

COMMUNICATION: PLANNING COMMISSION

MEMORANDUM TO: Mayor and City Council
Planning Commission

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

DATE: April 26, 2012

SUBJECT: Staff Analysis: Z-316, Montgomery County Agricultural Center

APPLICANT/ PROPERTY OWNER

Montgomery County Agricultural Center
16 Chestnut Street
Gaithersburg, MD 20877

TAX ACCOUNT NUMBERS

00840840, 00820328

REQUEST

This is an application to rezone 62.83 acres of land from the R-A (Low Density Residential) Zone and the I-1 (Light Industrial) Zone to the MXD (Mixed Use Development) Zone, in accordance with § 24-196 (Map Amendments) and § 24-160D.9(a) & § 24-160D.10(a) of the City Code. The property is located southeast of the Exit 11, I-270 interchange, north of the CSX railroad tracks, east of Perry Parkway, and west of Chestnut Street.

REQUIRED ACTIONS

Zoning Map Amendment Z-316

The applicant is requesting a map amendment from the R-A and I-1 Zones to the MXD Zone, which is identified by § 24-10A of the City Code as a floating zone. According to § 24-10A(2) of the City Code:

(2) The approval of 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 compatible and harmonious with existing and planned land uses in the surrounding area.

Joint Hearing - MCC & PC
Z-316
Exhibit #38

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

- (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
 - (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;
 - (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 accompanying sketch plan will be compatible and harmonious with the surrounding planned and existing land uses. The sketch plan must also meet or accomplish the objectives and minimum standards and requirements of the zone.

GENERAL INFORMATION

LOCATION:

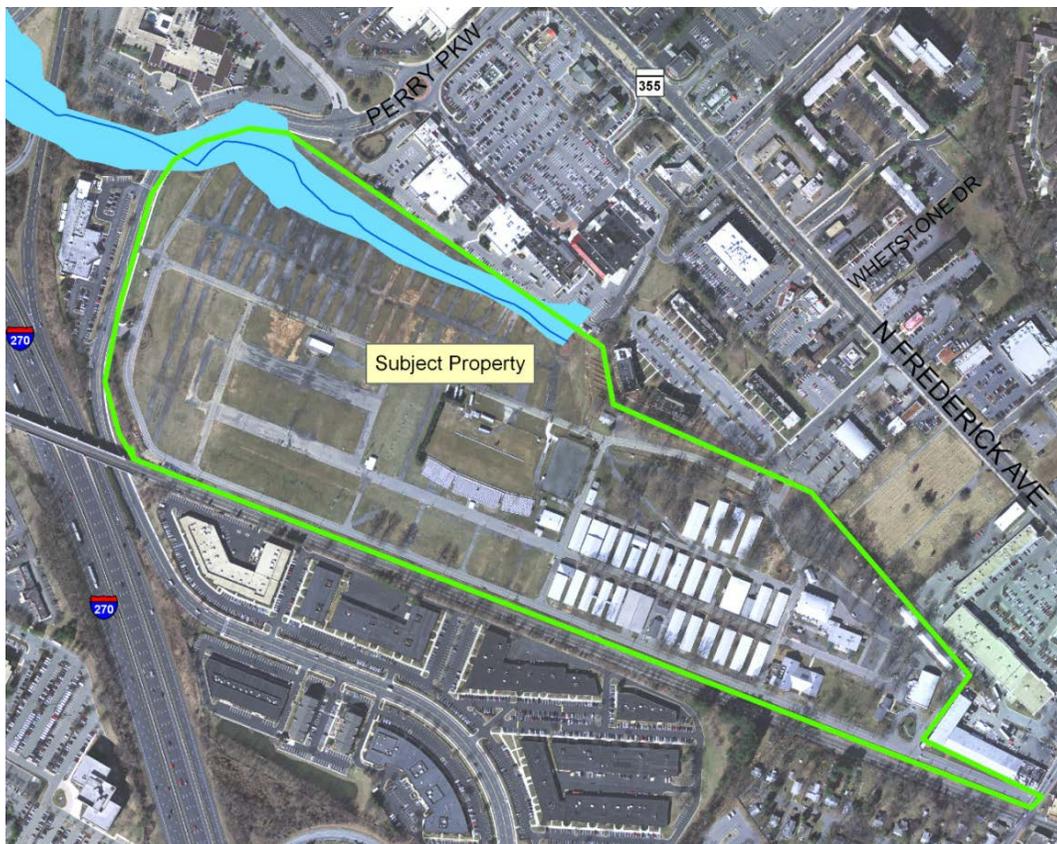


Location Map Z-316

The property is located southeast of the Exit 11, I-270 interchange, north of the CSX railroad tracks, east of Perry Parkway, and west of Chestnut Street on 62.83 acres of land. The property is commonly known as the Montgomery County Montgomery County Agricultural Center or the Fairgrounds (Parcels P700 and P616) in the City of Gaithersburg.

EXISTING LAND USE/ENVIRONMENTAL CHARACTERISTICS:

The property consists of open fields with gravel parking areas, access roads, and storage facility buildings. Mature landscaped shade trees exist throughout the property. There are approximately 100 specimen trees located on the property. The property is located within the Great Seneca Creek Watershed and there are no wetlands or stream valley buffers onsite. There are no rare, threatened, or endangered species, or historic features or vistas found onsite. There is a floodplain on the northeastern portion of the property. This area was put into a storm drain pipe several years ago. The applicant will be required to apply to the Federal Emergency Management Agency (FEMA) to modify the Flood Insurance Rate Maps (FIRM) in order to do any development in the area as shown in the map below.

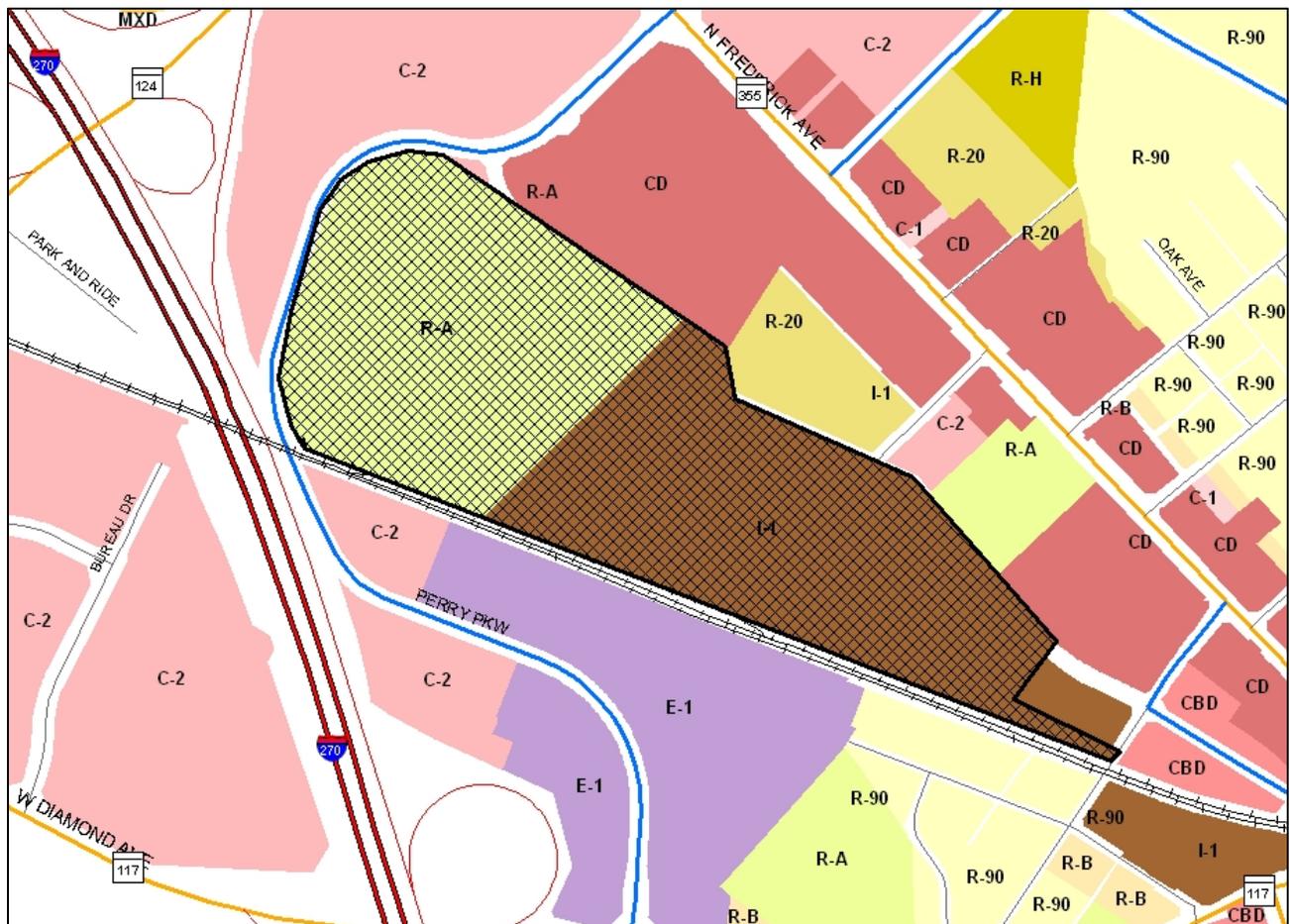


The Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) was approved on January 13, 2011 (Exhibit #10). There is a condition of approval as noted on the plan that

the applicant must obtain a Letter of Map Revision (LOMR) at prior to Schematic Development Approval.

NEIGHBORHOOD LAND USE AND ZONING:

The property is surrounded on all sides by commercial, light industrial, office, and residential uses. Bordering the site to the south, beyond the CSX railroad tracks, is the Avenel Business Park, an office park that is zoned C-2 (General Commercial) and E-1 (Urban Employment), and also the Chestnut/Meem Historic District; a residential neighborhood zoned R-90 (Medium Density Residential). To the west of the site, is the VCA Animal Hospital and Hilton Hotel sites, zoned C-2. To the north of the site is the commercial shopping center Gaithersburg Square, zoned CD (Corridor Development); the Dalamar Apartments multifamily apartment complex development, zoned R-20 (Medium Density Residential); the Golden Bull restaurant site, zoned C-2; the Forest Oak Cemetery, zoned R-A; and the Gaitherstowne Plaza, commercial shopping center, zoned CD. To the east of the site is the Standard Supplies property zoned I-1, which serves as a light industrial/warehouse use. Also to the east of the site, across Chestnut Street, are the Oaks at Olde Towne, a senior living multifamily apartment complex, and the Rockville Fuel and Feed and Historic Cannery mixed use centers, both zoned CBD (Central Business District).



Surrounding zoning of Z-316

PUBLIC FACILITIES:

Water and Sewer Services and Public Utilities

The subject property currently has WSSC water and sewer categories of W-1 and S-1, respectively. These category designations mean the property is currently served by both water and sewer service and any development could expand those services. Further, the *2003 Municipal Growth Element* and the *2009 Water Resources Element* both affirmed that there is sufficient water and sewer supply capacity for growth area developments with an overall average density of 32 dwelling units per acre. The maximum proposed density for the sketch plan is just below 22 dwelling units per acre and, therefore, sufficient water and sewer capacity exists to support the proposed development.

Fire and Emergency Services

The following stations provide ten minute response times to the site or portions thereof:

- Rockville Fire Station, 31 located near Darnestown Road/Quince Orchard Roads,
- Gaithersburg Fire Station 28, located near Shady Grove/Muncaster Mill Roads;
- Gaithersburg-Washington Grove Fire Station 8, located on Russell Avenue; and
- Germantown East Fire Station 34, located near Boland Farm Rd/MD RT 355

Therefore, the site complies with the requirements for the Adequate Public Facilities requirements for Emergency Services.

Adequacy of School Capacity

Section 24-246, Adequacy of School Capacity, of the City Code states: "With the exception of age restricted development, schematic development plan or preliminary site plan for residential development shall not be approved if the subject property is within the attendance area of a Montgomery County Public School that is forecasted to have a student population that exceeds one hundred ten (110) percent of Montgomery County Public Schools Program Capacity two (2) years in the future..."

The 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 area are Gaithersburg High School, Gaithersburg Middle School, and Gaithersburg Elementary School. The staff review of the *2012-2017 MCPS Capital Budget and Capital Improvements Program* indicated that Gaithersburg Elementary School within the Gaithersburg Cluster serving the subject site is above the capacity level of 110 percent. During the zoning map amendment/sketch plan process, the applicant is not required to demonstrate school capacity. At the time of schematic development review, the applicant will need to demonstrate compliance with § 24-246.

Traffic Impacts

The applicant has submitted a Traffic Study by The Traffic Group (Exhibit #11), dated December 3, 2010, which a report on the existing traffic conditions. The report states that "...as the development moves through additional City approvals, the size and scope of the project will be defined. At that time, additional Traffic Studies will be necessary based upon the City's APFO requirements showing levels of service of all intersections in the study area and any recommendation improvements needed to bring those intersections below the City's Congestion Standard." The study notes that with the exception of the MD 355/MD 124 intersection, capacity does exist in this area to accommodate future development. The analysis does not take into consideration the positive influence of the I-270 and Watkins Mill Interchange and the extension of Watkins Mill Road to MD 355, which will provide relief for the MD 355/MD 124 intersection. Engineering Services Director Mumpower reviewed the traffic study and agrees with its findings (Exhibit #15).

An additional study was submitted (Exhibit 28) and reviewed by City Staff. Since then, the City Council and Planning Commission have reviewed some proposed changes to the Traffic Impact Study Standards. These changes propose that a Traffic Impact Study would not be required until the submittal of a schematic development application. At that time, the actual uses proposed by the plan will allow more precise traffic impacts and assist the City and the applicant in proper mitigation methods.

Public Transportation

The site could be serviced by Montgomery County Ride On Bus routes #54, #55, #59 and #61. The property is located within a half-mile of the Maryland Area Rail Connection (MARC) train station in Olde Towne and within a reasonable proximity to the Park and Ride Lots along I-270 interchanges, the transit center at Lakeforest Mall, and the future Corridor Cities Transitway station at Watkins Mill Town Center.

Affordable Housing

The proposed project will be required to provide an affordable housing component per City Article XVI of the City's Zoning Ordinance and will be implemented under City Regulation 01-09. The final distribution of units will be determined at final site plan, in accordance with the City regulations.

SKETCH PLAN Z-316:

The applicant has submitted a Project Description of the site that provides a detailed overview of the map amendment and sketch plan proposals (Exhibit #25). This document further demonstrates how the map amendment application will conform to the provisions of the MXD Zone (Sections 24-160D.(1-13)).

As the sketch plan proposal indicates, the site will be developed in several phases and sections which encompass a mix of uses. Below is a table of the site's proposal:

Location	West	Central	Eastern
Use	Mixed Use with non-residential focus	Mixed Use with Residential Focus	Mixed Use with Residential Focus
Development Data	750,000-1,035,000 sq ft of mixed use	50,000-75,000 sq ft of mixed use	Up to 40,000 sq ft mixed use
	400 - 500 multifamily dwelling units	500-600 multifamily, single family attached and detached residential units	200-250 multifamily & single family attached residential units
	Fifteen (15) story height limits	Eight (8) story height limits	Four (4) story height limits
	Surface, on-street, structured parking	Surface, on-street, structured parking	Surface and street parking

Summary of Development Proposal:

- The residential component is proposed to be between 1,100-1,350 units
- In accordance with the provisions of the MXD Zone, the amount of green space dedicated for residential areas will not be less than 40 percent and not less than 25 percent for areas dedicated to commercial/employment/industrial uses
- The maximum density for commercial/employment/industrial uses shall not exceed a floor to area ratio of 0.75

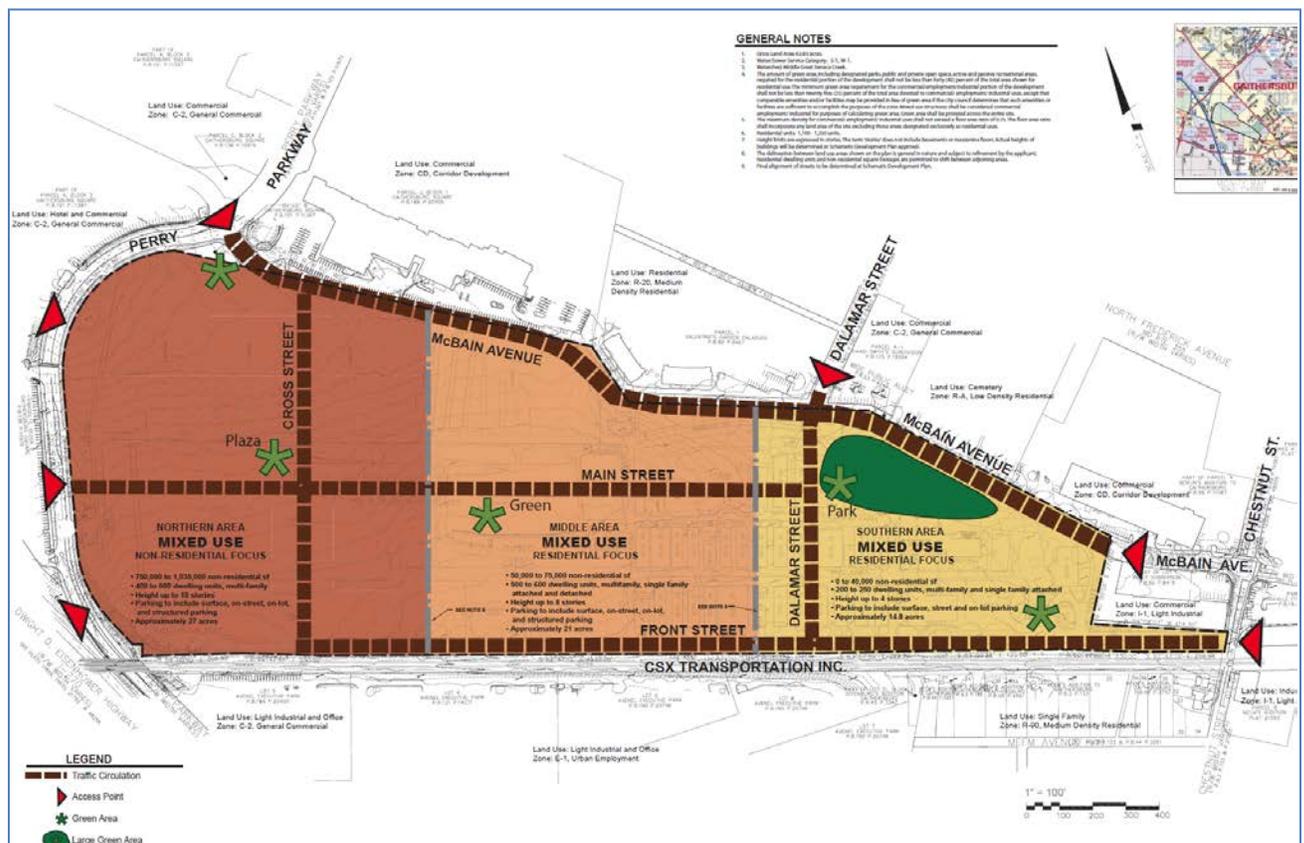


Exhibit 36- Z-316 Illustrative Sketch Plan

Phasing Plan

The applicant has submitted a general phasing plan which proposes development from the west (Perry Parkway) to the east (Chestnut Street). Phasing is summarized below and depicted in the following illustration from the applicant's Project Description (Exhibit #25.):

	Acres	Non-Residential	Residential
Phase 1:	25 +/-	600,000 to 750,000 gsf (.55-.69 FAR)	550 to 700 du (22-28 du/ac)
Phase 2:	37.8 +/-	200,000 to 400,000 gsf (.12-.24 FAR)	550 to 650 du (14.5-17.2 du/ac)
Total:	62.8 +/-	800,000 to 1,150,000 gsf (.29-.42 FAR)	1,100 to 1350 du (17.5-21.5 du/ac)



Page 10 of the Project Description – Exhibit #25

The Project Description also discusses staging of Community Amenities including Open Space. The specifics of the phasing of amenities will be reviewed at schematic development review.

MASTER PLAN RECOMMENDATIONS/SITE PLAN HISTORY

Land Use

The Special Study Area Frederick Avenue Corridor Land Use Plan, adopted in 2001, recognized that the Montgomery County Agricultural Center/Fairgrounds “*enhanced the*

area and is a draw for tourists and local businesses” and titled one of the development districts as the “Fairgrounds Commercial District.” However, no recommendations for the Fairgrounds property were provided in the special study area element.

The 2009 Land Use Element of the Master Plan adopted December 20, 2012 (Exhibit 32) states the following for the subject site:

This designation consists of approximately 64.8 acres including the two largest parcels owned by the Montgomery County Agricultural Center, Inc. (MCAC). These parcels are not publically owned because MCAC, Inc. is a private entity. Parcel N934 is also a private parcel owned by Lamar Properties, LLC.

MCAC, Inc. has submitted an application for rezoning to the Mixed Use Development (MXD) zone. The application is under review with an anticipated public hearing being held in 2011. Should the rezoning be approved and a sketch plan established for these parcels, the approved sketch plan will act as the guiding land use recommendations for this map designation. Should the property not be rezoned in the near term, it is recommended that the parcels be reviewed as part of a comprehensive rezoning process in the same manner as the Lakeforest Mall properties.

Applicable Strategic Direction: Planning, Economic, Housing

Land Use and Zoning Actions:

- *Adopt Commercial-Office-Residential land use designation*
- *Recommend zoning change from R-A to MXD for Parcel P616*
- *Recommend zoning change from I-1 to MXD for Parcel P700 and Outlot B*

Transportation

Specific recommendations regarding the Frederick Avenue Commercial District, which adjoins this property, include:

- *Study raising the AFPO congestion standard to help foster redevelopment opportunities and better reflect the realities of a more urban environment.*
- *Any potential redevelopment of either Lakeforest Mall or the Fairgrounds should include an alternative main road running parallel to MD 355. These projects should also include an internal grid network of roads linking to the established network. This network will help disperse and not concentrate traffic*

One of the parallel alternative roads is McBain Avenue. Additionally, the element includes suggestions for mitigation techniques which will be further explored at the time of schematic development review. The site is serviced by the County Ride On Bus service and is in proximity of the MARC Train and the proposed Bus Rapid Transit on Frederick Avenue.

Additionally, the Project Description (Exhibit #25) addresses the project’s compliance with the Process and Overview, Municipal Growth, Water Resources, and the Community Facilities Elements of the Master Plan, in addition to the City’s Smart Growth Policy.

Site Plan

The property has received amendment to final plan approvals from the Planning Commission for minor changes to the site, including structural changes to the barn/utility buildings, new pavilion and outdoor seating areas, and the approvals of new access points to the site.

STAFF ANALYSIS:

A joint public hearing was held on this application on February 22, 2011, the record was left open indefinitely in order for the applicant to respond to questions raised at the hearing and to conduct a work session. A joint work session was held on March 26, 2012. The Planning Commission held its record open until April 25, and is scheduled to make a recommendation to the Mayor and City Council on May 2, 2012. The Mayor and City Council held its record open until May 10, 2012, and is anticipated to hold a policy discussion on June 4, 2012.

The Planning Staff has reviewed the evidence of record, and considered all submitted testimony, documents and correspondence presented, and makes the following findings with respect to Application Z-316, 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) The 2009 City of Gaithersburg Land Use Master Plan recommends that the subject property be designated as mixed use residential-office-commercial with a zoning classification of MXD.
- b) The project encourages orderly staged development of a large-scale and multi-use project by staging the project into two phases as shown in the Project Description (Exhibit #25). Phase 1 incorporates a mix of commercial, office and residential development; and Phase 2 will also provide for a mix of uses, which will complement the development of the Frederick Avenue Corridor. The staging will be further monitored by the process and review of the schematic development and final site plans.
- c) The project proposes a flexible mix of residential and commercial/retail uses displayed on the Sketch Plan, Exhibit #36 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 with the Design Guidelines), structured parking and well landscaped amenity spaces.

- d) The project efficiently uses the land by retaining continuous circulation through the site, by connecting to existing vehicular and pedestrian connections, and by enhancing those connections through new sidewalks and intersection improvements. A suitable residential environment is enhanced and complemented by uses such as commercial, recreation, open space, employment and potentially institutional uses and amenities within a mixed-use design. The mix of uses will allow for less vehicle trips as the residential is convenient to existing and proposed retail and employment areas. In addition, the property is served by multiple Montgomery County Ride-On routes and a portion of the property is within a half mile distance of a MARC train station.
- e) The proposed sketch plan has been divided into three areas and locates uses within the plan in such a way as to be compatible with the adjacent existing uses. Each of the areas will transition to the next area and the adjoining uses. The MXD Zone and the proposed design standards provide the opportunity to incorporate higher standards of land planning and site design.
- f) The Applicants have submitted and received approval of a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD). The proposed sketch plan will enhance the environment by maintaining some of the wooded area of the property. Complying with stormwater management regulations which will reduce the impact of water runoff, improve the water quality coming from the property, and minimize erosion of existing water courses. At the time of schematic development plan, the applicant will need to receive an approved LOMR from FEMA in order to development that portion of the property.

Minimum Standards:

As stated above, the application and exhibits comply with the 2009 *Master Plan Land Use Element*, which proposes mixed use development for this site. The application complies with the minimum land area for the zone. Additionally, it complies with other elements of the master plan related to transportation, water resources, community facilities, visions of the plan and municipal growth.

(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, the 2009 *City of Gaithersburg Master Plan Land Use Element* recommends that the subject property be developed as a mixed use residential-office-commercial area as a location for future redevelopment of higher density residential and/or office uses. The Property has been identified as a key growth area, and is strategically located in close proximity to Olde Towne and the Frederick Avenue redevelopment corridor. Olde Towne is the major Activity Center in the City and its Central Business District. Therefore, the plan is in accord with the 2009 *City of Gaithersburg Master Plan*.

There were no special conditions or requirements contained in the master plan. Additionally, it complies with other elements of the master plan related to transportation, water resources, community facilities, visions of the plan and the municipal growth.

(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 sketch plan and other exhibits, such as the project description and the design guidelines of this application create a development that is compatible and harmonious to the surrounding areas by creating vehicular and pedestrian connections. The planned uses for this project fully support and augment the existing uses in the area. The project has carefully located uses and used design solutions that provide internal and external compatibility, and is harmonious in design within the MXD area and with adjacent areas.

Conclusion

This application Z-316, conforms to the purpose of the MXD Zone and is consistent with the purpose of the *2009 Master Plan Land Use Element* and the *Master Plan* themes. Additionally, it complies with other elements of the master plan related to transportation, water resources, community facilities, visions of the plan and municipal growth. The densities and uses proposed in this sketch plan are harmonious and consistent with the proposed surrounding development. The plan is integrated into the area, with both varied transportation modes. Use of the MXD Zone will provide a higher standard of development than could be provided under conventional zoning, and will allow for a more successful implementation of these Master Plan recommendations. The MXD Zone will allow a compatible and harmonious design with existing and planned land uses in the surrounding area. Therefore, this property is appropriate for rezoning to MXD, Mixed Use Development.

STAFF RECOMMENDATION:

Staff recommends:

THAT THE PLANNING COMMISSION, BASED ON THE EVIDENCE OF RECORD AND THE STAFF ANALYSIS, RECOMMEND TO THE MAYOR & CITY COUNCIL APPROVAL OF THE AMENDMENT TO SKETCH PLAN APPLICATION Z-316 AS IT COMPLIES WITH THE PURPOSE AND INTENT OF THE MXD ZONE, AND IS IN ACCORD WITH THE RECOMMENDATIONS OF THE MASTER PLAN.