

ORDINANCE NO. O-5-16

AN ORDINANCE OF THE MAYOR AND COUNCIL  
OF THE CITY OF GAITHERSBURG GRANTING APPROVAL  
OF Z-7262-2016, TO REZONE FOUR PROPERTIES ON 15.38 ACRES FROM THE  
C-2 (GENERAL COMMERCIAL) AND E-1 (URBAN EMPLOYMENT) ZONES TO THE  
MXD (MIXED USE DEVELOPMENT) ZONE AND ESTABLISH A NEW SKETCH  
PLAN IN ACCORDANCE WITH §24-196 (MAP AMENDMENTS) AND §24-160D.9(a)  
AND §24-160D.10(a) OF THE CITY CODE. THE PROPERTIES ARE LOCATED AT  
700 QUINCE ORCHARD ROAD, 1 BANK STREET, 5 BANK STREET, AND 14  
FIRSTFIELD ROAD, GAITHERSBURG, MARYLAND

**Z-7262-2016**

BE IT ORDAINED, by the Mayor and Council of the City of Gaithersburg, in public meeting assembled, that they find the following facts from the evidence of record in Zoning Map Amendment Application Z-7262-2016:

A. Application 7262-2016, filed March 10, 2016 requests to rezone four properties on 15.38 acres from the C-2 (General Commercial) and E-1 (Urban Employment) Zones to the MXD (Mixed Use Development) Zone and establish a new sketch plan. The subject properties (Property) are located at 700 Quince Orchard Road, 1 Bank Street, 5 Bank Street, and 14 Firstfield Road.

B. The subject property to be rezoned is defined as:

Being all of Lots 8 and 9, Block "C", Diamond Farm, recorded as Plat No. 22015 and all of Lots 10 and 11, Diamond Farm, recorded as Plat No. 24141, all recorded among the Land Records at Montgomery County, Maryland and being more particularly described in the datum of Maryland State Grid North ( NAD 83/91 ) as follows:

Beginning for the same at a point marking the southeasterly corner of the aforesaid Lot 9, Block "C", said point also lying on the westerly right-of-way line of Quince Orchard Road, 150 feet wide, recorded as Plat No. 9435 among the aforesaid Land Records, said point also marking the easterly end of the North 74° 55' 00" West, 756.63 foot plat line, recorded as said Plat No. 22015; thence leaving the aforesaid westerly right-of-way line of said Quince Orchard Road and running with the aforesaid North 74° 55' 00" West, 756.63 foot plat line

1) North 74° 54' 38" West, 756.64 feet to a point lying on the easterly right-of-way line of First Street, 80 feet wide, recorded as Plat No. 9435 among the aforesaid Land Records; thence running with a portion of the said easterly right-of-way line of First Street the following three (3) courses and distances

- 2) 187.33 feet along the arc of a non-tangent curve to the right having a radius of 2,000.00 feet and a chord bearing and distance of North 23° 22' 03" East, 187.26 feet to a point; thence
- 3) 733.75 feet along the arc of a non-tangent curve to the left having a radius of 2,800.00 feet and a chord bearing and distance of North 18° 32' 36" East, 731.65 feet to a point; thence
- 4) North 55° 14' 32" East, 35.68 feet to a point lying on the southerly right-of-way line of Bank Street, 80 feet wide, recorded as said Plat No. 9435; thence running with a portion of the said southerly right-of-way line of Bank Street the following three courses and distances
- 5) 354.62 feet along the arc of a non-tangent curve to the right having a radius of 3,774.29 feet and a chord bearing and distance of South 77° 36' 08" West, 354.49 feet to a point; thence
- 6) South 74° 54' 40" East, 283.49 feet to a point; thence
- 7) North 29° 54' 38" East, 35.36 feet to a point lying on the aforesaid westerly right-of-way line of Quince Orchard Road; thence running with a portion of the said westerly right-of-way line of Quince Orchard Road
- 8) South 15° 05' 22" West, 934.55 feet to the point of beginning, containing 670,214 square feet or 0.16088 acres of land as shown on Schedule B, WSSC Sketch A-28772.

C. The sketch plan submitted as part of Z-7262-2016, proposes a mix of uses including: single-family residential, laboratory, office (both general, medical and research), integrated light manufacturing, personal services, retail, banking, hotel and theater to be sited among three "Blocks" 1, 2 (A&B), and 3. The sketch plan divides the property into three blocks: Block 1 proposes up to 400,000 square feet of commercial, (heights limited to seven stories) with a combination of lab/office, R&D technology, retail/restaurant, and other uses; Block 2A and 2B proposes up to 175 residential townhome or two-over-two condominium units (heights limited to four to five stories), with a possible 5,000 square foot commercial component; and Block 3 proposes a cap of 200,000 square feet of the same commercial uses and heights identified for Block 1, with the addition of medical clinics and hotel.

D. A joint public hearing conducted by the Mayor & City Council and Planning Commission on Z-7262-2016 was held April 18, 2016. The Applicant gave a brief presentation outlining:

- The development options' details, including parking, building heights, and uses;
- Identifying a strategy for connectivity and internal circulation;
- The intent to either redevelop or adaptively reuse the existing DRS building; and
- The project's relation and context to the greater surrounding area.

The City Council and Planning Commission questioned the number and mix of residential units, an alternative plan for the existing office building, and phasing of the project. There was no public testimony.

E. The Planning Commission's Z-7262-2016 record closed at 5PM Friday May 20, 2016. The Commission made its recommendation for Z-7262-2016 on June 1, 2016, and forwarded their recommendation of approval of the rezoning and the Sketch Plan to the Mayor and City Council. The Commission's recommendation for approval included four conditions for said approval:

1. The Applicant is to amend the Sketch Plan to note that total non-residential development for Blocks 1, 2B, and 3 is not to exceed 502,000 square feet; and
2. The Applicant is to amend the Sketch Plan to define a cap of 10 percent of the total allowable non-residential use square footage in Block 1 for retail uses, excluding professional services for an adaptive reuse of the existing DRS Building; and
3. The Applicant is to amend the Sketch Plan to reflect that a Community Theater use is an allowed use related only to a full redevelopment of Block 1 and not an adaptive reuse of the existing DRS Building; and
4. The initial schematic development plan (SDP) application related to Sketch Plan Z-7262-2016 may not be Blocks 2A and 2B solely. The initial SDP application must include Block 1 and clearly define how parking for said block will be accommodated. Further, any initial SDP application must include a phasing plan that defines the relationship between Blocks 2A, 2B, and 1. Lastly, any initial SDP application must include comprehensive Design Guidelines that will include residential and commercial architectural standards, parking strategies, street cross sections, relationship of uses/blocks, internal/external connectivity, programming of open space, and both community and commercial signage standards.

The Mayor & City Council's Z-7262-2016 record closed at 5PM Friday June 10, 2016.

F. The City Council, during their policy discussion meeting on July 18, 2016, carefully reviewed the evidence of record and considered all submitted testimony, documents and correspondence presented, including the Planning Commission's recommendation for approval and made the following findings with respect to Application Z-7262-2016 as required by § 24-160D.10(a) of the City Code of the City Code:

(a) The City Council shall approve MXD zoning and the accompanying sketch plan only upon finding that:

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

a) Application Z-7262-2016 provides a mixed-use community development that will allow for multiple uses that ensure design flexibility and afford various architectural styles and designs that are harmonious within the Property and with

the surrounding community.

b) Application Z-7262-2016 is designed to integrate the various uses through roads, paths and green space, while still allowing each use or block to create a distinct personality.

c) Application Z-7262-2016 contributes to the mix of land uses including residential with a single-family fee-simple component and diverse commercial uses, with an emphasis on research/office, that work to complement one another both internally and within the greater immediate area composed of the Firstfield Employment Corridor, Quince Orchard Plaza, and NIST.

d) Application Z-7262-2016 contains a minimum of ten (10) acres and is located adjacent to and readily accessible from Quince Orchard Road (MD 124), Firstfield Road, and Bank Street and each are adequate to service the proposed development. It is intended that access will be available both within and to the site so that traffic does not have an adverse impact on the surrounding area or cause internal circulation or safety problems.

e) Application Z-7262-2016, as submitted, encourages the efficient use of land by: locating employment uses convenient to residential areas; reducing reliance upon automobile use with a centralized design and leveraging the proposed future CCT stops; explores internal and external connectivity to connect to the various neighborhoods; and providing new green space.

(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

While the Land Use Element does not specifically recommend for Z-7262-2016 properties to be zoned MXD, the Z-7262-2016 proposal is in accord with and fulfills recommendations from other elements of the Master Plan and the City's Annual Strategic Plan:

a) The City's Visions defined in the annual Strategic Plan state the City, "Has safe, livable neighborhoods with a variety of housing types and styles served by diverse transportation options." Z-7262-2016 introduces fee-simple single-family homes into an immediate area dominated by multi-family housing and will be served by both new bicycle facilities and two future CCT stations.

b) The FY 17 Strategic Plan has as a City objective: Promote rezoning of parcels that exhibit strong development and redevelopment potential in accordance with the Master Plan. Z-7262-2016 includes both undeveloped and vacant parcels and aging office buildings in an area identified as a Targeted Growth & Revitalization area under PlanMD. Application Z-7262-2016 is seeking to rezone to provide a mix of uses that maximize its positional context.

c) The FY 17 Strategic Plan has as a City objective: Provide opportunities to redevelop or improve underutilized properties. Z-7262-2016 includes both

undeveloped and vacant parcels and aging office buildings in an area identified as a Targeted Growth & Revitalization area under PlanMD. Z-7262-2016 will develop both by densifying all parcels with a mix of residential, commercial, and employment uses.

d) The Process and Overview Element encourages placing employment and commercial uses in close proximity to residential areas. Z-7262-2016 will introduce residential uses within the Firstfield Employment Corridor and in close proximity to retail hubs.

e) The Process and Overview Element encourages addressing the future housing mix and affordability and demographic makeup of the City. Z-7262-2016 proposes fee simple ownership housing in an area that is predominantly rental in nature. More importantly, it provides affordable housing options in an area that lacks such options.

(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.

Application Z-7262-2016 is compatible and harmonious with the adjacent area. A variety of uses and zones are found in the proximate vicinity of the Property, including two MWCOC Activity Centers. The broad mix of uses proposed by Z-7262-2016, with a focus on research and office, and new single-family residences in an area immediately dominated by multi-family allows opportunities for the Property to develop and integrate into the greater community; strengthening the “live where you work” philosophy. The implementation of the MXD Zone will afford uses that will complement the surrounding vicinity such as the adjacent Quince Orchard Plaza shopping center and may be a catalyst for future growth on other sites within the aging Firstfield Corridor.

Z-7262-2016 focuses on maximizing employment opportunities as envisioned by the Property’s previous E-1 zoning and creating a neighborhood for residents to live, work and play. With respect to the employment uses, currently, the Property supports commercial uses totaling 201,186 square feet. Z-7262-2016 proposes to potentially more than double the existing non-residential square footage at full build-out, at the same time as it provides single-family ownership opportunities for City residents that desire to live near their jobs.

## Conclusion

Application Z-7262-2016 conforms to the purpose of the MXD Zone and the densities and uses proposed in the sketch plan are harmonious and consistent with the proposed surrounding development and the City's vision for revitalizing the Firstfield Corridor. The Property's smart growth infill strategies resulting from rezoning are sound from a planning perspective and this project could be a catalytic, City-asset. Therefore, this property is appropriate for rezoning to MXD, Mixed Use Development.

Based upon the reasons and findings cited above, application Z-7262-2016 is granted with the following four conditions:

1. The Applicant is to amend the Sketch Plan to note that total non-residential development for Blocks 1, 2B, and 3 is not to exceed 502,000 square feet; and

2. The Applicant is to amend the Sketch Plan to define a cap of 10 percent of the total allowable non-residential use square footage in Block 1 for retail uses, excluding professional services for an adaptive reuse of the existing DRS Building; and

3. The Applicant is to amend the Sketch Plan to reflect that a Community Theater use is an allowed use related only to a full redevelopment of Block 1 and not an adaptive reuse of the existing DRS Building; and

4. The initial schematic development plan (SDP) application related to Sketch Plan Z-7262-2016 may not be Blocks 2A and 2B solely. The initial SDP application must include Block 1 and clearly define how parking for said block will be accommodated. Further, any initial SDP application must include a phasing plan that defines the relationship between Blocks 2A, 2B, and 1. Lastly, any initial SDP application must include comprehensive Design Guidelines that will include residential and commercial architectural standards, parking strategies, street cross sections, relationship of uses/blocks, internal/external connectivity, programming of open space, and both community and commercial signage standards.

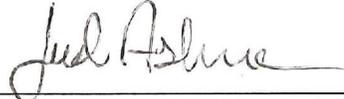
ADOPTED by the City Council this 18th day of July, 2016.



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JUD ASHMAN, MAYOR and  
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg this 18th day of July, 2016.  
APPROVED by the Mayor of the City of Gaithersburg this 18th day of July, 2016.



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JUD ASHMAN, MAYOR

THIS IS TO CERTIFY, that the foregoing Ordinance was adopted by the City Council of the City of Gaithersburg, in public meeting assembled on the 18th day of July, 2016; and that the same was APPROVED by the Mayor of the City of Gaithersburg on the 18th day of July, 2016. This Ordinance will become effective on the 8th day of August, 2016.



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Tony Tomasello, City Manager