

COMMUNICATION: PLANNING COMMISSION

MEMORANDUM TO: Planning Commission

FROM: Trudy M. W. Schwarz, Community Planning Director

DATE: May 14, 2008

SUBJECT: Staff Analysis Z-307- This application requests rezoning of a 6.58-acre parcel, known as the Summit Shopping Center (Parcel N182), located in the northeast quadrant of Goshen Road and Girard Street at 559 Girard Street, in Gaithersburg, Maryland, from the existing C-2 (General Commercial) Zone to the MXD (Mixed Use Development) Zone, in accordance with § 24-196 of the City Code (Map Amendments). The property is adjacent to Hidden Creek Land Bay III. The sketch plan proposes seven 3- to 5-story residential structures containing 300 multiple-family dwelling units, up to 20,000 square feet of commercial/retail space and structured parking¹.

APPLICANT

Hearthstone Communities, LC
7200 Wisconsin Avenue, Suite 312
Bethesda, Maryland 20814

Opus East, LLC²
2099 Gaither Road, Suite 100
Rockville, Maryland 20850

PROPERTY OWNER

Sandler at Summit, LLC
448 Viking Drive, Suite 220
Virginia Beach, Virginia 23452

¹ The original sketch plan proposed seven 4- to 5-story residential structures containing a range of 360 to 405 multiple-family dwelling units, up to 20,000 square feet of commercial/retail space and structured parking. The applicant submitted a revised plan (Exhibits # 126, #130, and #140-#143) with the elements listed.

² Opus East, LLC became a co-applicant after the original application was submitted. See Exhibits #90 and #109.

REQUEST

The applicants, Hearthstone Communities, LC, and Opus East, LLC, are requesting to rezone 6.58 acres of land, currently known as Parcel 1 (N182 on Tax Map FT52), and a second unplatted property identified as Parcel 2, in the City of Gaithersburg, from the existing C-2 (General Commercial) Zone to the MXD (Mixed Use Development) Zone, in accordance with § 24-196 (Map amendments) and § 24-160D.9 &10 (Application and processing procedures and Findings required) of the City Code. Rezoning to the MXD Zone requires the concurrent submission of sketch plan in accordance with § 24-160D.9. The applicant is requesting sketch plan approval for seven 3- to 5-story residential structures containing 300 multiple-family dwelling units, and 20,000 square feet of commercial/retail space and structured parking on approximately 5.58 acres of property. In addition, the applicant is incorporating Outlot A, Block G of Hidden Creek Land Bay 3, Section 2 (Plat No. 22978).

BACKGROUND

A joint public hearing of the Mayor and City Council and the Planning Commission was held regarding this application on November 19, 2007.³ Ms. Barbara Sears, counsel for the applicants, introduced the application for rezoning. Mr. Robert Goodall and Mark Bombaugh, of Torti Gallas and Partners, gave an overview of the sketch plan which proposed a unit count of 349⁴. There were six speakers from the public. The Planning Commission made a motion to close their record on December 19, 2007, and the Mayor and City Council made a motion to close their record on January 3, 2008.

After receiving e-mails from some community members, the Planning Commission moved to extend their record to January 28, 2008. Subsequently, the Mayor and City Council moved to extend their record to February 13, 2007.

At the request of the applicants, a joint work session with the Mayor, City Council and Planning Commission was held on February 25, 2008. In order to include this in the record, both the Mayor and City Council (February 4, 2008) and the Planning Commission (February 13, 2008) made motions to open the record of Z-307 indefinitely.

At the joint work session, the applicants' team presented a revised sketch plan for 343 multiple-family units and 20,000 square feet of retail use including 8,000 square feet of amenity space for the apartments. The plan also provided the required afforestation within the site area. In addition, the applicant presented density comparisons, architectural elevations of the buildings in multiple locations and of the structured parking garage. Several members of the public presented testimony concerning the application, after which the Planning Commission and the Mayor and City Council provided direction to the applicants' team and City staff.

³ Exhibit #89

⁴ Exhibit #40

Following the work session, the applicants' team submitted letters and a revised sketch plan with 300 units. During their regularly scheduled meeting on May 5, 2008, the Mayor and City Council announced that their record would close on May 22, 2008, at 5:00 PM. The Planning Commission, during their regularly scheduled meeting on May 7, 2008, announced that their record would close on May 14, 2008, at 5:00 PM.

REQUIRED ACTIONS

Hearthstone Communities, L.C. and Opus East, LLC, the applicants, wish to rezone to the MXD Zone which is identified by § 24-10A of the City Code as a floating zone. As stated above this rezoning requires the submission of a sketch plan. The property is currently zoned C-2, which would not permit the proposed uses included in the sketch plan.

According to § 24-10A(2) of the City of Gaithersburg Code:

(2) The approval and placement of floating zones may only occur upon a finding by the city council that the application therefore:

(a) Complies with the purposes and intent of the zone as stated in the zoning ordinance; and

(b) As applied will be compatible and harmonious with existing and planned land uses in the surrounding area.

Since the subject property is less than ten acres, the minimum area for an MXD development, the sketch plan must comply with § 24-160D.2(b) which states that

Parcels or tracts less than the minimum acreage may be permitted if they are contiguous to an existing MXD zoned area and may be harmoniously integrated into the MXD area, consistent with the objectives and purposes of this zone.

Section 24-160D.10(a) states that the City Council may approve the MXD zoning and the sketch plan when they find the following:

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

(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; and

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

Therefore, the applicants have the burden of showing that this application complies with the purpose and intent of the MXD Zone. In addition, they must show that the sketch plan will be compatible and harmonious with the surrounding planned and existing land uses. Because the subject property is less than ten acres, the sketch plan must also show

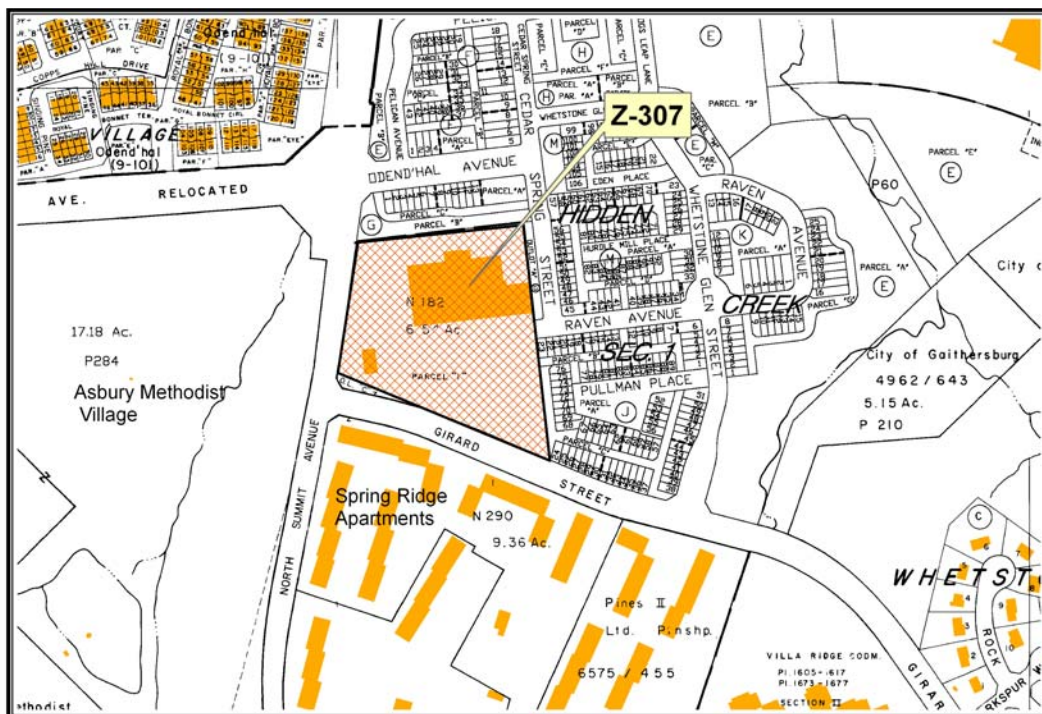
integration with the Hidden Creek Land Bay III development. The sketch plan must also meet or accomplish the objectives and minimum standards and requirements of the zone.

In addition to the oral testimony provided by the applicants' team, written testimony was entered into the record outlining the applicants' evidence to show compliance with the requirements of the City Code. The written testimony is in Exhibits #5, the Statement of Support; #89, the Transcript of the joint public hearing; and #90 and #126, letters from the applicants' team,.

GENERAL INFORMATION

LOCATION:

The site, Parcel 1, The Summit, is located east of Goshen Road and the Asbury Methodist Village, south of Hidden Creek Land Bay III, Section 1, west of Cedar Spring Street and Hidden Creek Land Bay III, Section 2, and north of a small strip of land, known as Outlot C, Woodwinds, Girard Street, and the Spring Ridge Garden Apartments.



LOCATION MAP

TAX REFERENCE:

Tax ID Number: 160902159366
Tax Map: FT52, N182

MASTER PLAN, ZONING, AND SITE PLAN HISTORY:

The site was part of annexation application X-096 containing approximately 169 acres of land. At the time of annexation in 1971, the property was zoned R-20 (Medium Density Residential). The property is currently developed with a 55,396-square foot shopping center, which began development in 1981. Due to the abandonment of the anchor tenant in the 1990's, the City changed the land use designation from commercial to commercial-office-residential to encourage mixed uses on the site. Below is a chart of the development history related to this property.

| Application Number | Year | Request | Density | Status |
|--|------|---|---|--|
| Annexation X-096 | 1971 | R-20 | No plan | Adopted 1971 Zoned R-20 Resolution R-21-71 |
| Master Plan Special Study Area Casey-Goshen | 1981 | Commercial Land Use | None specified | Adopted by Planning Commission (PC) 4/81 Adopted by Mayor and City Council (M&CC) 4/81 Resolution R-9-81 |
| Z-223 (Comprehensive Rezoning of Casey-Goshen Tract) | 1981 | C-2 | No density stated | Adopted 9/81 Ordinance O-16-81 |
| Neighborhood One Master Plan | 1981 | (Not included) | (Not included) | Adopted by PC 12/81 Adopted by M&CC 4/82 Resolution R-41-82 |
| S-676 | 1981 | Final Site Plan | 46,850 Sq. Ft. | PC Approved 10/21/81 Constructed |
| S-676(A) | 1982 | Amendment to Final Site Plan | 5746 Sq. Ft | PC Approved 3/31/82 Constructed |
| S-676(B) | 1983 | Amendment to Final Site Plan | 2800 Sq. Ft | PC Approved 2/2/83 Constructed |
| Neighborhood One Master Plan MP-1-96 | 1997 | Redesignate land use to Commercial-Office-Residential Land Use | None proposed | Adopted by PC 12/96 Adopted by M&CC 2/97 Resolution R-006-97 |
| Z-282 Comprehensive Rezoning of Neighborhood One | 1997 | Zoning remains C-2 | None assigned | Adopted 4/97 Ordinance O-10-97 |
| City of Gaithersburg 2003 Master Plan | 2003 | Map Designation # 2 Retain Commercial-Office-Residential Land Use | None proposed | Adopted by PC -9/03 Adopted by M&CC 12/03 Resolution R-103-03 |
| Z-296 | 2004 | MXD | 240 condo "active adult Community-4-5 story buildings w/ structured parking | Joint Public Hearing 4/19/04 Work Session 06/01/04 Withdrawn 12/19/05 Resolution R-103-05 |

1997 Master Plan:

The 1997 Master Plan Land Use Plan redesignated this property from Commercial Use, established in the 1981 Casey-Goshen Master Plan Special Study Area, to Commercial-

Office-Residential land use. The property was called Map Designation 5 of Study Area 1 of the Neighborhood One Master Plan adopted by the Mayor and City Council in February 1997 and stated:

Redesignate [Parcels] P760, and N182 (Map Designation 5), as **commercial-office-residential** on parcels D, E, and F. This will promote a mixed use development with retail uses around the existing Summit Shopping Center. It is envisioned that other uses could be research and development related, office buildings and a mix of residential units. Single-family detached units are encouraged to be developed along the stream valley so as to provide a buffer between the school and commercial development...Access to this map designation may be from Odend'hal Avenue and several points along Goshen Road, and Girard Street. The zoning on the parcels will remain respectively C-2, E-1, and R-18 unless rezoned to Mix Use development (MXD). At the option of the applicant, Parcels A, B, and/or G (Map Designation 2) may be included in any MXD application.

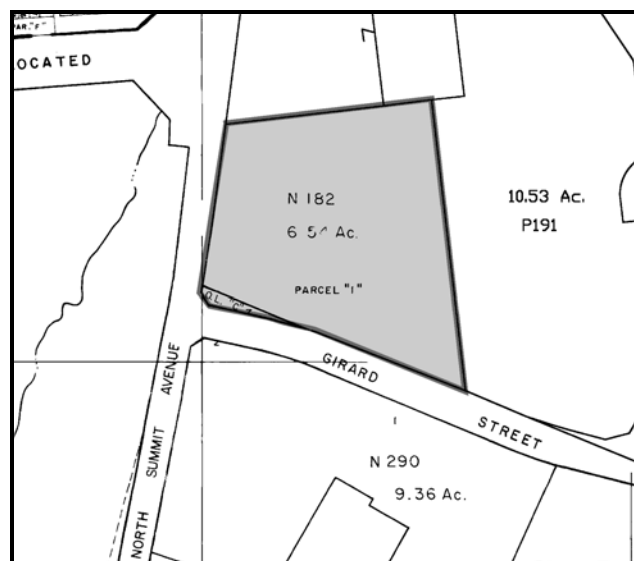
Land Use and Zoning Actions:

- Adopted **commercial-office-residential** land use designation
- Zoning remains **C-2, E-1, and R-18**

Land Use Element of the 2003 Master Plan

The 2003 Master Plan Land Use Map designates this property as Commercial/Industrial-Research-Office. The property is identified as Map Designation 2, which also includes the adjoining Outlot C, and the Master Plan states as follows:

2. **Retain Tax Map FT52 Parcel N182 and Outlot C Section 2 Woodwinds Park as Commercial-Office-Residential.**



This map designation contains the Summit Shopping Center. The surrounding land use is also designated as commercial-office-residential and will likely develop as mixed use residential in whole or in part. This area should be redeveloped to accommodate the future surrounding development. Live-work units and office development would be appropriate uses to serve the adjacent residential

development and provide for additional housing opportunities within the City. Additional access points to the center should be provided and buildings should be placed in a manner to provide a pedestrian-safe environment that is consistent and compliments the future surrounding development. The commercial uses envisioned for live-work units are unique specialty retail shops and professional offices.

Land Use and Zoning Actions:

- Retain Commercial-Office-Residential land use designation
- Recommend Zoning change from C-2 to MXD

EXISTING LAND USE/ENVIRONMENTAL CHARACTERISTICS:



Overhead aerial of the Summit Center Shopping Center



Existing Site (Exhibit #50) circa 2005

The above aerial photograph and this oblique view (from Exhibit #50) show that the 6.58 acres has two existing one-story commercial retail buildings containing 55,396 square feet with an associated 312-space surface parking and related infrastructure, such as utilities and storm water management. Currently, the shopping center is vacant and access to the site is blocked by a chain across the driveway.

The property contains no forest, but there are 19 trees. The property contains no intermittent or perennial streams on the property. There is a perennial stream within 200 feet of the property on the Asbury Methodist Village campus. As such, the property does not have any areas within a stream valley buffer. There is currently 229,722 square feet of impervious area on site and 56,902 square feet of green space. Within the green space there are eight mature Bradford Pear trees, one 20-inch double White pine tree and Little Leaf Linden trees, all of which are in good condition. The Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) was approved by the City's Environmental Affairs Division on September 10, 2007, with one condition: *A noise study must be approved by the City of Gaithersburg Environmental Services Division prior to Schematic Development Plan approval.* Staff recommends that this also be a condition should the sketch plan be approved, as it will be needed to evaluate noise attenuation requirements for the site.

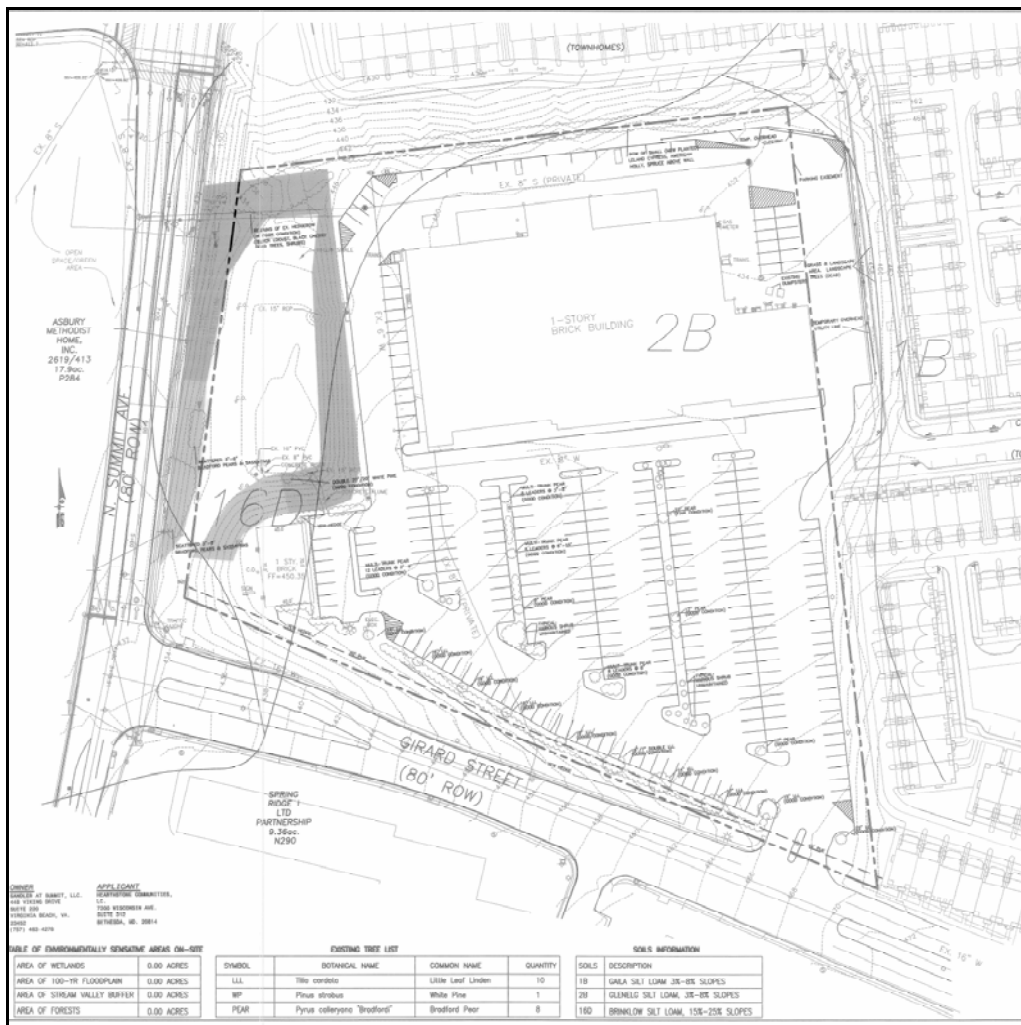
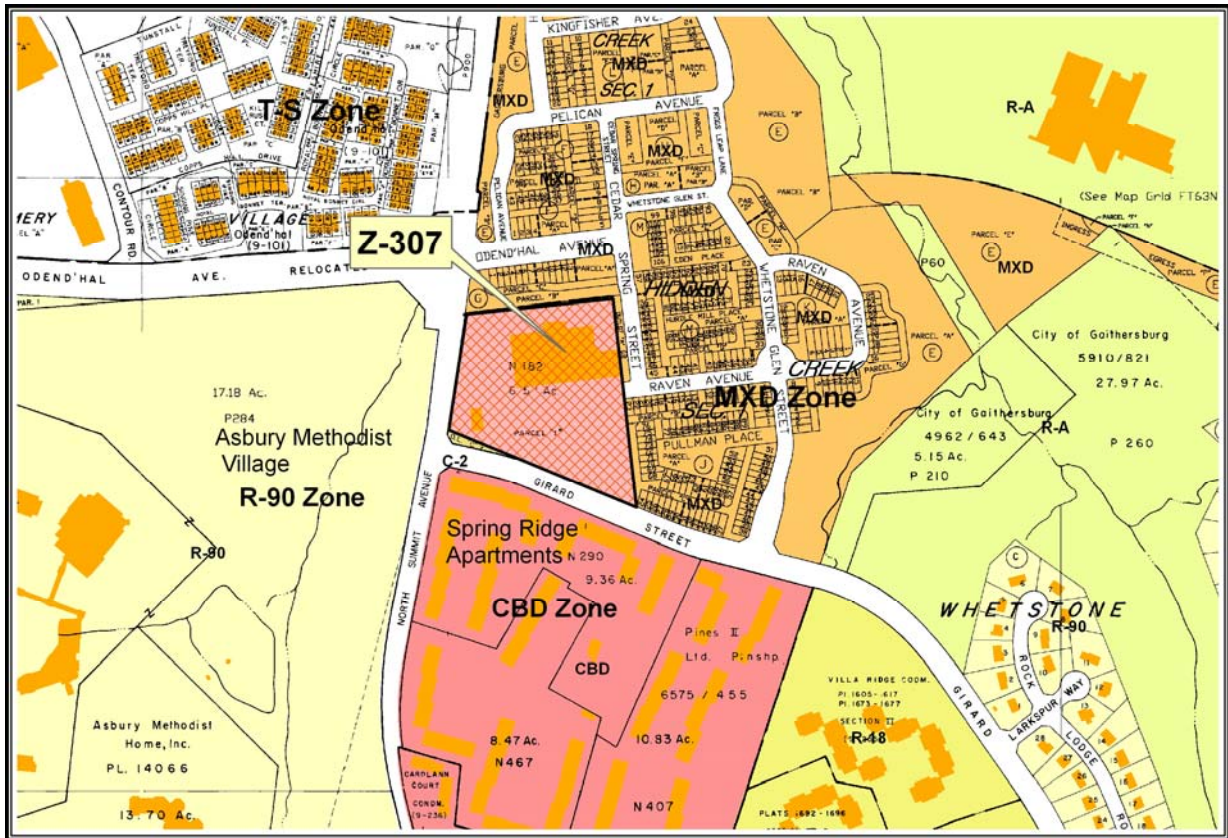


Exhibit #96, Portion of Approved NRI/FSD

NEIGHBORHOOD LAND USE AND ZONING:

South of the subject property is a small (0.1158 acres) sliver of land, known as Outlot C of Section Two, Woodwinds Park. This property is zoned C-2 (General Commercial). South of Girard Street are the Spring Ridge Apartments, originally developed in the R-20 (Medium Density Residential) Zone as garden apartments and rezoned to the CBD (Central Business District) Zone in the middle of the 1990's. The subject property is located west of the Asbury Village development with approximately 1328 existing units and 103 approved units. The Asbury property is zoned R-90 (Medium Density Residential) and developed with housing for the elderly, which is part of an approved concept plan as part of the annexation agreement. There is a mixed use of housing types on the property. Northwest of the property is a back-to-back townhouse development, called the Hamptons, which is located in the jurisdiction of Montgomery County and zoned T-S (Town Sector) and part of the greater Montgomery Village Planned Unit development.



North and east of the property is the Hidden Creek Land Bay III Development, which is in the MXD (Mixed Use Development) Zone. This mixed used development consists of 457 units [16 single family dwellings, 325 three to four-story single-family attached units (townhouses), and 116 two over two units]. As of May 2008, 327 units have been occupied with another 41 units under construction. This development is a part of the overall development of the property commonly known as Casey-Goshen Tract, of which the subject parcel is also a part. Hidden Creek was designed to connect with the subject site

via Raven Avenue so that the redevelopment of the Summit Center would become integrated to the overall development.

PUBLIC FACILITIES:

Water and Sewer Services and Public Utilities

The Summit proposal is a redevelopment project of an existing commercial use, therefore the site maintains W-1 and S-1 (areas served by community systems which are either existing or under construction) categories. The proposed use will require upgrades and relocation of the existing facilities. Service does exist and therefore, the application complies with the requirements of the City's Adequate Public Facility Ordinance (APFO) for water and sewer, § 24-247.

A preliminary utility plan⁵ has been submitted as part of the sketch plan. The plan shows conceptual locations of utility connections and also public utility easements (PUE). The applicant will have to enhance this plan and receive approvals of the utilities (PEPCO, Verizon, and Washington Gas) and the Department of Public Works (DPW) prior to the approval of the Schematic Development Plan.

Fire and Emergency Services

The Gaithersburg/Washington Grove Fire Station 8 (Montgomery Village Avenue) provides an eight-minute response time to the property. The property is also served by Fire Station 28 (Shady Grove and Muncaster Mill Roads) within a ten-minute response time. Therefore, the site complies with the requirements for the Adequate Public Facilities requirements for Emergency Services. Any further approval of this plan (schematic development plan review) will again require review and compliance with the standards of § 24-248, Fire and Emergency Services.

Adequacy of School Capacity

The proposed Summit sketch plan property is currently located within the Gaithersburg Cluster of the Montgomery County Public School (MCPS) system. Within the cluster, the schools that currently serve the proposed development are Strawberry Knoll Elementary School, Gaithersburg Middle School and Gaithersburg High School. According to Bruce Crispell, MCPS Director of the Division of Long-range Planning, a project with 300 units of a high density with structured parking would generate 13-elementary age (kindergarten through fifth grade) students, 12-middle school age (sixth through eighth grade) students and 10-high school (ninth through twelfth grade) students⁶.

As of the City's review of the MCPS *Adopted FY 2008 Education Facilities Master Plan and Amended FY2007-2012 Capital Improvements Program* in July of 2007, none of the schools within the Gaithersburg Cluster are above the capacity level of 110 percent. Therefore, the subject application complies with § 24-246, Adequacy of School Capacity at

⁵ Exhibit #43

⁶ Exhibit #144

this time. Any further approval of this plan (schematic development plan review) will again require review and compliance with the standards of § 24-246.

Traffic Impacts

The applicant submitted a Traffic Impact Study (TIS) by Wells and Associates⁷, as part of the application and in accordance with the City of Gaithersburg's Adequate Public Facilities Ordinance. Comments were forwarded to Wells and Associates, and a revised TIS was submitted on January 25, 2008⁸. Engineering Services Director Mumpower reviewed the findings of the revised study, which show that all the intersections in the study area will continue to operate within the City's acceptable standards for Critical Lane Volumes in both the AM and PM peak hours under total traffic conditions. He agrees with the finding detailed in the study and has granted approval of the TIS for this project.

In order to improve traffic operations of the intersection of Girard Street and Goshen Road, the TIS concluded the following:

"Girard Street is proposed to be improved and widened by the applicant in conjunction with the site development to provide a five-lane section between Summit Avenue and the existing median to the east to serve the relocated site driveway. This improvement would allow for the construction of a left turn lane to serve Summit Center and the existing residential driveway on the south side of Girard Street. Additional right-of-way may be necessary from the Summit Center property to accomplish this improvement."

Staff has suggested a condition related to this improvement as part of approval of the sketch plan. Since Goshen Road is maintained by the Montgomery County Department of Public Works and Transportation, these improvements for Girard Street which impact the Goshen Road intersection will require their approvals in addition to that of the City.

Public Transportation

The property is serviced by Montgomery County Ride On Bus route #61, which has a bus stop on Girard Street just east of its intersection with Goshen Road/North Summit Avenue and an existing bus stop/shelter on Girard Street next to the existing driveway into this property. Development in accordance to the sketch plan and proposed road improvements of Girard Street will require relocation of these stops. Staff is recommending that the applicant provide a new bus shelter for the existing bus stop on Girard Street just east of its intersection with Goshen Road/North Summit Avenue.

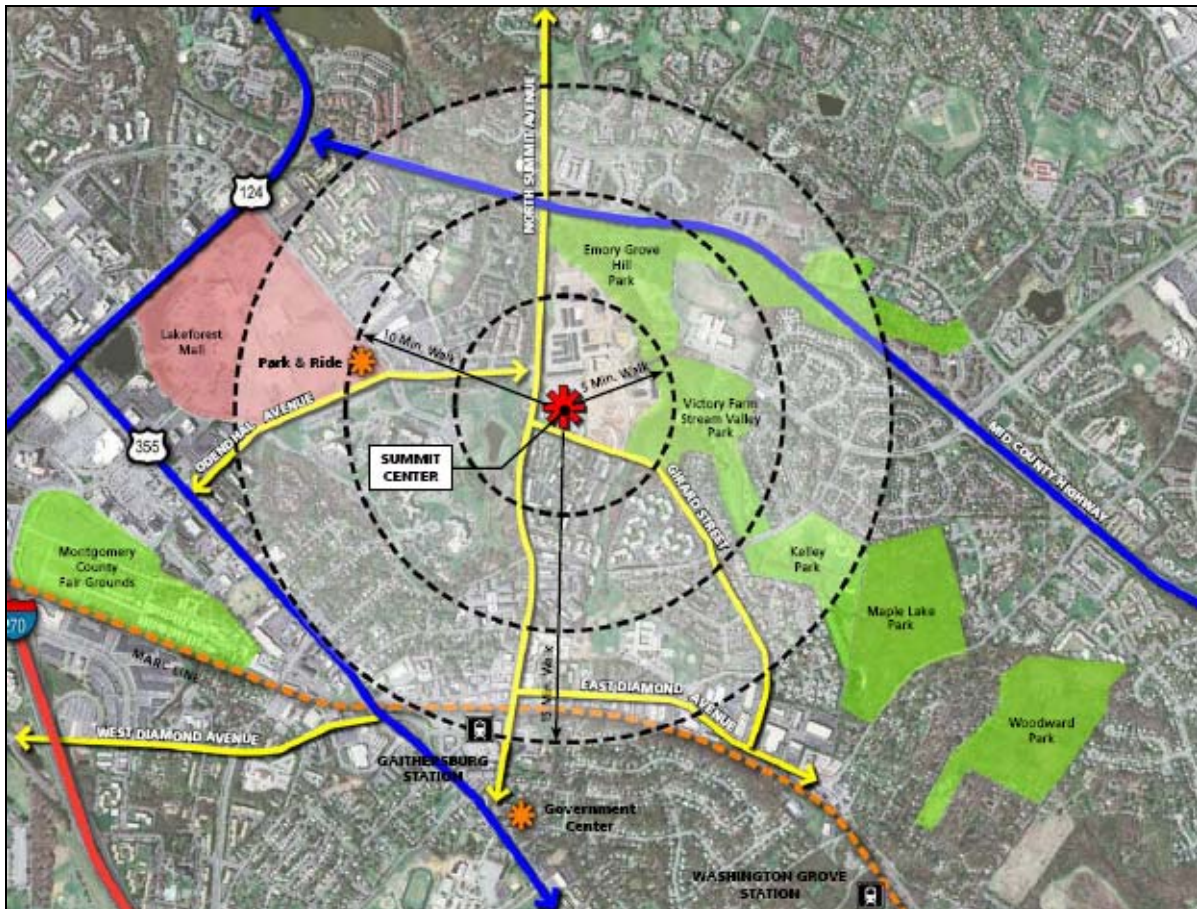
In addition, the applicant has shown by Regional Context Aerial⁹ that the Lakeforest Transit Station, which is a hub for seven different Ride On routes and two METRO bus routes, is located within a ten-minute walk from the subject property. The property is also within a 15-minute walk of the Maryland Area Rail Connection (MARC) train station in Olde Towne,

⁷ Exhibit #15

⁸ Exhibit #95

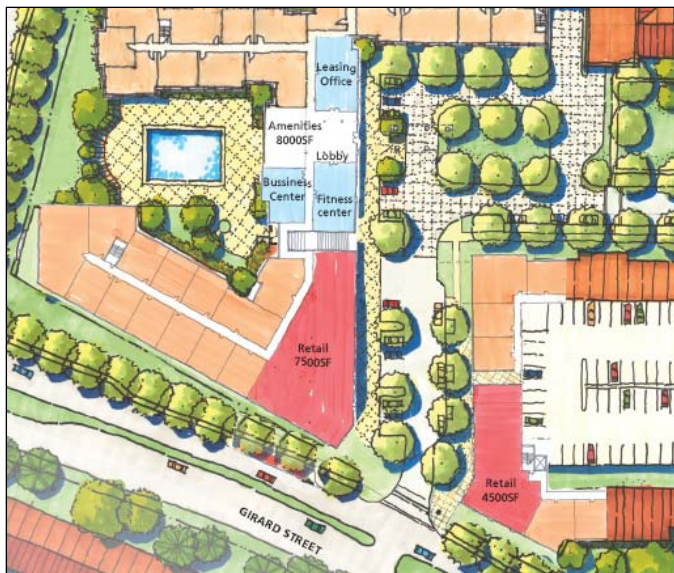
⁹ Exhibit #47

Gaithersburg. There are nine morning trains to Washington D.C. and nine trains from Washington D.C. in the afternoon.



Regional Context Aerial¹⁰

SKETCH PLAN PROPOSAL:



¹⁰ Exhibit #47

The applicants are proposing up to 20,000 square feet of retail development. Exhibit #101 shows the first floor showing location of retail space in red and blue. The red designates 12,000 square feet of commercial/retail use. The blue depicts 8,000 square feet of floor area which will be used for the leasing office for the apartments and other amenities for the complex.

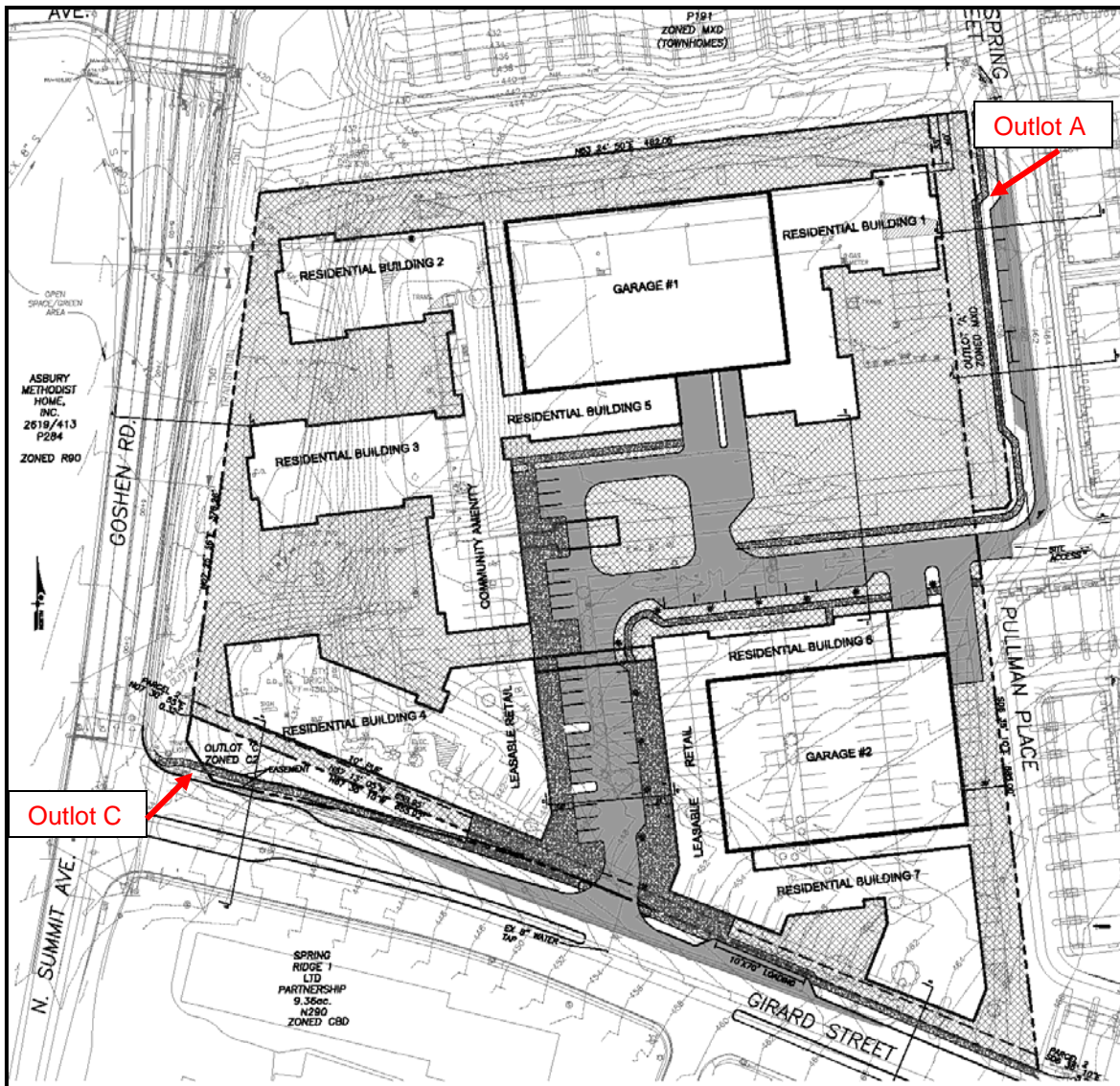


Portion of the Illustrative Site Plan, Exhibit #130

The structures will be between three and five stories, and there will be a maximum of 300 residential multiple family units with above ground structured parking. The applicants are proposing to have the apartment buildings closest to Hidden Creek Land Bay III at a three-story level. In addition to indoor amenities, the illustrative plan incorporates a swimming pool courtyard and another open courtyard facing Goshen Road. The property is connected, as required by City Code, to Hidden Creek Land Bay III via Raven Avenue.

In addition, the applicants plan to acquire Outlot A, Block G of Hidden Creek Land Bay III, Section 2 (Plat No. 22978) and incorporate it as part of a green space area adjacent to Cedar Spring Street. The sketch plan shows street and sidewalk improvements along Girard Street, which will require permission and possibly dedication from a property that is

not part of this project. The property is identified as Outot C, Section Two, Woodwinds Park (Plat No. 9589). The applicants are working with this property owner to obtain an easement and right of way if needed.



Portion of the Sketch Plan, Exhibit #140/#142

Building setbacks are also established by both the sketch plan (Exhibits #140 through #143) and the illustrative plans (Exhibit # 130). The minimum setback from Girard Street right of way and Outlet C is ten feet and the setback from the Goshen Road right of way is 15 feet. The minimum northern setback is 35 feet, although a major portion of that structure is 40 feet to allow for adequate afforestation area. There is a one-foot setback between the eastern side of the building and the property line adjacent to Outlet A. The building at the southeastern corner of the project is setback 30 feet from the property line.

Connectivity

As stated above, the subject development plan is connected to Hidden Creek Land Bay III via Raven Avenue and Cedar Spring Street, which was contemplated as part of the approvals of Hidden Creek. In addition there are sidewalks shown on the plan to connect to Hidden Creek, Girard Street and Goshen Road. When this property submits for Schematic Development Plan review, staff will continue to look at ways to enhance the connectivity of the site. Residents need pedestrian connections to City recreational amenities to increase the health and recreation of the residents of Hidden Creek, the Summit and surrounding communities.

Parking

The sketch plan provides parking calculations showing that the development requires 602 parking spaces. This is based on the printed current City Code; however, staff has noted to the applicants' team that there is a typographical error in the printing and that one-bedroom apartments require 1.75 parking spaces per unit per the adopted ordinance. Currently, the sketch plan is deficient nine (9) parking spaces. At the time of Schematic Development Plan review, the parking will be established in accordance with § 24-160D.8. Most of the parking spaces are proposed to be located in two different parking garages and 33 surface/street spaces are provided for the convenience of the retail users and apartment guests.

Stormwater Management

The applicant has provided a pre-conceptual stormwater management plan¹¹ on the Preliminary Utility Layout Plan. At the time of Schematic Development Plan approval, the applicant will be required to provide a Department of Public Works approved conceptual stormwater management plan that will control both quantity and quality of water runoff from the impervious surfaces of the project. Staff has spoken with the engineer of the project about existing erosion concerns at the outfall of the pipe and has suggested that the applicant provide mitigation measures to stop the erosion from the water runoff. Construction of a stormwater management facility to current codes will slow down the runoff because the current stormwater system for the shopping center was built prior to 2000, when the code was revised to handle smaller storms.

Affordable Housing

The Affordable Housing Ordinance requires that the development provide fifteen percent affordable housing units. This project will be required to have 45 Moderately Priced Dwelling Units (MPDU). The applicant has requested a modification to this requirement pursuant to § 24-256(b)(2) to allow a 7.5 percent Work Force Housing Units (WFHU) component and a 7.5 percent MPDU component. Pursuant to the Affordable Housing Ordinance, the Mayor and City Council must make a determination as to whether or not to grant a waiver or modification. The City Manager's Housing and Community Development staff will evaluate this request and make a recommendation to the Mayor and City Council.

¹¹ Exhibit #39

In the event the City Council does not approve this modification, the plan tabulations must be adjusted to 15 percent MPDU pursuant to § 24-253(a).

In order to qualify for a MPDU, a person's or family's income must fall into 60-80 percent of the Average Median Income (AMI) of the area. Below are the current Income Ranges for MPDUs at 2008 figures and the rental rates for apartments:

| Number in Household | 60% AMI | 65% AMI | 70% AMI | 80% AMI | 100% AMI |
|----------------------------|----------------|----------------|----------------|----------------|-----------------|
| 1 | \$41,580 | \$45,045 | \$48,510 | \$55,440 | \$69,300 |
| 2 | \$47,520 | \$51,480 | \$55,440 | \$63,360 | \$79,200 |
| 3 | \$53,460 | \$57,915 | \$62,370 | \$71,280 | \$89,100 |
| 4 | \$59,400 | \$64,350 | \$69,300 | \$79,200 | \$99,000 |

| MPDU Rents, Utilities Not Included, 2008 | | |
|---|--------------------|---------------------|
| Type of Unit | Annual Rent | Monthly Rent |
| One Bedroom | \$11,138 | \$928 |
| Two Bedroom | \$12,623 | \$1,051 |

| MPDU Rents, Utilities Included, 2008 | | |
|---|--------------------|---------------------|
| Type of Unit | Annual Rent | Monthly Rent |
| One Bedroom | \$13,365 | \$1,114 |
| Two Bedroom | \$15,147 | \$1,262 |

Density Comparisons

The applicant compared the density of this development of 44.38 units per acre (300 units on 6.76 acres¹²) to other development within the area. This included Fairfield at West Deer Park at 52 dwelling units per acre, The Colonnade at 52.5 dwelling units per acre, King Farm Apartments at 53.7 dwelling units per acre, Archstone at Olde Towne at 59.9 dwelling units per acre, The Crest at Congressional Plaza at 61.7 dwelling units per acre, The Jefferson at Congressional Village at 62 dwelling units per acre, and Park Station at 65.8 dwelling units per acre.

Architectural Elevations

The applicants' team has provided a number of preliminary renditions of the architecture for this project. They are proposing to provide a viable and festive look for the retail area and entrance to the amenities area of the apartment buildings. Since the number of units has been modified, these drawings will also be revised in accordance to the changes outlined in the letter from the applicants' team (Exhibit #126) in bullet points three and four. The drawings portray materials of brick and fiber board. When the applicants apply for

¹² The total acreage of Parcel 1 & 2 with the addition of Outlot A, Block J, Hidden Creek as shown on Exhibit #140

Schematic Development Plan approval, they will be required to submit Design Guidelines for the store fronts of the retail, the apartment buildings and the parking garages in accordance with §§ 24-22.3 and 24-160D.13.

Below are the samples of the architecture presented by the applicants' team:



"Festival Street," entrance off of Girard Street¹³



Plan View from Goshen Road¹⁴

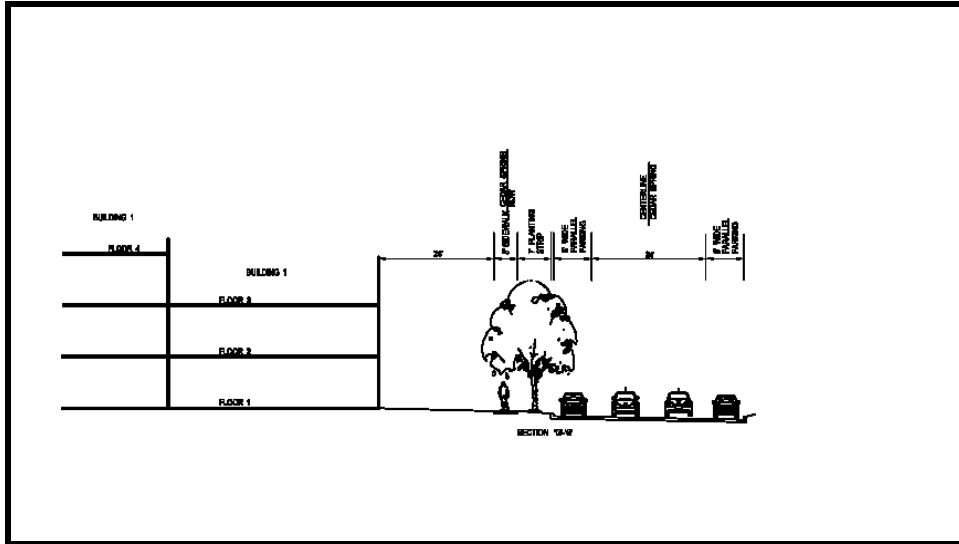


Perspectives from Goshen Road¹⁵

¹³ Exhibit #56

¹⁴ Exhibit #53

Revised perspectives of the building facing Cedar Spring Street were not submitted; however, according to the applicants' letter, this wing, identified as Building One on the sketch plan, which borders the northern edge of the large green will be reduced to three stories for a portion of the wing.



Cross section showing the three story wing adjacent to Cedar Spring Street¹⁶

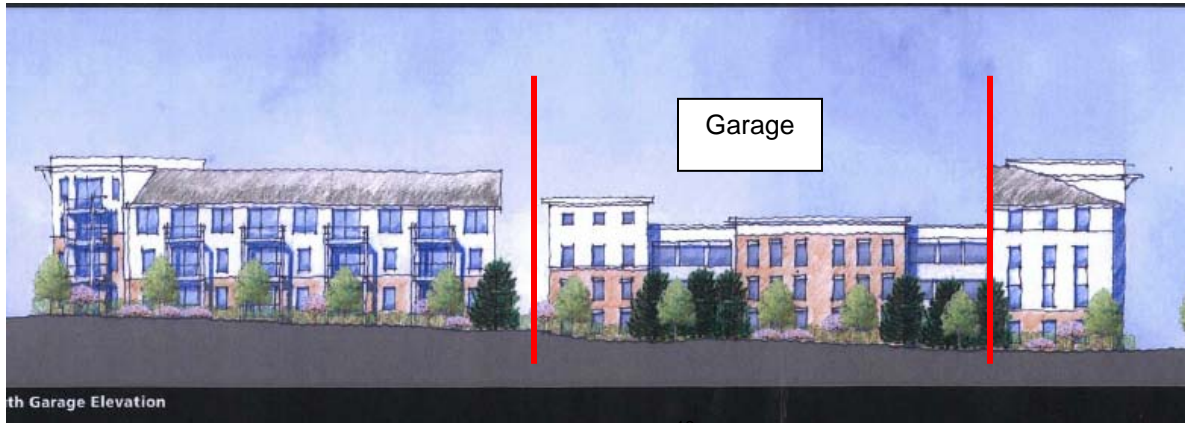
Particular attention was given to the garage elevations facing the houses fronting on Odend'hal Avenue and the approved houses on Pullman Place. The applicant submitted several renditions. At the time of both Schematic Development Plan application and Final Site Plan, the final detail should be very similar to the exhibits below as submitted by the applicant.



View of north garage from rear of units on Odend'hal Avenue¹⁷

Note that a portion of the wing to the right of the above illustration will only be three stories as it faces Cedar Spring Street in accordance with the statement in Exhibit #126.

¹⁵ Exhibit #102
¹⁶ Exhibit #141
¹⁷ Exhibit #122



View of Garage from Pullman Place townhouses¹⁸

A portion of the wing to the right of the above illustration will only be three stories as it faces Girard Street in accordance with the applicants' letter, Exhibit #126.



Garage Details¹⁹

The architecture of this project needs to be four sided; since there are adjoining neighbors on all sides. The materials utilized should be similar high-quality materials as in Section 2 of Hidden Creek Land Bay III, as shown in the applicants' presentation.

¹⁸ Exhibit #122

¹⁹ Exhibit #123



View of Hidden Creek Land Bay III, Section 2 units at Cedar Spring Street and Raven Avenue²⁰

STAFF ANALYSIS AND RECOMMENDATION:

Staff recommends approval of zoning map amendment application Z-307 to rezone the subject property from the existing C-2 (General Commercial) Zone to the MXD (Mixed Use Development) Zone based upon the following findings as required under §§ 24-10A(2) and 24-160D.1 through 24-160D.13 of the City Code:

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

Purposes, Objectives and Intent:

- a) Both the 1997 and 2003 City of Gaithersburg Land Use Master Plans recommend that the subject property be developed as a mixed use development that will provide additional housing opportunities within the City. The sketch plan for Z-307 ("The Plan") provides for a mixed use development with a new housing type within the Casey-Goshen/Hidden Creek neighborhood and provides commercial space, as recommended in the Master Plan and as demonstrated by the exhibits submitted by the Applicants.

²⁰ Exhibit #50

- b) Because this is only a 6.58-acre parcel that adjoins an existing mixed use development, the Applicants propose to develop the property in one phase, which will be the final stage of the Casey-Goshen/Hidden Creek neighborhood.
- c) The Plan shows 3- to 5-story structures which utilize different heights, materials and architectural styles which complement those in the adjoining neighborhood. In addition, the architectural styles of the building enhance the surrounding area by adding a different design type to the neighborhood. The schematic drawings promote visible signage for the commercial use that integrates the signage to the location of the project and the architecture. The condition to provide Design Guidelines at the time of Schematic Development Plan application will continue to establish guidelines to promote design flexibility for the project and refine the architectural styles of the different buildings within the project.
- d) The Plan for property, which is contiguous to an MXD property with mixed residential uses, will add two more use categories to the neighborhood; multiple-family units, including affordable housing, and commercial/retail uses. In order to integrate the proposed development with the adjoining MXD neighborhood, as required for a parcel less than 10 acres, the Applicants, has proposed connecting the developments by vehicular access via Raven Avenue, as was envisioned during the development of Hidden Creek Land Bay III. Additionally, the sketch plan provides continuous pedestrian access to the adjoining neighborhood and also to the Girard Street and Goshen Road corridors. Further, the project provides access to different venues of public transportation. The proposed sketch plan provides employment, residential, and open spaces. With the proposed conditions and continuing refinement of the integration of this project into the community at the time of Schematic Development Plan, the project will become an integrated part of Gaithersburg.
- e) The project proposes a mix of residential and commercial/retail uses that would not be allowed with Euclidian zoning categories. The Plan provides a higher standard of development than could be done under a conventional zoning category by using enhanced site design, a mix of uses, diverse and high quality architectural elements (to be further defined at Schematic Development Plan review), structured parking and well landscaped amenity spaces,.
- f) The project efficiently uses the land by retaining continuous circulation through the site by connecting to existing vehicular and pedestrian connections. As shown on the illustrative sketches, the retail area is convenient to existing and proposed residential areas to promote pedestrian access. In addition, the property is served by a Montgomery County Ride-On route and within walking distance of METRO bus station (Lakeforest Transfer Center), the State of Maryland MARC train station. These options plus the proximity of the property to the Shady Grove METRO rail station provide opportunities to reduce reliance upon automobile use. Review of a Schematic Development Plan will allow

further study of comprehensive connectivity and linkages to open space and recreational areas.

- g) The Applicants have submitted and received approval of a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) with one condition. Because the property was developed as a shopping center, there was no natural preservation area. The proposed plan will enhance the environment by adding afforestation (tree planting) areas on the property. Additionally, compliance with current stormwater management regulations will reduce the impact of water run off, improve the water quality coming from the property, and minimize erosion of existing water courses.
- h) Due to its small size, the property will be developed in one phase. In accordance with the approved Traffic Impact Study (TIS), the Applicants will be required to improve the intersection of Girard Street and Goshen Road to improve the vehicular circulation of that intersection.

Minimum Standards

1. As stated above, the application and exhibits comply with the 2003 Master Plan Land Use Element, which proposes mixed use development for this site. The application complies with the minimum area because the property is contiguous to an existing MXD zoned area (Hidden Creek Land Bay III) and will be integrated into that development by vehicular and pedestrian access.
2. The subject property is located adjacent to existing roadways, Raven Avenue, Girard Street and Goshen Road, which, according to the Traffic Impact Study, are adequate to service the development. The traffic operations of the area will be enhanced with the condition to improve Girard Street at its intersection with Goshen Road,. The buildings will be accessed via a private street that connects to public roadways.
3. The property is currently serviced by all utilities, including water and sewer. As conditioned, the Applicants need to submit Design Guidelines that will incorporate sign design as part of the submission package for Schematic Development Plan review. This will assure that the signage will be coordinated and thematic for the project and surrounding area.
4. The sketch plan proposes 41.7 percent of green area. The phasing for the recreational amenities will be evaluated during the Schematic Development Plan review and finalized at Final Site Plan review.
5. As noted above, the required parking shown on the sketch plan needs to be adjusted in order to comply with the currently adopted Parking Ordinance. The final evaluation of the provided parking will be done at the time of Schematic Development Plan review

(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:

As stated above, both the 1997 and 2003 City of Gaithersburg Land Use Master Plans recommend that the subject property be developed as a mixed use development that will provide additional housing opportunities within the City. This plan provides for a mixed use development with a different housing type within the Casey-Goshen/Hidden Creek neighborhood and in addition will provide commercial space as proposed in the Master Plan and demonstrated by the exhibits submitted by the applicant. Therefore, the plan is in accord with the 2003 City of Gaithersburg Master Plan. There were no special conditions or requirements contained in the master plan.

(3) The application and sketch plan will be internally and externally compatible and harmonious with existing and planned land uses in the MXD zoned areas and adjacent areas (surrounding areas):

The Plan, schematic architecture and other exhibits of this application creates a development that is compatible and harmonious to the surrounding MXD zoned areas by creating vehicular and pedestrian connections. The new architectural design is complementary to character of the adjoining Hidden Creek community and other buildings in the surrounding areas.

Conclusion

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 development, Hidden Creek Land Bay III and Spring Ridge Apartment. The plan is integrated into the adjoining property, Hidden Creek Land Bay III, with both vehicular and pedestrian access. The architecture, as shown in the exhibits, will be compatible and harmonious to the architecture in the surrounding area. The proposed plan will provide much needed redevelopment of a currently vacant and blighted shopping center.

STAFF RECOMMENDED CONDITIONS

The Planning Commission is to provide a recommendation to the Mayor and Council for the Amendment to Sketch Plan Z-307. Staff recommends that the Planning Commission give a favorable recommendation of the sketch plan to the Mayor and City Council with the following conditions:

1. Future development of the site shall include up to 20,000 square feet of commercial-retail-office, a limit of 8,000 square feet of the 20,000 square feet shall be used by the apartment management office;

2. Future development of the site shall include up to 300 residential units in structures three to five stories in height;
3. At the submission of Schematic Development Plan Application, the Applicants shall provide plans with heights of buildings in accordance with the letter from Barbara Sears and Yum Yu Cheng, Linowes and Blocher, dated April 29, 2008 (Exhibit #126);
4. The Applicants shall maintain the setbacks established on both the Illustrative and Sketch Plan (Exhibits #130, #140 and #141) ;
5. The Applicants shall provide parking in a combination of above and below grade structures, plus surface parking. A minimum of 90 percent of parking exclusively for retail and residential use must be in structures. Parking calculations (specifically the one bedroom units at 1.75 spaces per unit) and aisle width are to be in accordance with the adopted Parking Ordinance of the City of Gaithersburg;
6. The Applicants shall construct Cedar Spring Street to its full two-way width as shown on the Site plan SP-03-0008 prior to the issuance of any building permit for the development;
7. The Applicants shall meet storm water management quantity and quality requirements onsite and obtain approval of a Concept Stormwater Management plan, which would include stream mitigation at the area of outfall, prior to Schematic Development Plan Approval;
8. The Applicant shall work with staff to comply with the Residential Green Code requirements and provide *Energy Star* appliances and other features, such as windows, etc.;
9. The Applicants shall submit and have approved a Forest Conservation Plan showing required afforestation to be met onsite prior to the approval of the Schematic Development Plan;
10. Prior to the submission of the Schematic Development Plan, the Applicants shall submit and receive approval of a noise study by the Environmental Services Division;
11. Applicants are to provide a schedule of sound mitigation measures in accordance with an approved Noise Study prior to the submission of Final Site plan;
12. Prior to the approval of the Schematic Development Plan, the Applicants shall receive approval of a utility plan by PEPCO, Verizon and Washington Gas and the Department of Public Works in writing;

13. Prior to the recordation of any final subdivision (record) plats, the Applicants shall acquire Outlot A, Block G of Hidden Creek Land Bay III, Section 2 (Plat No. 22978) and combine the outlot with the main lot;
14. Prior to the submission of Final Site Plan, the Applicants shall submit letters affirming the applicants' ability to grade and construct improvements and obtain necessary public right of way on Outot C, Section Two, Woodwinds Park (Plat No. 9589);
15. The Applicants, at the time of submission of Schematic Development Plan, shall provide a Road Improvement Plan for Girard Street, including its intersection with Goshen (North Summit) Road in accordance with the approved Traffic Impact Study to both the City and Montgomery County Department of Public Works and Transportation for review and approval;
16. The Applicants are to complete Road Improvement Plan for Girard Street prior to the approval of the final use and occupancy inspection of the residential units;
17. Applicants shall work with City staff and Montgomery County Ride-On regarding the relocation of both the western bus stop and eastern bus shelter on Girard Street and install a new bus shelter at the western stop;
18. Applicants are to provide Design Guidelines for the project in accordance with §§ 24-22.3 and 24-160D.13, at the time of application for Schematic Development Plan;
19. Applicants are to participate in the Art in Public Places and designate a site for the art at the time of Schematic Development Plan approval;