I wanted more density, but it became obvious that we had pretty much come to a conclusion in terms of what we were going to be able to get the staff in return for the commitment that the Humane Society is willing to make. I will go through the binding elements here in a minute because that is really the crux of the plan. What has been put up, the plan is what Mr. Blumberg is going to try explain now. It's purposely vague because as Mr. Wade just described, the Humane Society is not a developer, but what we are looking to do is to lock in land uses and densities with binding elements and to provide commitment to dedicate the right-of-way. The road itself as it goes through the property will probably change over time, again, the idea being just to have something to take to schematic development plan as such time the Humane Society chooses to seek a development partner or sell the property. I will ask Mr. Blumberg to briefly describe the blob plan and then I will go through the binding elements.

Blumberg Good evening, Mr. Mayor, Members of the Council and the Planning Commission. My name is Alfred Blumberg with Sight Solutions and we

did prepare this concept plan, I prefer to call it a concept plan as opposed to a blob plan. It sounds a little bit more professional. We have 10.5 acres located just on the east side of I-270 Watkins Mill Road, it will be just to the south. And the Casey East development surrounds it on the south end and east. The concept is to have a mix of uses. We identified the office component surrounded in blue and the residential component in a tan color. Now this portion of Professional Drive was dedicated as part Tectronics subdivision and record plat but that very well may change and run through the middle, and that would be abandon at that time. There is a nine story residential building as part of the Casey East property just to the east of this property. And we see the residential component kind of relating to that. This is a very high elevation site and we see this as a well positioned property for a signature type of development which will be right at the interchange of Watkins Mill and I-270, sitting up high. So this will be a signature site location for an office type building mixed with residential and we don't know exactly what it is going to look like or how it is going to be formulated because we are at least five to seven years off to the construction of the interchange and with conditions to develop to property to follow the construction of that interchange. So how exactly will this property develop we don't know but we do know that we do want to do a high quality mixed used signature site type of development at this location and Mr. Dalrymple will go further into the types of conditions associated with the at development.

Dalrymple Thank you AI. There are eleven binding elements that are being proposed as part of the sketch plan with the intention of binding, will be binding on both the City and the applicant, moving forward to the SDP phase: 1) Up to 300,000 square foot of office with structures of 6 to 12 stories in height; 2) Up to 250 to 300 residential units in structure 6 to 12 stories in height; 3) Parking will be provided in a combination of above and below grade structures, plus surface parking. A minimum of 90 percent of parking

exclusively for office and residential use must be in structures; 4) Storm water management quantity requirements will be met with a combination of surface and below grade facilities (surface facilities shall be wet ponds within the watershed either on or off site. Water quantity facilities could be provided using below grade on surface facilities; 5) Improvements will be qualified for LEED Certification; 6) A wildlife management plan shall be prepared at the time of Schematic Development Plan (SDP); 7) A full traffic impact study, along with project phasing, will be approved at the time of SDP with the study assuming that the construction of the interchange; 8) A forest conservation plan to be submitted and approved at time of SDP; 9) Professional Drive is to be extended through the property with final alignment to be determined at SDP, Professional Drive right-of-way, as dedicated on Plat #13885, may be abandoned; 10) No development activity will begin until construction of Watkins Mill Road/I-270 interchange has commenced; and the final condition 11) Areas for Watkins Mill Road/I-270 is reserved by Sketch Plan with dedication upon final design of the Interchange. So those are the binding elements that we are proposing to you this evening. And we are here to answer any questions that you may have.

Katz Thank you very much. Any questions?

Bauer I guess I'll ask it just out of context. It wasn't stated abruptly but it seems like what needs to be said that this is in fact a density that is consistent with Casey East and Monument that is already on the way. (inaudible) get through the macro planning for the site along I-270 and I think seems to be (inaudible) to the numbers, but it also needs to be said in direct terms if that fact (inaudible) something that's aligned with what else is going on around it.

Dalrymple We have been very aware of what's going on with Casey East and Casey West. We met with Mr. Henry on several occasions. We've been in meetings with your staff. In fact there has been a lot coordination already at a very conceptual stage not only in terms of the compatibility and the development, but of stormwater management access and pedestrian vehicular circulation and the likes of that sought.

Katz And we need to keep in mind that there will be an interchange, hopefully sooner rather than later, that makes a difference. Any other questions?

Sesma I basically want to reinforce what John said. One of my concerns was when we looked at Casey East was the configuration of that the property and knowing that this was potentially going to happen. It was nice to see a plan that is well integrated and compatibility on both side of the boundaries between the two properties.

Katz Ok. Anyone else?

Marraffa I think this is almost a necessity to do this. All the Professional Drive structure and with the new Casey East and West, it makes that whole part of the City a very good development plan and that's the worse thing that could happen to this type of work. I like the plan.

Katz This is a joint public hearing as well. Does anyone want to speak on this topic? Ok, you know the rules. I don't have to read them, please.

Drzyzgula Cathy Drzyzgula, 16 Walker Avenue. I don't really have too much comments. There are a number of development plans coming along in this area of town and I think that is a good thing. I just have a question on how this sought of conditions or promises that are going into the plan work

with things like the adequate public facilities ordinance (APFO), because there is no timeframe on this, what would happen if there were school capacity issues when we (inaudible) something like that. How does that workout?

Felton The APFO will have to be complied with (inaudible) schematic development plan. There is a preliminary traffic study and now there has to be another one for SDP. And the schools test kicks in at SDP. Currently schools are ok, but we don't know how it is going to be in five to seven years. The applicant will have to comply with whatever is currently in effect.

Katz Anyone else from the public, please?

Bauer There were some conditions read into the record. I didn't see it presented in our packets.

Katz Those are going to have to be clarified.

Bauer If you can bring that for our review.

Marsh The applicant needs to change it on the sketch plan, they need to change the notes from site plan to schematic development plan.

Alster Even more than that, there is a letter from Mr. Dalrymple which identifies I believe four conditions. He went through a list of eleven conditions. I think it's important that for the record, that we have that complete list for Planning Commission and for Mayor and Council.

Marsh It's on the plan.

Katz Beyond that, we need to discuss whether or not the binding elements for the elements that we want to be bond by, so that is the discussion. Any other discussion, if not?

Bauer Staff recommended that the Planning Commission hold their record open until 5 p.m. on Wednesday, September 26, 2007, that's 22 days, with anticipated recommendation on Wednesday, October 3, 2007.

Hopkins So moved.

Kaufman Second.

Bauer It's been moved and seconded. All those in favor please say aye?

Commission Ayes. (4-0).

Bauer Opposed? That passes unanimously, Mr. Mayor.

Katz Thank you very much. It was suggested that Mayor and City Council record be held open until 5 p.m. on Monday, October 8, 2007, with an anticipated policy discussion on Monday, October 15, 2007. What is the pleasure of the Council?

Edens So moved.

Sesma Second.

Katz It's been moved and seconded. All those in favor please say aye?

Council Ayes (4-0).

Katz Opposed? That carries unanimously (4-0). I thank you very much.

End of Joint Public Hearing

Z-306

3. **JOINT - Z-306, Amendment to the Sketch Plan for the Humane Society (HSUS) Property, Requesting up to 300,000 Square Feet of Office Development in Structures Between 6 and 12 Stories and up to 250-300 Residential Units. The Subject Property Contains 10.5 Acres of Land and is Located East of I-270, South of the Existing Terminus of Professional Drive, and West of MD Route 355, North Frederick Avenue, in the Mixed Use Development (MXD) Zone**

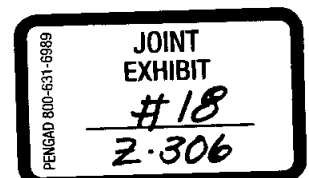
Planner Marsh stated that the above joint public hearing was advertised in the August 15 and 22, 2007 issues of the *Gaithersburg Gazette*. The subject property contains 10.5 acres of land located east of I-270, south of the existing terminus of Professional Drive, and west of MD Route 355, North Frederick Avenue, in the Mixed Use Development (MXD) Zone. She stated that HSUS is requesting that all of the proposed density be phased so that no development would occur on this site until the Watkins Mill Road Interchange is under construction. Planner Marsh gave background on the site stating that the property was rezoned to MXD as part of a comprehensive rezoning after the 1997 Master Plan; however, land was not approved during this rezoning process. The existing 67,800 square foot two-story building at the site is the national headquarters of the HSUS. Staff, in cooperation with Montgomery County and the State Highway Administration (SHA), have been in discussion with HSUS in an effort to secure the dedication of the interchange right-of-way located on their property and believes that the densities and uses proposed on the sketch plan are harmonious with the recently approved Casey West and Casey East projects.

Tom Wade, Chief Finance Officer, Humane Society of the United States stated that 700 Professional Drive has been headquarters for the past 15 years. The company has over 400 employees and is now considering their expansion options. The property when purchased was zoned Industrial. Since the company began looking at development for expansion opportunities, they realized that the property was in MXD Zoning and have been working with City staff to come up with a plan to address the new zoning requirements, the Watkins Mill Interchange, and the surrounding developments.

Bob Dalrymple, Linowes and Blocher, LLP, on behalf of the Humane Society reviewed the proposed eleven binding elements for both the City and the applicant as part of the sketch plan, moving forward to the SDP phase: 1) Up to 300,000 square foot of office with structures of 6 to 12 stories in height; 2) Up to 250 to 300 residential units in structure 6 to 12 stories in height; 3) Parking will be provided in a combination of above and below grade structures, plus surface parking. A minimum of 90 percent of parking exclusively for office and residential use must be in structures; 4) Storm water management quantity requirements will be met with a combination of surface and below grade facilities (surface facilities shall be wet ponds within the watershed either on or off site. Water quantity facilities could be provided using below grade on surface facilities; 5) Improvements will be qualified for LEED Certification; 6) A wildlife management plan shall be prepared at the time of Schematic Development Plan (SDP); 7) A full traffic impact study, along with project phasing, will be approved at the time of SDP with the study assuming that the construction of the interchange; 8) A forest conservation plan to be submitted and approved at time of SDP; 9) Professional Drive is to be extended through the property with final alignment to be determined at SDP, Professional Drive right-of-way, as dedicated on Plat #13885, may be abandoned; 10) No development activity will begin until construction of Watkins Mill Road/I-270 interchange has commenced; and the final condition 11) Areas for Watkins Mill Road/I-270 is reserved by Sketch Plan with dedication upon final design of the Interchange.

Alfred Blumberg, Sight Solutions, reviewed the concept plan. He stated that the concept is to have a mix of uses on the site such as an office type building mixed with residential.

In response to questions, Mr. Dalrymple stated that HSUS has been aware of the Casey East and Casey West projects and has met with the developer and City staff on several occasions to ensure compatibility and integration with the surrounding properties.



COMMUNICATION: PLANNING COMMISSION

MEMORANDUM TO: Planning Commission
FROM: Jacqueline Marsh, Planner
DATE: September 27, 2007
SUBJECT: Staff Analysis Z-306; Amendment to Sketch Plan

APPLICANT/PROPERTY OWNER:

Humane Society of the United States
700 Professional Drive
Gaithersburg, MD 20879

REQUEST:

The Humane Society of the United States (HSUS) submitted a proposal for sketch plan approval for up to 300,000 square feet of office development in structures between 6 and 12 stories and up to 250-300 residential units in multifamily buildings between 6 and 12 stories, on approximately 10.5 acres of property.

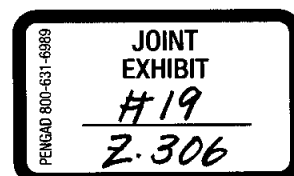
GENERAL INFORMATION

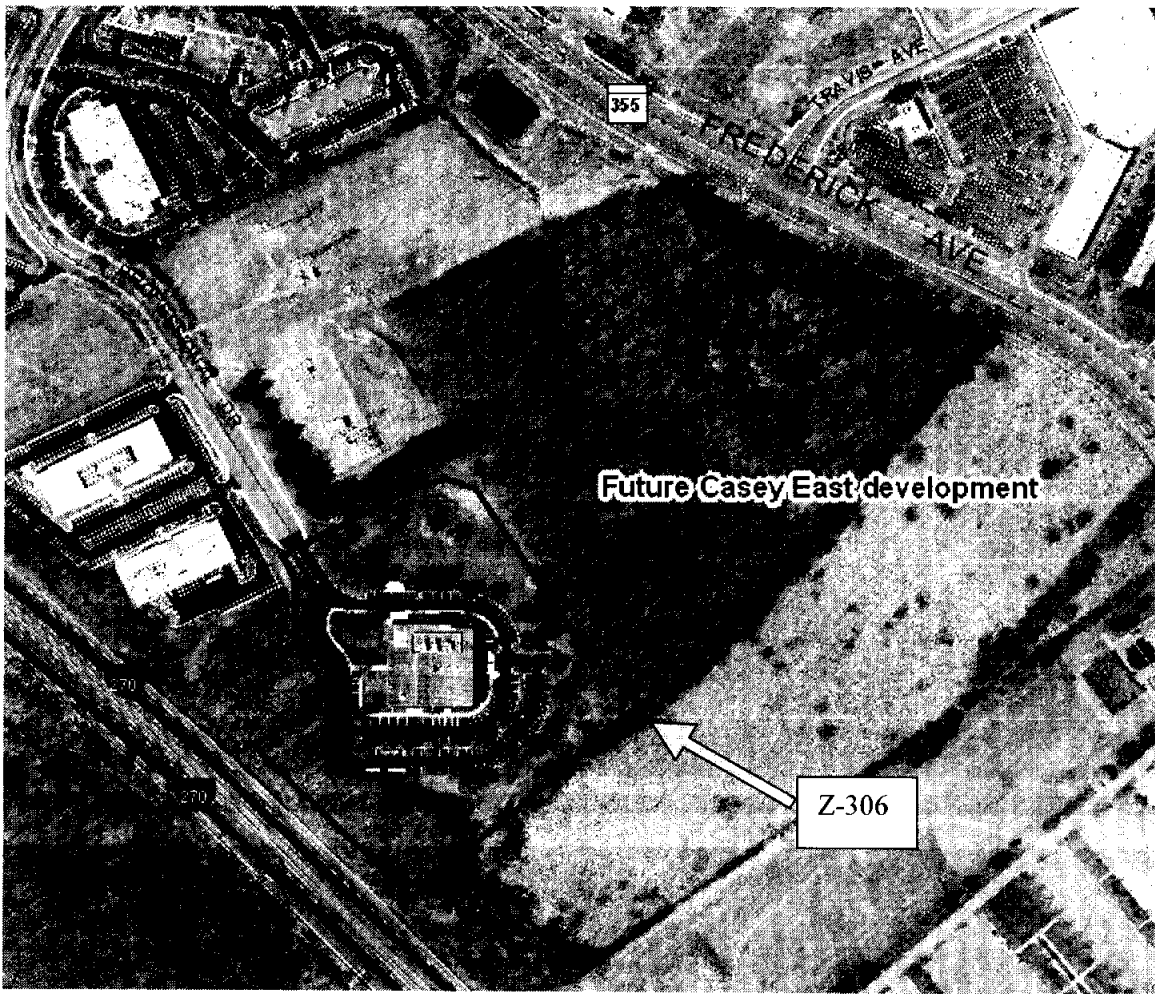
LOCATION:

The site, Parcel N526, is located east of Interstate I-270, south of the existing terminus of Professional Drive, and west of MD Route 355, North Frederick Avenue, in the MXD (Mixed Use Development) Zone. Proposed directly to the north of the property is the future Spectrum at Watkins Mill, known as the Casey East property.

TAX MAP REFERENCE:

Tax Sheet: FT23
Tax ID Number: 09-02214652





Aerial location map

MASTER PLAN, ZONING, AND SITE PLAN HISTORY:

Annexation:

The site was part of annexation application X-101 containing approximately 57 acres of land. At the time of annexation, the property was zoned I-3 (Industrial Office Park). These properties have been within the boundaries of the city of Gaithersburg for many decades.

Annexation File Number	Effective Date of Annexation	Action By Council	Resolution Number	Number Of Acres
X-101	06/17/1971	05/03/1971	R-15-71	57.220200

Z-285: Comprehensive Rezoning of Neighborhood Six

On April 7, 1997, the Mayor and City Council adopted Ordinance O-12-97, approving Comprehensive Map Amendment Application Z-285, which reclassified and reconfirmed zoning for Neighborhood Six in the City of Gaithersburg. The changes were as follows:

Adopted Zoning	Parcel Number	Property Owners	1996 Zoning	Total Acres
C-2	N-093, N956	Sports Pavillion, Inc.	I-3	4.0
MXD	Crowne Point, Parcel C	Manekin Corporation	I-3	43.53
		Humane Society	I-3	10.48
		Lockheed-Martin	I-3	47.0
TOTAL				105.0

The above chart shows the Humane Society was rezoned to MXD from I-3 as a part of the Comprehensive Rezoning in order to implement the land use goals and recommendations of the Neighborhood Six Land Use Plan. As was customary in previous City sponsored comprehensive rezoning applications, a sketch plan was not submitted.

Land Use Element of the 2003 Master Plan

The 2003 Master Plan Land Use map designates this property as Commercial/Industrial-Research-Office. There was no specific map designation for the property, nor was it a part of a Special Study Area.

EXISTING LAND USE/PHYSICAL CHARACTERISTICS:

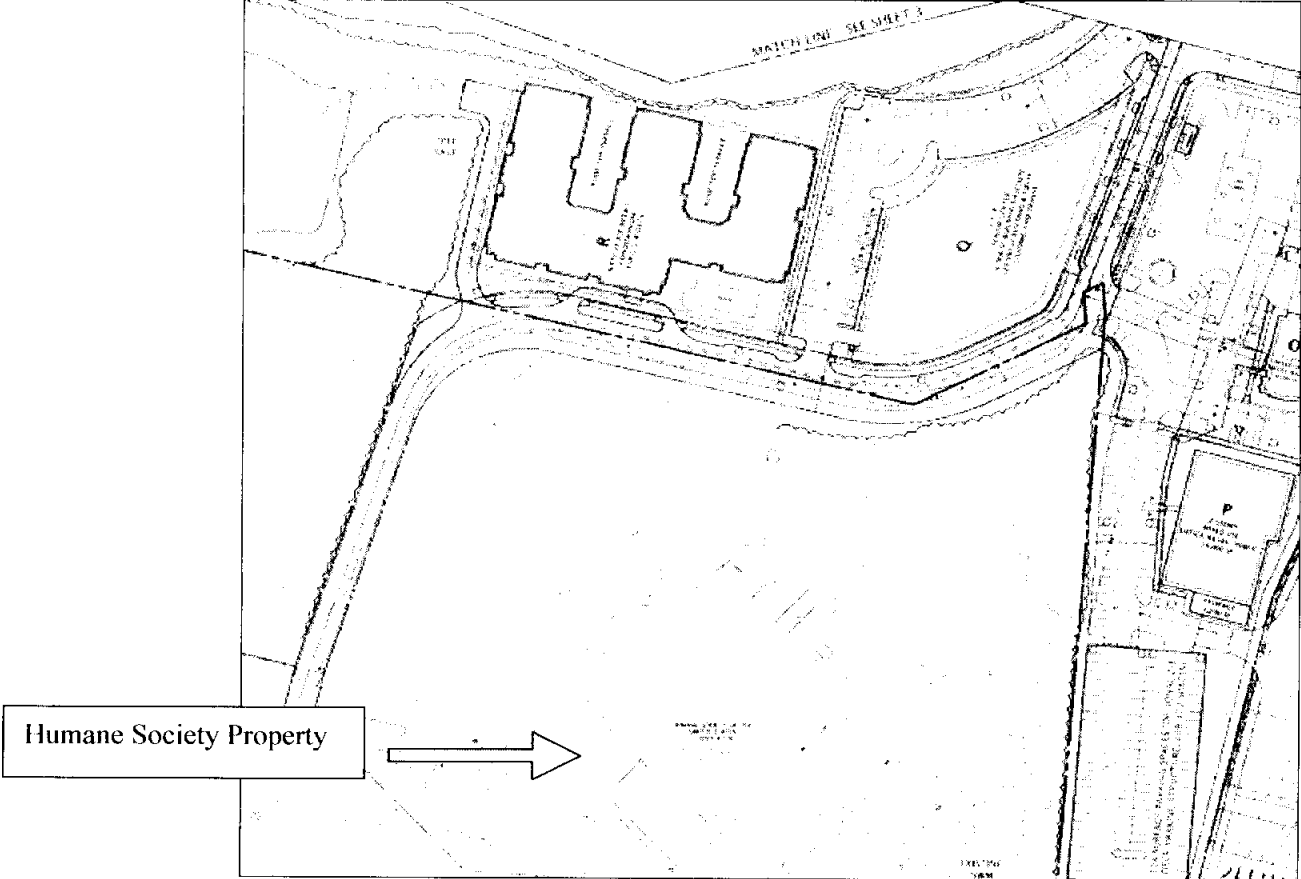
The subject site is 10.5 acres with an existing 67,800 square foot 2-story building with associated surface parking and infrastructure, such as utilities and storm water management. The building houses the headquarters of the Humane Society of the United States.

The property contains 2.78 acres of forest and more than 30 specimen trees. The property contains no intermittent or perennial streams on or within 200 feet of the property. As such, the property does not have any areas within a stream valley buffer. The Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) was approved by the City's Environmental Affairs Division on January 24, 2007.

NEIGHBORHOOD LAND USE AND ZONING:

The subject property is bounded by Mixed Use Development (MXD) zoning to the east, north, and west. Located to the east of the property is the Gaithersburg Research and Development/Crown Point 3 development with two office/warehouse buildings totaling 85,590 square feet. To the north

and west of the property is the land proposed to be developed as The Spectrum at Watkins Mill, known as Casey East. The approved amendment to the schematic development plan for Casey East, SDP-07-001, was approved by the Mayor and City Council on August 20, 2007. The schematic development plan shows a nine-story residential building with 158 age-restricted units to the north, a 30,000 square foot senior center to the north-east, and a 29,200 square foot mixed use building and surface parking to the east.



Approved Casey East Schematic Development Plan, SDP-07-001

To the south of the property, across Interstate I-270, is the Watkins Mill Town Center development, known as Casey West, which was approved as final site plan SP-05-0013 on May 3, 2006 by the Planning Commission. The development includes over 1,000,000 square feet of office/commercial/mixed use development and over 1,000 dwelling units.

SCHOOLS:

The schools that currently serve the proposed development are Watkins Mill Elementary School, Montgomery Village Middle School and Watkins Mill High School. At the time of schematic development plan approval, the proposal must not exceed 110% of the Montgomery County Schools Program Capacity for the applicable schools, a requirement of the Adequate Public Facilities Ordinance (APFO), adopted by the City on January 22, 2007.

TRANSPORTATION:

Maryland State Highway Administration, along with Montgomery County and the City of Gaithersburg, have targeted the construction of a new interchange at Watkins Mill Road and I-270, which will serve to provide both substantial relief to the Route 355/124 intersection as well as providing the City with a much needed additional east/west connector over I-270.

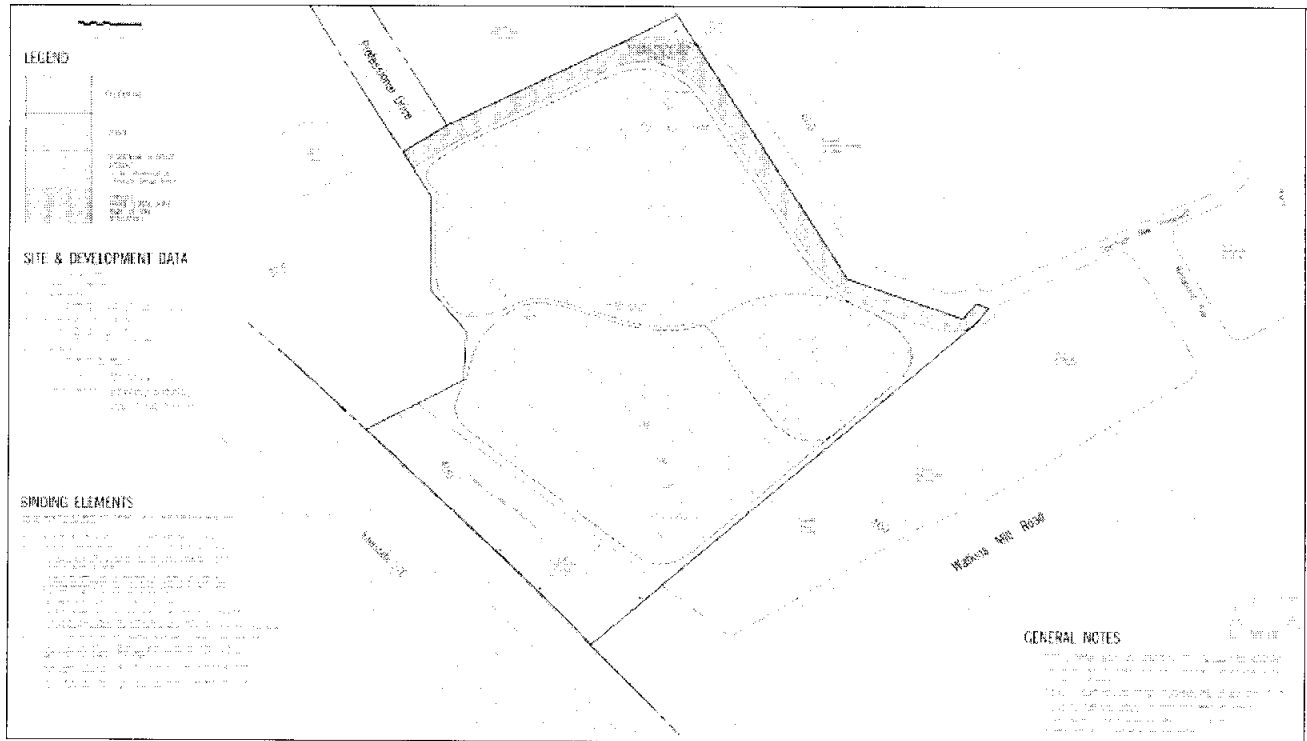
Development of the subject proposal is contingent upon the construction of the Watkins Mill Interchange at I-270. The applicants have indicated that the intention of the sketch plan is to dedicate a 1.25-acre right-of-way for the future on-ramp to northbound I-270. The applicant has been working with the City, Montgomery County Department of Transportation, and the State Highway Administration to secure the right-of-way area, which is an integral part of the interchange.

The Watkins Mill Road Extension leading up to the interchange, as well as portions of land for the interchange itself, is proposed as part of the Casey East project. The Maryland State Highway Administration is currently in the engineering phase for the Watkins Mill Road interchange; however, based on conversations with State Highway Administration officials and testimony given, both County and City staff do not believe the State will move forward with construction of the interchange until Watkins Mill Road extended is constructed.

It may be desirable to extend Professional Drive through the Humane Society property. This will establish a connection from the existing Professional Drive north of the HSUS property to the proposed Spectrum Way and Restaurant Row through the Casey East property and to Watkins Mill Road. There is currently a right-of-way dedication on the HSUS property for the extension of Professional Drive, which will be reconfigured at the time of Schematic Development Plan submission.

SKETCH PLAN PROPOSAL:

The applicants are proposing up to 300,000 square feet of office development in structures between 6 and 12 stories, up to 250-300 residential units in multifamily buildings between 6 and 12 stories, and a combination of above and below ground structured parking.



Revised Sketch Plan Amendment – Exhibit #16

There are eleven binding elements proposed by the applicant that shall become binding upon the applicant and the City of Gaithersburg upon Sketch Plan approval. They are as follows:

1. Up to 300,000 square feet of office in structures 6 to 12 stories in height;
2. Up to 250 to 300 residential units in structures 6 to 12 stories in height;
3. Parking will be provided in a combination of above and below grade structures, plus surface parking. A minimum of ninety percent of parking exclusively for office and residential use must be in structures;
4. Storm water management quantity requirements will be met with a combination of surface and below-grade facilities (surface facilities shall be wet ponds within the watershed, either on or off-site). Water quality facilities to be provided using below-grade or surface facilities;
5. Improvements will be qualified for Leadership in Energy and Environmental Design (LEED) Certification;
6. A wildlife management plan shall be prepared at the time of Schematic Development Plan;
7. A full traffic impact study, along with project phasing, will be approved at the time of Schematic Development Plan with the study assuming the construction of the interchange;

8. A forest conservation plan is to be submitted and approved at the time of Schematic Development Plan;
9. Professional Drive may be extended through the property with the final alignment to be determined at Schematic Development Plan. The Professional Drive right-of-way, as dedicated on Plat #13885, may be abandoned;
10. No development activity will begin until construction of Watkins Mill Road/I-270 interchange has commenced; and
11. Area for Watkins Mill Road/Interstate 270 Interchange is reserved by the Sketch Plan with dedication upon final design of Interchange.

A joint public hearing was heard on this request on September 10, 2007, where a presentation was given by Tom Waite, representative of HSUS, Bob Dalrymple of Linowes and Blocher, attorney for HSUS, and Al Blumberg of Site Solutions, engineer for the applicant. The Planning Commission held its record open until September 26, 2007, and is scheduled to make a recommendation to the Mayor and City Council on October 3, 2007. The Mayor and City Council is anticipated to hold a policy discussion with final action on October 15, 2007.

STAFF ANALYSIS AND RECOMMENDATION:

This application conforms to the purpose of the MXD Zone, is consistent with the purpose of the 1997 Land Use Plan of the Master Plan, the 2003 Master Plan Land Use Element and the Master Plan themes. The densities and uses proposed in this sketch plan are harmonious and consistent with the proposed surrounding developments, Casey West and Casey East. The uses and densities will promote signature buildings along the I-270 corridor upon completion of the Watkins Mill Interchange. The plan will provide the City with the ability to deliver to the necessary right-of-way to the State Highway Administration to help expedite the construction of the Watkins Mill interchange.

The Planning Commission is to provide a recommendation to the Mayor and Council for the Amendment to Sketch Plan Z-306. Staff recommends that the Planning Commission give a favorable recommendation of the development proposal to the Mayor and City Council for the Amendment to Schematic Development Plan, Z-306, with the following conditions:

1. Future development of the site may include up to 300,000 square feet of office in structures 6 to 12 stories in height;
2. Future development of the site may include up to 250 to 300 residential units in structures 6 to 12 stories in height;
3. The applicant shall provide parking in a combination of above and below grade structures, plus surface parking. A minimum of ninety percent of parking exclusively for office and residential use must be in structures;

4. The applicant shall meet storm water management quantity requirements with a combination of surface and below-grade facilities (surface facilities to be wet ponds within the watershed, either on or off-site). Water quality facilities shall be provided using below-grade or surface facilities. The applicant shall add a note to indicate that recharge will be provided onsite;
5. Improvements will be qualified for Leadership in Energy and Environmental Design (LEED) Certification;
6. A wildlife management plan shall be prepared at the time of Schematic Development Plan;
7. A full traffic impact study, along with project phasing, will be approved at the time of Schematic Development Plan with the study assuming the construction of the interchange;
8. A forest conservation plan is to be submitted and approved at time of Schematic Development Plan;
9. Professional Drive may be extended through the property with the final alignment to be determined at Schematic Development Plan. The Professional Drive right-of-way, as dedicated on Plat #13885, may be abandoned;
10. No development activity will begin until construction of Watkins Mill Road/I-270 interchange has commenced;
11. The area for Watkins Mill Road/Interstate 270 Interchange is reserved by Sketch Plan with dedication upon final design of Interchange; and
12. Prior the signature of the Sketch Plan, the applicant shall provide a green space percentage for the combination of residential/office use.