
STAFF COMMENTS FOR PLANNING COMMISSION

MEETING DATE: January 21, 2009

SITE PLAN: **SP-08-0001**

TITLE: Archstone at Olde Towne

REQUEST: **CONSENT APPROVAL EXTENSION OF FINAL SITE PLAN APPROVAL** (For 18,000 square feet of retail; 389 apartment units)

ADDRESS: 320-408 East Diamond Avenue

ZONE: CBD (Central Business District) Zone

Applicant: Archstone-Smith, Jeffrey Harris
Architect: Preston Partnership,
Engineer: GLW, Todd Reddan
Attorney: Miller, Miller, & Canby – Jody Kline

STAFF LIAISON: Jacqueline Marsh, Planner

Enclosures:

Staff Comments

Exhibit 1: Location Aerial Map

Exhibit 2: Letter from Jeffrey Harris, received January 13, 2009

Exhibit 3: Minutes of March 19, 2008

STAFF COMMENTS

I. BACKGROUND:

The applicant is requesting an Extension of the Final Site Plan Approval for a 783,620 square foot mixed use building, with ground floor retail and four levels of apartments above. This property is in Olde Towne Gaithersburg on the properties addressed as 320-408 East Diamond Avenue and is in the Central Business District (CBD) Zone (Exhibit #1). On March 19, 2008, the Planning Commission granted Final Site Plan approval to this development with sixteen conditions, as shown in the attached Planning Commission Minutes (Exhibit #3.)

In accordance with § 24-173(a), the applicant has submitted a letter requesting an extension of the final site plan approval for SP-08-0001. This letter, received on January 13, 2009, is attached as Exhibit #2. In discussions with staff, the applicant has requested the site plan extension be approved by the Planning Commission at this time in order to secure adequate financing for the project.

II. SCOPE OF REVIEW:

The approved site plan has not been constructed to date. Section 24-173 (a) states the following:

One or more of the uses proposed for land which is the subject of the site development plan shall be established on such land within three hundred sixty-five (365) days after the date of approval of the plan or the plan shall become void; provided, that the planning commission may extend such time upon request filed within such three hundred sixty-five (365) days and may grant further extensions upon request filed within the period of any extension; provided, that the total length of such extensions shall not exceed two (2) years.

Accordingly, the applicant is requesting an extension for the approved final site plans. The applicant may request one more extension next year, if necessary. If granted, this extension of approval expires March 19, 2010.

III. CONCLUSION:

Staff recommends **TO GRANT APPROVAL OF EXTENSION OF FINAL SITE PLAN SP-08-0001, ARCHSTONE AT OLDE TOWNE, AS IT CONFORMS WITH §24-173, WITH THE ORIGINAL CONDITIONS AS APPROVED ON MARCH 19, 2008.**

SP-08-0001 Archstone at Olde Towne



ARCHSTONE

January 7, 2009

Mr. John Bauer, Chairman
Planning Commission
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, Maryland 20877-2098

**RE: Site Development Approval – Archstone Olde Towne Gaithersburg
Site Plan SP-08-0001
Request for Extension of Time**

Dear Mr. Bauer:

The purpose of this letter is to respectfully request an extension of our Site Development Plan Approval that was granted by the Planning Commission on March 19, 2008 pursuant to Chapter 24-173-A of the City of Gaithersburg Zoning Ordinance.

The reasons why Archstone is requesting an extension of time are as follows:

1. The approval of the referenced project was conditioned upon the successful execution of a Memorandum of Understanding (MOU) between the City of Gaithersburg and the Montgomery County Public Schools (MCPS). The MOU contained provisions by which the MCPS would grant the necessary right of way and easements for the construction of Teacher's Way.
2. A condition of Archstone closing of the land was predicated on the recordation of the all necessary right of way plats and easement documents that would allow Archstone to construct its portion of Teacher's Way in accordance with the approved Site Development Plan.
3. The plan approval process to secure all necessary plan approvals from the Washington Suburban Sanitary Commission and the Maryland State Highway Administration that will allow the City to release building permits just mechanically takes longer and is not practical to complete and begin construction within a one year time frame.

A brief chronology of events that have transpired since Archstone was granted its initial approval in March of 2008 is as follows:

- April / May 2008: Archstone secured MSHA's concurrence of the proposed design modifications to the MD 355 / N. Summit Avenue intersection pursuant to SDA condition # 6.
- Aug 2007-Jun 2008: Archstone assisted the City of Gaithersburg and the Montgomery County Public Schools with the successful negotiation of the Memorandum of Understanding pursuant to SDA condition # 7.

- July 2008: Archstone successfully completed the land sale transaction of the 7 parcel assemblage.
- August / Sept. 2008: Archstone's engineer submitted site engineering plans to the City of Gaithersburg, the Washington Suburban Sanitary Commission and the Maryland State Highway Administration for their review. As of the writing of this request the engineering plans are at various stages of design and reviews with all the agencies.
- August / Sept. 2008: Archstone's Architect, MEP and Structural engineers initiated design of the construction documents. An application and plans for a building permit for the residential building (not the garage) was accepted by the City for review on December 31, 2008.

We are continuing to diligently pursue the approval of all necessary site and architectural plans and secure all necessary permits associated with this project. However, we will not be in a position to commence construction of the referenced project prior to the expiration of the Site Development Approval and are respectfully requesting that the City grant Archstone an extension of this time requirement for a period of one year (March 2010). The additional time will allow Archstone to obtain all the requisite plans approvals and permits and commence construction for this project.

If you should have any questions or require any additional information in order to support this request please feel free to contact me at 703-399-3533 or email at jharris@archstonemail.com

Thank you for your time and consideration of this matter.

Sincerely,
ARCHSTONE



Jeffrey W. Harris
Vice President

cc. Greg Ossont – City of Gaithersburg
Jacqueline Marsh – City of Gaithersburg
Jody Kline – Miller, Miller & Canby
File: OTG 5.7

IV. SITE PLAN

SP-08-0001 -- Archstone at Olde Towne Gaithersburg CBD Zone
320-408 East Diamond Avenue
Redevelopment of 7 Parcels and Public Alley
PRELIMINARY/FINAL PLAN REVIEW

Planner Marsh located the property on an aerial photograph and noted the project proposes 18,000 square feet of first-floor retail with 389 apartments above.

Attorney for the applicant, Jody Kline, Esq., Miller, Miller and Canby, provided an introduction to the overview of the applicant's presenters this evening, noting the presentation would primarily focus on the architectural design.

Architect for the applicant, Stephen Strasser, Preston Partnership, LLC, discussed the seven planning principles of this development proposal and presented a model of the project, a materials board, a color palette of the brick types, as well as colored perspectives of each building noting the pedestrian streetscape goals of the project.

Landscape architect, Steve Mittendorf, Preston Partnership, LLC, presented a colored landscape plan, noting the design at the building entrances, building breaks and linkages that lead to three courtyard areas. He also discussed sidewalks and hardscape structures, street trees, stoops along residential areas and the swimming pool design.

Applicant Jeffrey Harris, Archstone-Smith Trust, answered several questions of the Commission regarding the location of utility structures, trash dumpsters and trash collection, garage access, and retail deliveries.

In response to Vice-Chair Levy's suggestion for murals in alcoves at entrances, Mr. Kline noted the project proposes three fountains and a statue in honor of the late Mayor Ed Bohrer as part of the Arts in Public Places Program. Mr. Harris responded to inquiries of Vice-Chair Levy regarding converting the pool into an indoor facility and adding more lap lanes. In response to Commissioner Kaufman, Mr. Harris indicated that parking for MARC Station customers would not be provided in their garage, noting the existing parking in the vicinity and pointing out the plan proposes additional on-street parking.

The following was testimony from the audience:

Blanche Keller, 911 Wild Forest Drive, spoke favorably on the architecture and the mix of retail and residential uses, as well as the courtyards included in the proposal, noting this is an exciting plan.

Clark Day, 26 Walker Avenue, read a statement which enthusiastically supported the project. In response to his inquiry on snow removal responsibility along the private roads, Mr. Harris noted that a maintenance agreement with Public Works is under negotiation regarding the private road on the east side of the project.

Richard Arkin, 121 Selby Street, identified himself as Historic Preservation Advisory Committee Chairman, but speaking as an individual commended the applicant for the proposal, favoring, in particular, the street design of Teachers Way. He suggested adding more articulation to the façade of the center of the garage (e.g., phasing of concrete decks), and directional signage for parking.

Brett Cossard, business owner at Girard Business Center; Prentiss Searles, 10 Walker Avenue; Edie and Dan Searles, 18 Walker Avenue, voiced their full support of the project and asked for approval of the plan so that the project can move forward.

David Shayt, 15 DeSellum Avenue, commented on the towers proposed, favoring the use of one style for all four, rather than various styles as shown on the model presented this evening. He shared Mr. Arkin's concern with the garage panels and suggested using hanging pots.

Planner Marsh voiced staff's recommendation for approval of the plan, noting it meets the approval criteria of the City Code, subject to the applicant's compliance with conditions that she listed.

Commissioner Hopkins shared the concerns over the garage panels and suggested treating them in some manner, e.g., by adding pattern/color, hanging planting pots, etc. Mr. Harris asked that the applicant be allowed to work with staff to address this matter. Chair Bauer agreed and further suggested the applicant consider simplifying the middle feature to offset the cost of adding to the panels. Vice-Chair Levy additionally noted that the middle feature of the garage façade is perhaps excessively massive and the proposed towers too high, favoring less styles for the latter. Commissioner Hopkins, pointed out, however, that roof uniformity should be avoided, adding that the proposed roofing is well articulated. Commissioner Hopkins shared a comment made earlier that directional signage for parking is needed.

Chair Bauer and Commissioners Hopkins and Kaufman congratulated the applicant on the architectural package and project in general as a magnet for economic development. Chair Bauer commented favorably on the techniques and principles used for the project, and regarding Exhibit 9 relating to the parking waiver request, indicated he had no objections to it.

Commissioner Kaufman moved, seconded by Commissioner Winborne, to grant SP-08-0001 - Archstone at Olde Towne Gaithersburg, PRELIMINARY/FINAL PLAN APPROVAL, finding it in compliance with City Code §§ 20-11 and 24-170, with the following conditions:

1. Applicant must submit a final storm water management plan to be reviewed and approved by the Department of Public Works, Park Maintenance, and Engineering (DPWPM&E) prior to the issuance of Public Works permits;
2. Final design for the bulb-outs along Teachers Way, East Diamond Avenue and the private alley along the east side of the project is to be reviewed and approved by the DPWPM&E and Planning Staff prior to the issuance of Public Works permits;
3. Applicant shall receive final approval letters from appropriate utility agencies, including, but not limited to, Washington Gas, PEPCO, Verizon, and WSSC prior to the issuance of Public Works permits;
4. Final utility plan shall be revised and approved by DPWPM&E prior to the issuance of Public Works permits;
5. Final signing, lane marking, lighting plans, paving and storm drain plans, grade establishment plans, and details to be

reviewed and approved by the DPWPM&E prior to the issuance of Public Works permits;

6. Applicant shall undertake and complete the construction of the Traffic Impact Study (TIS) improvements as detailed in the March 11, 2008, supplemental report submitted by Wells and Associates for the Md. Rte. 355/Summit Avenue intersection. These improvements must be completed prior to the issuance of occupancy permits for the development, excluding the garage. The improvements design must be submitted to the State Highway Administration (SHA) within 30 days of final site plan approval, and SHA's concurrence of the feasibility of the project must be obtained within 90 days of final site plan approval. If for any reason the State does not allow these improvements to be constructed, the applicant shall be required to resubmit a revised TIS to the DPWPM&E for review and approval;
7. A Memorandum of Understanding with the City of Gaithersburg and Montgomery County Public Schools regarding the construction of Teacher's Way shall be executed prior to the issuance of Public Works permits;
8. Applicant shall work with staff to finalize a right-of-way maintenance agreement for public rights-of-way related to the project, which shall be approved by staff prior to the issuance of Public Works permits;
9. Final Forest Conservation Plan shall be approved by Environmental Services prior to the issuance of any site development permits;
10. Final landscape plan shall be approved by Environmental Services and Planning Staff prior to the issuance of any site development permits;
11. Applicant shall work with staff on the final design of the private alley on parcel P954;
12. The proposed design guidelines shall be revised and approved by Planning Staff prior to the issuance of building permits;
13. Applicant shall revise final hardscape details, including stoop details, to be approved by staff;
14. The Planning Commission shall grant a 79-space parking waiver;
15. The Planning Commission shall grant a waiver to allow for 8.5-foot wide parking stalls for the 81 retail parking spaces on the first floor of the parking garage; and

16. Applicant shall complete the Art in Public Places (AIPP) commitment prior to the release of site development bonds

Vote: 5-0

Vice-Chair Levy moved, seconded by Commissioner Winborne, to GRANT SP-08-0001 - Archstone at Olde Towne Gaithersburg, the following parking waivers:

1. A waiver of 79 spaces; and
2. A waiver for 8.5-foot wide stalls for the 81 retail spaces on the first floor of the parking garage.

Vote: 5-0

V. FROM THE COMMISSION

Vice-Chair Levy

Noted that since new development in Olde Towne is not required to include moderately priced dwelling units (MPDU) due to the abundance of affordable housing already there, as further development occurs in Olde Towne, attention must be paid so that existing affordable housing is not reduced to an inadequate amount in that area. Planning and Code Administration Director Ossont pointed out that the Central Business District is exempt from providing MPDU's and indicated that the issue would be a policy matter for consideration by the City Council as other redevelopment projects progress.

Commissioner Kaufman

Reported that too many parking spaces are being utilized by trucks in the Market Square parking lot and on the street near the Michael's store. He indicated that as a result, the Market Square parking lot looks like a truck depot rather than public parking. Mr. Kaufman requested that staff enforce the appropriate parking laws and/or request that the owners remove their trucks as soon as possible.

VI. FROM STAFF

Community Planning Director Schwarz

Listed the Commission's regular meeting schedule for April and noted that joint public hearings have been scheduled for April 7 and 21, 2008.

VII. ADJOURNMENT

There being no further business to come before this session, the meeting was duly adjourned at 9:30 p.m.

Respectfully submitted,

M. Gonzalez
Recording Secretary