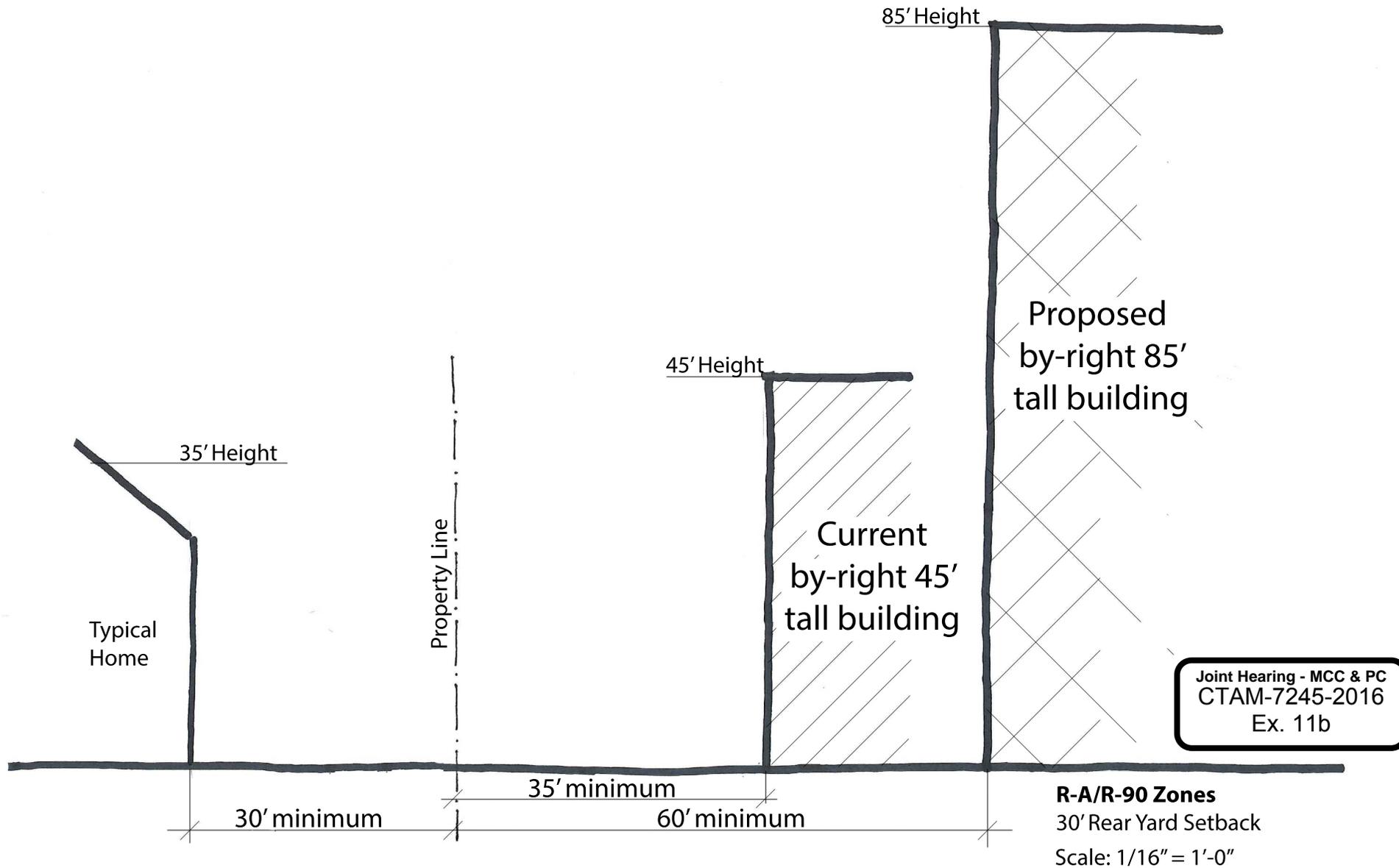


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Ex. 11a

* Additional setbacks required in R-18 and R-20 Zones for buildings over a certain height (35' in the R-18 Zone and 30' in the R-20 Zone).



STAFF COMMENTS FOR PLANNING COMMISSION

MEETING DATE: April 20, 2016

TEXT AMENDMENT: CTAM-7245-2016

TITLE: Modifications of the height restriction, setbacks, and general "housekeeping" in the E-1 (Urban Employment) and E-2 (Moderate Intensity Industrial Park) Zones.

REQUEST: RECOMMENDATION TO M&CC

STAFF LIAISON: Gregory Mann, Planner

Enclosures:

Staff Comments
Draft CTAM-7245-2016 Ordinance
Index of Memorandum and Exhibits (in **Bold**)

STAFF COMMENTS

This item is on the Commission's agenda for a transmittal of a recommendation to the Mayor and City Council. The consolidated joint public hearing regarding CTAM-7245-2016 was held on March 21, 2016. There was one member of the public who testified during the hearing. The Planning Commission held open its record until 5:00PM on April 11, 2016. At the time of the commission's record closing, one additional public testimony has been received into the record. Background material on the consolidated joint public hearing can be found at the following link.

<http://sirepub.gaitHERSBURGMD.GOV/sirepub/mtgviewer.aspx?meetid=2574&doctype=A>
[GENDA](#)

As discussed during the public hearing, the purpose of the proposed amendment is to increase the maximum building height in the E-1 (Urban Employment) Zone from forty-five (45) feet to eighty-five (85) feet. Additionally, to protect residentially zoned properties, this amendment further requires buildings over forty-five (45) feet to provide additional side and/or rear yard setbacks when abutting a residential zone. As a result of cross-referencing this amendment will also increase the height limit and minimum setbacks in the E-2 (Moderate Intensity Industrial Park) Zone. Lastly, during the review of the E-1 and E-2 Zones, Staff has noted minor "housekeeping" items, including incorrect Code cross-references, which will also be corrected with this amendment.

Staff has noted a minor error in the setback chart provided in the Staff memorandum at the time of the consolidated joint public hearing. Townhouse developments in the R-20 zone approved on or after May 2, 1979 have a minimum setback of 20 feet, while multifamily buildings have a setback of 30 feet. This was not depicted accurately before and as such the chart below has been updated to reflect the correct setbacks in the R-20 zone.

Zone	Setback	Maximum Building to Building Distance
R-A	Rear Yard: 30 Feet Side Yard: 15 Feet	Rear Yard: 90 Feet Side Yard: 75 Feet
R-90	Rear Yard: 30 Feet Side Yard: 10 Feet	Rear Yard: 90 Feet Side Yard: 70 Feet
R-90C	20 Feet external boundary	80 Feet
R-20	Rear Yard: 30 Feet Side Yard: 20 Feet <u>Townhouse development:</u> Rear Yard: 20 Feet	Rear Yard: 90 Feet Side Yard: 80 Feet Rear Yard: 80 Feet
RP-T	20 feet outside boundary line	80 Feet
R-6	20 feet outside boundary line	80 Feet
R-18	20 feet outside boundary line	80 Feet

In response to the comments raised during the public hearing, Staff has provided cross-sections which graphically depict the differences between the required minimum rear yard setbacks between a 45 feet and 85 feet tall building abutting residentially zoned properties (exhibit 11a-b). Lastly, during the public hearing, Staff was asked to provide a sample list of commercial buildings that are currently around 85 feet tall in the city. Staff has compiled the following sample list of commercial buildings in the City that are 80' tall and greater, please note this sample list does not include all buildings. Further, the listed heights do not include mechanical penthouses.

- Kaiser Permanente (655 Watkins Mill Road) – **83 feet** (6 stories), I-3 Zone
- 656 Quince Orchard Office Building – **94 feet** (7 stories), C-2 Zone
- MedImmune Area 6 – Great Seneca Highway -**106 feet** (7 Stories) a 20' mechanical penthouse is not included in the height of the building
- Washingtonian South – **108 feet** (8 stories), MXD Zone

Conclusion:

Staff recommends that the Planning Commission **RECOMMEND ADOPTION OF TEXT AMENDMENT CTAM-7245-2016 TO THE MAYOR AND CITY COUNCIL.**

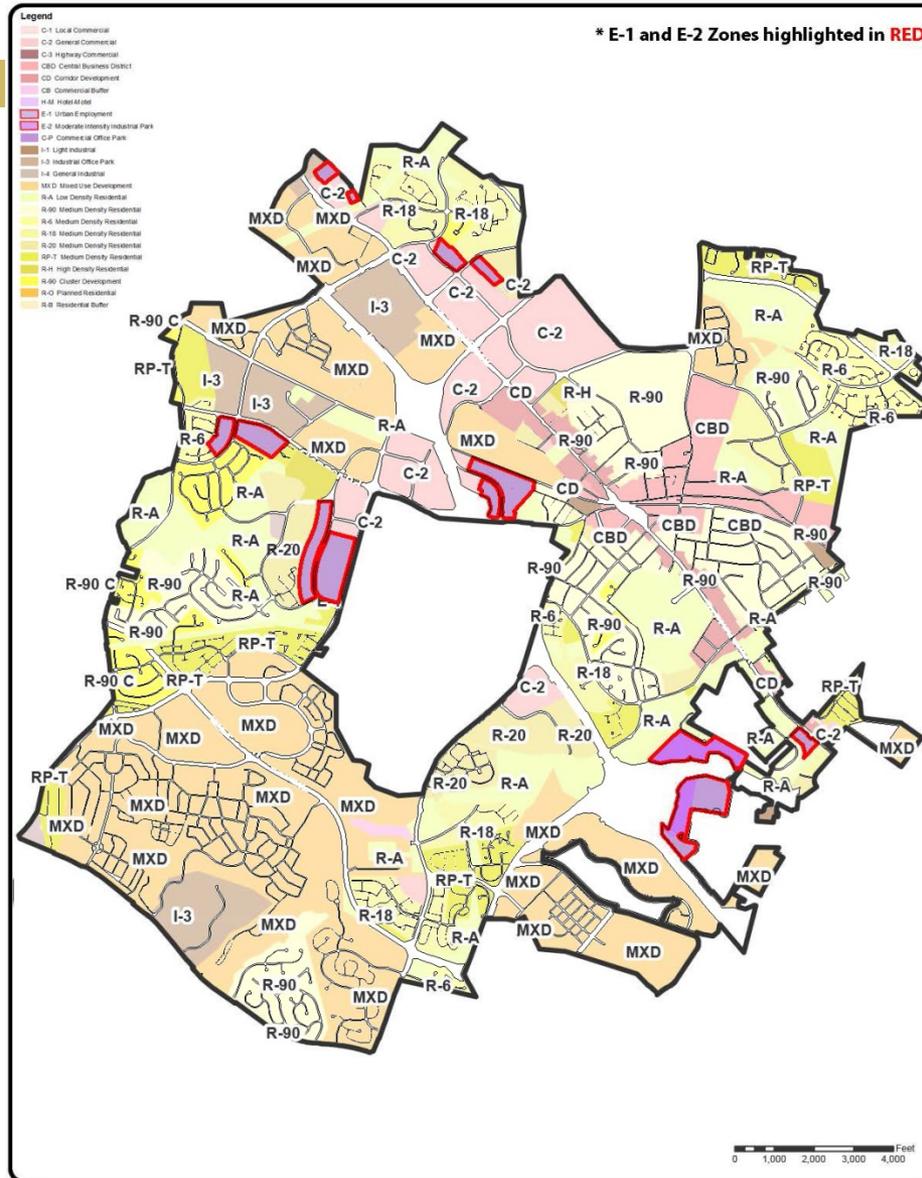
*CTAM-7245-2016
Modifications of the Height
Restriction and General
“Housekeeping” in the E-1 and E-2
Zones.*

Facets of the Amendment

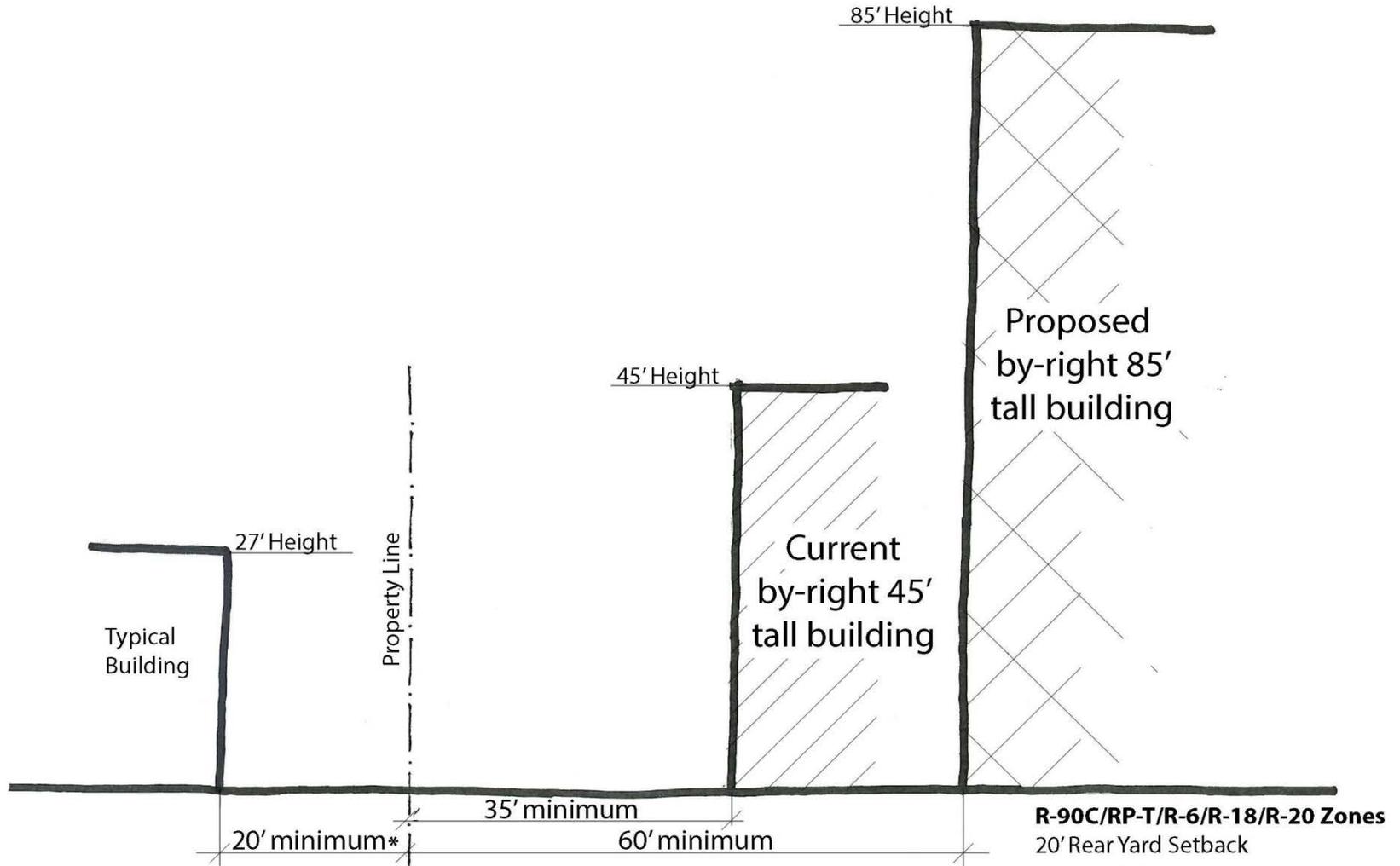
2

- Three facets of the Text Amendment:
 - ▣ Increase the maximum building height in the E-1 Zone from 45' to 85'.
 - ▣ Amend the setbacks
 - ▣ Housekeeping
- Because of cross-referencing, the amendment will also amend the E-2 Zone.

E-1 and E-2 Locations

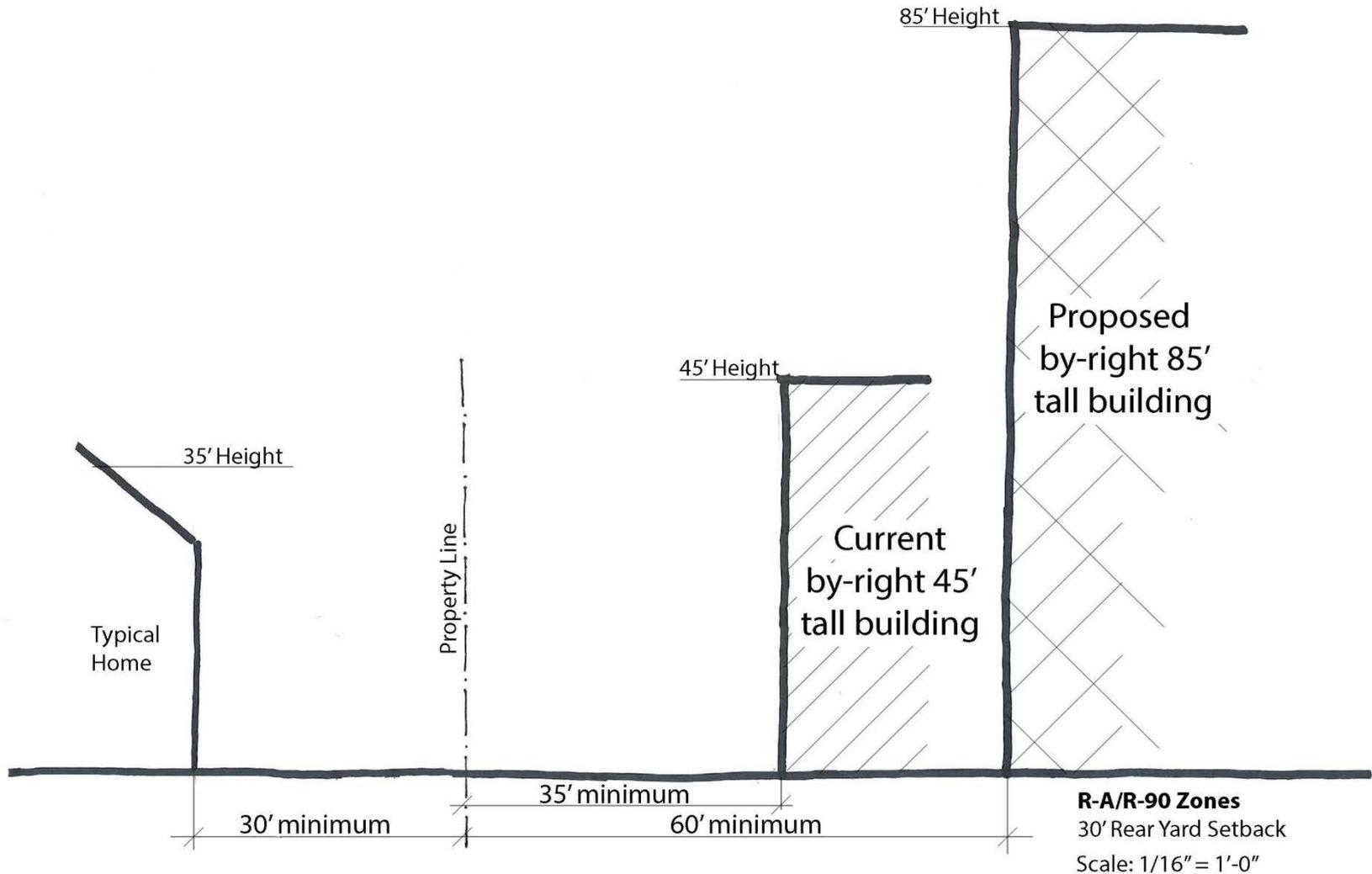


Proposed Text Amendment



* Additional setbacks required in R-18 and R-20 Zones for buildings over a certain height (35' in the R-18 Zone and 30' in the R-20 Zone).

Proposed Text Amendment



Proposed Text Amendment

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Proposed Text Amendment

7

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Proposed Text Amendment

8

Kaiser Permanente (655 Watkins Mill Road) – **83 feet** (6 stories), I-3 Zone



Proposed Text Amendment

9

656 Quince Orchard Office Building – **94 feet** (7 stories), C-2 Zone



Proposed Text Amendment

10

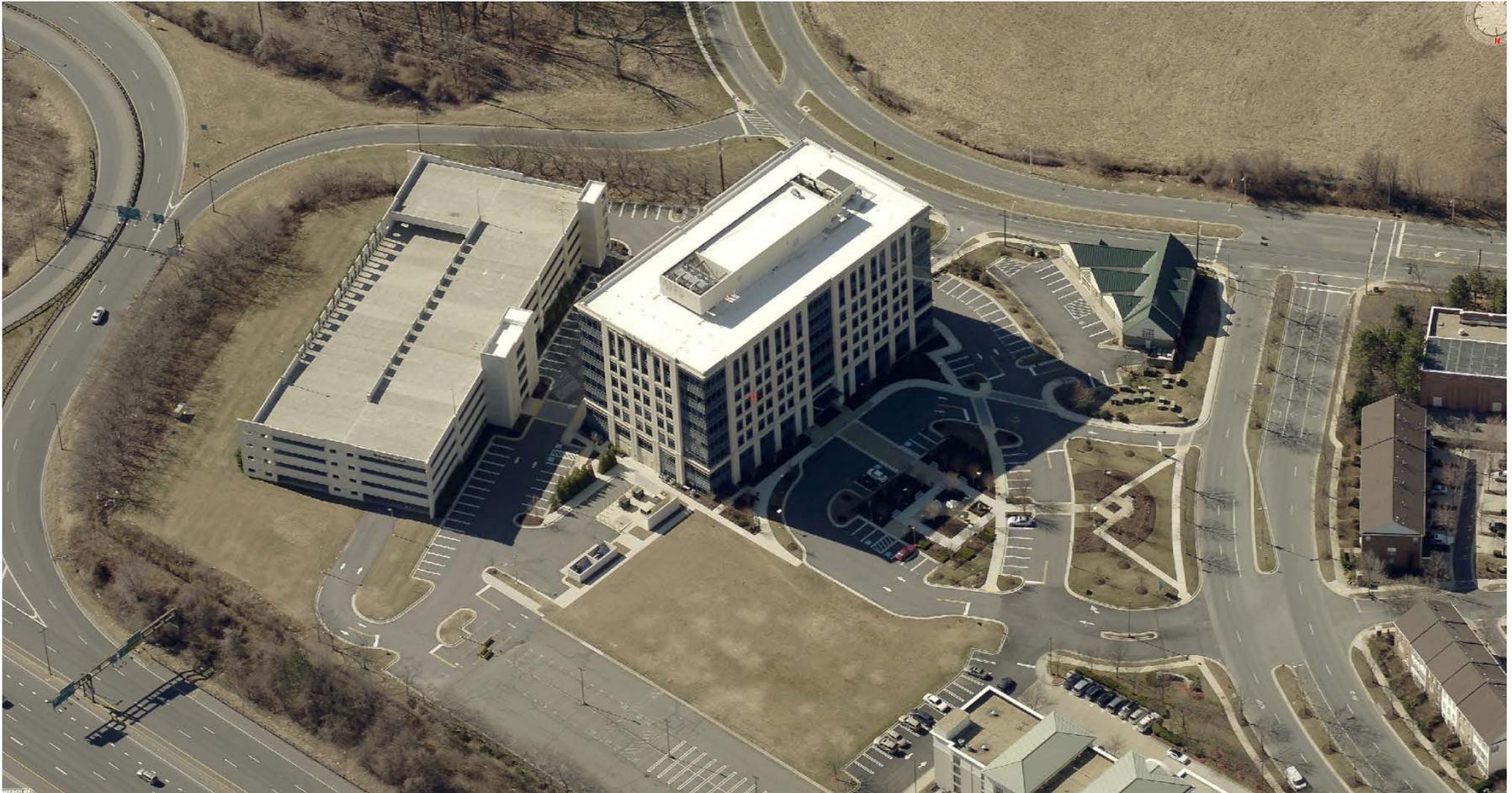
MedImmune Area 6 – Great Seneca Highway - **106 feet** (7 Stories) a 20' mechanical penthouse is not included in the height of the building



Proposed Text Amendment

11

Washingtonian South – **108 feet** (8 stories), MXD Zone



CERTIFICATE OF PUBLICATION

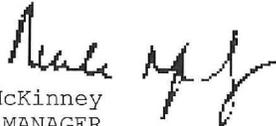
The Washington Post Company hereby certifies that it is the publisher of The Washington Post; that The Washington Post is a newspaper of general circulation, published daily in the City of Washington, District of Columbia; that The Washington Post has been so published continuously for more than one year prior to the date of first publication of the notice mentioned below; that the undersigned person is the duly authorized agent of The Washington Post Company to execute this certificate on its behalf; and that a notice of which the annexed is a true copy was printed and published in said newspaper on the following date(s) at a cost of \$452.04 and was circulated in the Washington metropolitan area.

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Account

THE WASHINGTON POST

By


Nicole McKinney
BILLING MANAGER

NOTICE OF JOINT PUBLIC HEARING The Mayor and City Council and the Planning Commission of the City of Gaithersburg, Maryland, will conduct a joint public hearing on Zoning Ordinance Text Amendment CTAM-7245-2016 on MONDAY MARCH 21, 2016 AT 7:30 P.M. or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland. The amendment proposes to amend Chapter 24 (City Zoning Ordinance), of the City Code, Article III, entitled #Regulations Applicable to Particular Zones," Division 17, entitled #E-1 Zone, Urban Employment," § 24-152, entitled #Performance Standards," § 24-153, entitled #Outdoor Storage," § 24-157, entitled #Yard Requirements," § 24-158, entitled #Height Restrictions," and Division 18, entitled #E-2 Zone, Moderate Intensity Industrial Park," § 24-160C, entitled #Development Standards and Requirements."

The purpose of the text amendment is to modify the height restriction and general #housekeeping" updates in the E-1 and E-2 Zones. Further information may be obtained from the Planning and Code Administration Department at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday, or visit the City's website at: <http://www.gaithersburgmd.gov/government/city-projects> . Gregory Mann, Planner planning@gaithersburgmd.gov Planning and Code Administration

Joint Hearing - MCC & PC
CTAM-7245-2016
Ex. 14

COMMUNICATION: PLANNING COMMISSION

MEMORANDUM TO: Mayor and City Council

FROM: Planning Commission

DATE: April 21, 2016

SUBJECT: CTAM-7245-2016 -- Modifications of the height restriction, setbacks, and general housekeeping in the E-1 and E-2 Zones

At its regular meeting on April 20, 2016, the Planning Commission made the following motion:

Commissioner Kaufman moved, seconded by Commissioner Wessell, to recommend Text Amendment CTAM-7245-2016 for ADOPTION to the Mayor and City Council.
Vote: 3-0-1

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CTAM-7245-2016
Ex. 15