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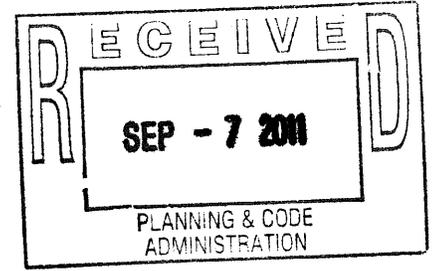
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John W. Debelius (1926-1984)

September 7, 2011

Lauren Pruss  
Planning and Code Administration  
for the City of Gaithersburg  
31 S. Summit Avenue  
Gaithersburg, MD 20877



Re: Revised Exhibits to the Application for Amendment  
to Zoning Map for the Montgomery County  
Agricultural Center, Inc.

Dear Lauren:

In connection with the above referenced Revised Exhibits to the Application for Amendment to Zoning Map, please find the following:

1. Four Copies of the Traffic Impact study by the Traffic Group
2. Four Copies of the Project Description by Townscape Designs
3. Four Copies of the Design Guidelines by Townscape Designs
4. CD with PDF files of plans.
5. Letter from Townscape Designs to me providing background for the Townscape Designs submission and an addendum to their submittal documents listing the additions, revisions and amendments to their original submission.

Joint Hearing - MCC & PC  
Z-316  
Ex 22

Please contact this office should you have any questions or require additional information.

Thank you for your consideration of this matter.

Sincerely,

CLIFFORD, DEBELIUS, BONIFANT  
FITZPATRICK & HYATT, CHTD.



JAMES R. CLIFFORD, SR., ESQ.

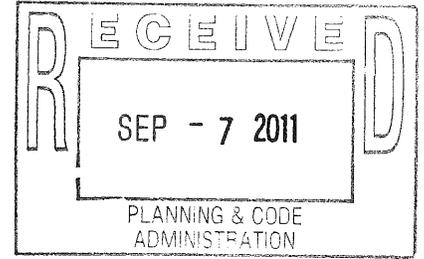
JRC/dlh

Enclosures

cc: Martin Svrcek, Executive Director, MCAC  
Jim Soltesz, Loiderman Soltesz Associates  
Steve Tawes, Loiderman Soltesz Associates  
Dave Ager, Townscape Design



**Townscape Design LLC**  
Town Planners and Landscape Architects



Transmitted via Electronic Mail

August 18, 2011

Mr. James Clifford  
Clifford, Debelius, Crawford, Bonafont and Fitzpatrick  
320 East Diamond Avenue  
Gaithersburg, Maryland 20877

Subject: Resubmittal Package, Fairgrounds Rezoning Request  
Townscape Design LLC Job No. 07006.

Dear Mr. Clifford:

Please find attached the amended documents for the MXD application. These plans have been modified per comments from the City of Gaithersburg, input from citizen groups and amendments based on the latest 'charrette' plan prepared by the Gaithersburg Citizen's Charrette.

Generally, the amendments herein reflect the opportunity for a mixed use project in what is now referred to as the Phase 1 area, that portion of the northern fairgrounds that could be developed and still allow the fair to function on the existing remaining land. This amendment also includes a reduction in the non-residential yield and a shifting of residential units from the southern portion of the site to the northern Phase 1 area. This would fulfill the mixed-use objectives of the zone in the event that Phase 1 development was a long term proposal. In other words, Phase 1 can stand alone if needed.

Other requests by the City have also been included in this package including additional detail on the nature and character of the three sub-areas of the plan, the phasing of the project, street and urban design character and a set of preliminary design guidelines. I have attached an addenda listing each of the changes for the convenience of the City staff when reviewing the documents.

Finally, much of this work has been modified to reflect suggestions by the Gaithersburg Citizen's Charrette and their bold proposal for a new Downtown for Gaithersburg, which includes this site.

Please review the attached documents. If you find they are acceptable for submittal to the City, let me know and we will prepare the necessary copies for your use.

Respectfully submitted,

David S. Ager  
Townscape Design LLC

Joint Hearing - MCC & PC  
Z-316  
Exhibit #23



**Townscape Design LLC**  
Town Planners and Landscape Architects

Cc: Marty Svrcek, MCAC  
Wes Guckert, Traffic Group  
Steve Tawes, LSA

Attach: Addenda of Changes, Additions and Amendments  
Revised Sketch Plan, dated August 9, 2011  
Revised Planning Report, dated August 18, 2011  
Design Guidelines



August 18, 2011 - MCAC Rezoning Application

Addenda to Submittal Documents, listing additions, revisions and amendments

Sketch Plan, revised August 9, 2011

1. Labels added to land area bubbles: "Northern Area", "Middle Area", "Southern Area"
2. Sizes added to land area bubbles:
  - a. Northern Area: 27 acres
  - b. Middle Area: 21 acres
  - c. Southern Area: 14.8 acres
3. McBain Avenue alignment adjusted to follow north-eastern property line from existing McBain Avenue to Dalamar Street. This change is consistent with Citizen Charrette proposal.
4. Added new internal 'Main Street' linking the three land areas.
5. Adjusted development notes on each land area as follows:
  - a. Northern Area:
    - i. Reduced non-residential square footage range to 750,000-1,035,000 sf.
    - ii. Increased residential yield range to 400-500 dwelling units.
    - iii. Increased building height from 12 to 15 maximum stories.
  - b. Middle Area:
    - i. Reduced non-residential square footage range to 50,000-75,000 sf.
    - ii. Reduced residential yield range to 500-600 dwelling units.
  - c. Southern Area:
    - i. Reduced non-residential square footage range to 0-40,000 sf.
    - ii. Reduced residential yield range to 200-250 dwelling units.

Project Description Report, revised August 16, 2011

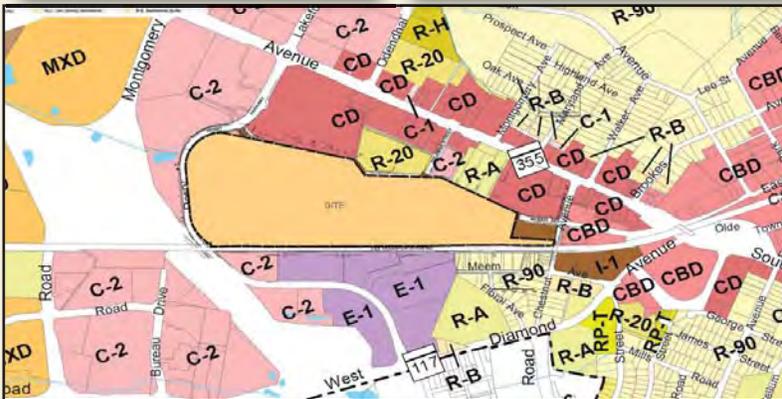
1. Amended McBain Avenue description on pages 4 and 5.
2. Added or amended description of internal 'Main Street', pages 4 and 5.
3. Amended Sketch Plan Image, page 4.
4. Added additional data about design under 'Community Concept' section, including acreages of individual land areas, page 4.
5. Added clarifying language about McBain intersection with Route 124, page 6.
6. Amended Phasing, Staging and Public facilities, page 9, by adding a two phase development phasing proposal. Also added acreage of phases, as well as anticipated non-residential and residential yield ranges.
7. Added phasing plans, page 10.
8. Added references to the Traffic Engineer's report, page 13.
9. Added reference to Watkins Mill Interchange, page 14.

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Z-316  
Exhibit #24

# Project Description

for the Requested Rezoning to MXD

Montgomery County Agricultural Center Property  
Gaithersburg, Maryland



Prepared for:  
The Montgomery County Agricultural Center, Inc.  
16 Chestnut Street, Gaithersburg, Maryland

Prepared by:  
Townscape Design LLC

October 26, 2010

Revised December 20, 2010, August 16, 2011

Joint Hearing - MCC & PC  
Z-316  
Exhibit #25

Applicant: Montgomery County Agricultural Center, Inc. (MCAC)  
16 Chestnut Street  
Gaithersburg, Maryland 20877  
301-926-3100

Property: P700, TM FT42 & P616, TM FT32, totaling 62.83 acres

Request: Amendment to Zoning Map  
From R-A and I-1 to MXD

Outline:

1.0: Project Description.....p. 2

2.0: Phasing, Staging and Public Facilities.....p. 9

3.0: Master Plan Guidance.....p. 17

4.0: MXD Zone.....p. 26

5.0 Appendix .....p. 30  
Projected Enrollment and Space Availability, Gaithersburg Cluster

Prepared by: Townscape Design LLC  
PO Box 424  
Clarksville, Maryland 21029  
410-531-2621

## **1.0 Project Description**

### **Overview**

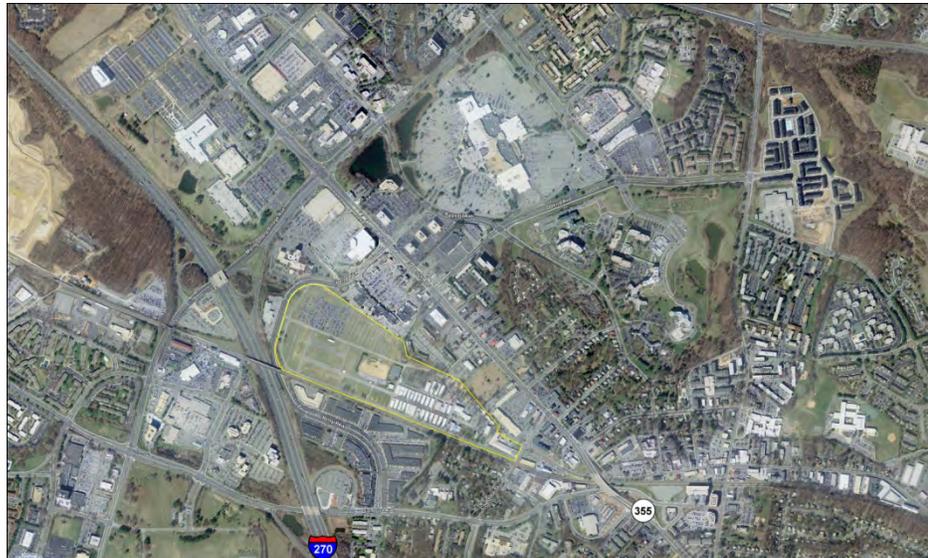
The Montgomery County Agricultural Center, Inc. ("MCAC"), is the owner of the properties known as parcels P700 on Tax Map FT 42 and P616 on Tax Map FT32, sharing a common address of 16 Chestnut Street, Gaithersburg, Maryland 20877 ("Property") totaling approximately 62.83 acres. The property is home to the Montgomery County Agricultural Fair and other community events.

The Property is generally located south-east of the interchange of Dwight Eisenhower Highway (I-270) in the City of Gaithersburg and is generally bounded by the CSX Rail right-of-way to the west, Chestnut Street to the south, Perry Parkway to the north and the rear portion of commercial and residential properties which front on MD Route 355 (Frederick Avenue) to the east.

The northern parcel (P616) is currently zoned R-A, Low Density Residential and the southern parcel (P700) is currently zoned I-1, Light Industrial. The Property is identified as a future Growth Area in the recently adopted 2009 Gaithersburg Municipal Growth Element and is immediately adjacent to, and is referenced in two adopted Master Plan Land Use Elements; the 2001 Frederick Avenue Corridor Land Use Plan and the 2005 Olde Towne Master Plan.

### **Surrounding Area**

The Property is surrounded on all sides by commercial, light industrial and residential uses. The properties on the west side of the CSX Rail right-of-way consist mostly of office and light industrial uses, with a small component of residential at the southern end (Chestnut/Meem Historic District). The

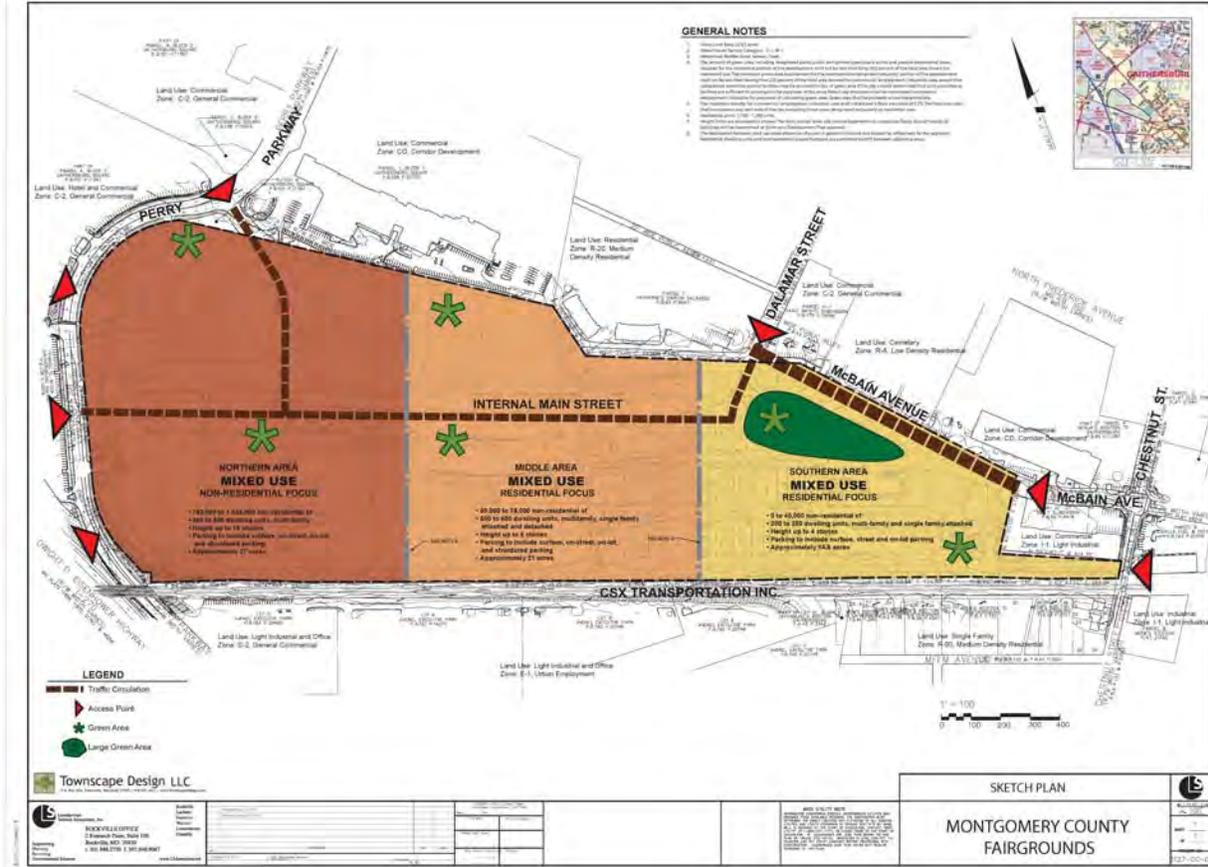


properties on the northern side of Perry Parkway contain a mix of uses, including a Hilton hotel, a veterinary clinic and retail shopping. The retail uses continue along the eastern border of the Property, with the Gaithersburg Square shopping center at the north eastern corner and the Gaithersburg Plaza at the south eastern corner. The remaining eastern border with the Property contains a mix of uses including a restaurant (the Golden Bull), offices, multifamily residential and a cemetery. The southern boundary of the Property has office, retail (Standard Supply) and multifamily residential uses (the Oaks at Olde Towne).

Frederick Avenue lies parallel to the eastern property line of the Property and is included within the 2001 Frederick Avenue Corridor Land Use Plan. It provides access points to the Property at the intersections of Dalamar Street and Chestnut Street and via Perry Parkway. The Central Business District (CBD) borders the Property on the south at Chestnut Street, and allows for a continuity of the



and reinforcing the 'spiritual heart of the City'. The extension of McBain Avenue (opposite East Diamond Avenue) onto and through a portion of this Property will provide linkages and continuity between the Property and Olde Towne and provide an alternative, lower speed and more pedestrian-friendly roadway link as compared to Frederick Avenue.



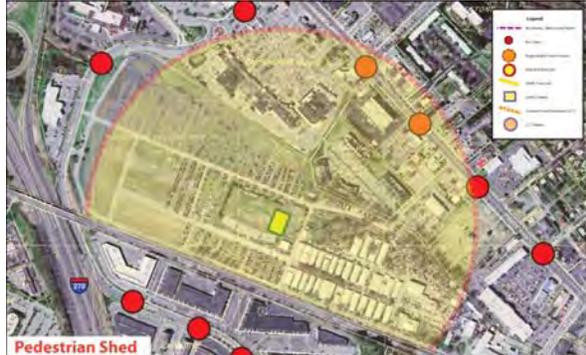
### Community Concept

The applicant proposes a compact, mixed-use, walkable and connected community with the extension of McBain Avenue, through a portion of the site and the addition of a new 'main street' unifying the entire property. The community plan envisions a more nonresidential focus at the north end of this main street and a residential focus central to the property and toward the south with a general increasing of density and urbanism from south to north. The Sketch Plan identifies three subareas within the overall plan or neighborhood, a 27-acre (approximate) mixed use area to the north with taller buildings and a non-residential focus, a 21-acre middle area (approximate), which is also mixed use with a residential focus and medium height buildings, and a mixed use southern area of approximately 14.8 acres with lower buildings and a predominantly residential focus.

The overall design will include a network of interconnected streets and pedestrian ways that provide alternate means of movement and relieve traffic on Frederick Avenue by providing a continuous and interconnected parallel street system. The overall fabric of the community will be internally compatible between uses and will be compatible with surrounding land uses.

The community will be planned and implemented consistent with the City's Smart Growth Principles and by utilizing Traditional Neighborhood Design strategies. Some of the key elements include:

- The extension of McBain Avenue through a portion of the site to provide regional connectivity and the inclusion of a central main street with narrow pavement, on-street parking and wide, landscaped sidewalks that have buildings fronting on the street and parking to the side or rear of buildings. The slower, narrower street will be consistent in design to the recommendations for existing East Diamond Avenue in the Olde Towne Master Plan and the 2009 Transportation Element, which will allow shared biking and will promote walking.
- The plan envisions a complete and unified neighborhood adjacent to and south of the Frederick Avenue Corridor, integrated into and connected to the fabric of the existing community. Additionally, it is envisioned that the northern portion of the site will have a more non-residential focus with residential uses more dominant in the middle and southern portions of the site.
- There will be a centrally located public/civic space that will provide for community wide activities. It will be the focus of the community and will be within a five minute walk to residents and employers, as illustrated above. Additional public/civic spaces and parks will be dispersed throughout the community.
- The community will have an integrated and connected bike and pedestrian network, which in addition to the overall design, will be walkable and reduce dependence on automobile usage.
- Some of the existing fabric of the Fairgrounds, including several specimen trees are planned to be retained and integrated into the new community, including several green areas, open spaces and public amenity areas.
- The design will integrate both nonresidential and residential uses in a compatible manner.
- Forest will be planted, adding natural areas to the community and the stormwater management system will incorporate several environmentally sensitive design (ESD) strategies.



### Interconnectivity

The plan is interconnected with the surrounding neighborhood, including the provision of a key parallel road to Frederick Avenue (McBain Avenue), a critical link in the planned bike path system, as well as multiple opportunities to interconnect the vehicular, bike, transit and pedestrian networks to surrounding properties. Linkages to Frederick Road will provide walkable access to existing and planned services as well as transit. The extended main street concept is consistent with recommendations in the 2009 and 1997 Transportation Element and the 2005 Olde Towne Master Plan and would allow vehicular, bike and pedestrian linkages to Olde Towne, strengthening the historic downtown. The recommendation for a parallel road extension through the property is found on page 22 of the 2009 Transportation Plan states:

"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."

The recommendation for McBain Avenue found on page 20 of the 1997 Transportation Plan states:

"[T] the extension of McBain Avenue from Chestnut Street to Perry Parkway will provide direct access to Olde Towne from the planned ramp at Exit 10 [now 11] of Interstate 270. It will serve as an alternate route to Maryland Route 355 (Frederick Avenue) and help to relieve some of the traffic congestion on that busy highway."

This ramp, if reconsidered, in conjunction with the development of the Property, or other development within the area, will provide extensive relief to the Frederick Avenue-Montgomery Village Avenue intersection.

### Compatibility

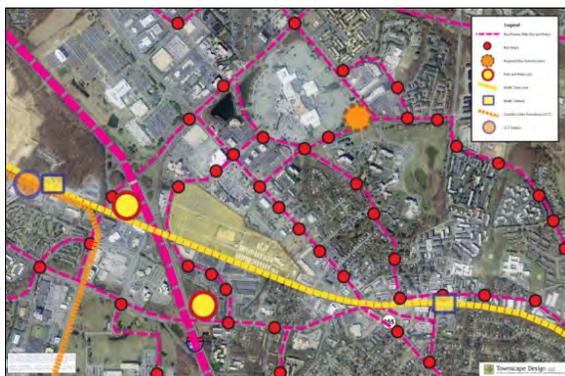
The plan also provides appropriate transitions and compatible relationships between internal uses and between internal uses and surrounding properties. The general concept layout locates the most intensive uses closest to Interstate 270. The land use layout generally locates uses on-site near similar uses on adjacent properties. The inclusion of green corridors, the use of appropriate setbacks as established in the MXD zone and the general transition of densities from north to south all provide a compatible relationship to surrounding properties. The Sketch Plan has been designed so the Property will be compatible and harmonious with existing and planned land uses in the surrounding area.

### Mixing of Uses and Walkability

This integrated design efficiently uses the land, locates employment and retail uses convenient to residential areas, thus reducing reliance upon single occupancy automobile use and encourages pedestrian and non-vehicular circulation. These nearby commercial and employment uses will enhance and complement the residential environment as will the inclusion of integrated open spaces, amenities, recreation areas and potential institutional uses.

### Internal Street Design

Internal streets will include sufficient sidewalks, pedestrian ways and biking opportunities and will provide a variety of experiences in an interconnected network. Parking is proposed on the street with additional parking located in surface lots, on lots or in structured parking arrangements that are to the rear or sides of buildings. Buildings will be located along streets with minimal setbacks to enhance the pedestrian experience and promote walking, consistent with Traditional Neighborhood Design principles. Streets will also include street trees and landscaping and the use of green street technologies where appropriate to promote ESD for stormwater.



### Transit Orientation

As illustrated in the diagram, the Property is extremely well situated to existing transit service and provides increased opportunity for expanded transit and interconnectedness. The extension of McBain Avenue would provide the opportunity for walking, biking and bus connections to Olde Towne. The historic intersection of East Diamond and Summit Avenues, as well as the Gaithersburg MARC station, are slightly more than one-half mile from the Property, a ten to fifteen minute walk.



The Municipal Growth Element noted that new development and redevelopment should expand the urban forest within the City and utilize green based planning methods to retain and compliment the natural environment. The Sketch Plan provides new forest where none currently exists. Several existing specimen trees will be retained and incorporated into the forest plan. Existing paths will be retained in some areas in order to provide access to this natural resource.

The Water Resources Element identified several green strategies to be incorporated into new and redevelopment projects. As the stormwater concept indicates, green technologies and ESD strategies will be integrated into the community design and infrastructure. At the time of schematic development plan approval, a preliminary forest conservation plan will be provided.

#### Housing

A variety of housing choices will be provided within the mixed-use setting of the community with affordable housing provided through the inclusion of Moderately Priced Dwelling Units ("MPDU") and Workforce Housing Units ("WFHU").

#### Architecture

The Sketch Plan indicates the general height of buildings, with a variation of taller buildings generally located closer to Interstate 270 and lower buildings generally located in the vicinity of the Chestnut/Meem single family neighborhood. Buildings are generally planned close to the street, providing an urban form to the public realm. As stated earlier, larger building formats can be provided on the Property due to its size and open character, which is a benefit to the City, allowing market appropriate building sizes, proximate to Olde Towne, developed in a compatible manner.

At the time of schematic development plan approval, architectural elevations showing the proposed appearance of buildings will be provided. The designs should be specific to the region, exhibiting continuity of history and culture and compatibility with the climate to encourage the development of local character and reinforce City identity.

#### Summary

This overall design is consistent with the themes, policies and guidance established in the City's Smart Growth Policy, Community Design Strategies and Visions (Process and Overview Element), Municipal Growth Element, and the Traditional Neighborhood Design options within the zoning ordinance. Use of the MXD zone provides a higher standard of development than could be done under conventional zoning categories by using enhanced site design, a compatible mix of uses and well landscaped green areas and amenity spaces.

## **2.0 Phasing, Staging and Public Facilities**

### **Phasing of Development**

It is anticipated that early phases of development would occur on the northern portions of the site and proceed generally in a southerly direction in that this is where multiple points of access can be provided, where the existing sewer main is located and is that portion of the site that could be developed while allowing the continuation of the fair at this location.

The following development schedule assumes two basic phases: those portions of the Property that can occur while keeping the fair operational in place (Phase 1, Pods 1, 2, 4 & 5) and the balance of the Property that could develop when, and if, the fair is relocated to another location (Pods 3, 6, 7 & 8). Phases, and individual development areas (Pods) are not years but rather logical land areas within the overall project development envelope. It is assumed that each phase and area would provide a proportional amount of the overall forestry, stormwater, water, sewer and amenities. The traffic analysis reflects the upper development assumptions associated with Phase 1.

The applicant does not have a specific timetable for development at this time. This phasing plan is general and for analysis purposes only. Phasing or staging for any development will be a function of market demand, and the exact timing of development cannot be determined at the present time. At the time that a specific portion of the site is ready to proceed to construction, a schematic development plan application will be submitted and detailed staging information will be provided.

Phasing is summarized below:

	<u>Acres</u>	<u>Non-Residential</u>	<u>Residential</u>
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)

The overall Sketch Plan is organized into three sub-areas, with the following general distribution of development:

- Northern Mixed Use-Non-residential Focus - approx. 27 acres
  - 750,000 to 1,035,000 sf non-residential (.63-.88 FAR)
  - 400-500 residential units (14.8-18.5 du/ac)
  - Height up to 15 stories
- Middle Mixed Use - Residential Focus - approx. 21 acres
  - 50,000 to 75,000 sf non-residential (.05-.08 FAR)
  - 500-600 residential units (23.8-28.6 du/ac)
  - Height up to 8 stories
- Southern Mixed Use - Residential Focus - approx. 14.8 acres
  - 0-40,000 sf non-residential (0-.06 FAR)
  - 200-250 residential units (13.5-16.7 du/ac)
  - Height up to 4 stories
- Total: 62.83 acres
  - 800,000-1,150,000 sf non-residential (.29-.42 FAR)
  - 1,100-1,350 residential units (17.5-21.5 du/ac)

Phase 1 includes a majority of the Northern Mixed-use Area and a portion of the Middle Mixed-use Area.



Figure 1: Phase 1 development area.

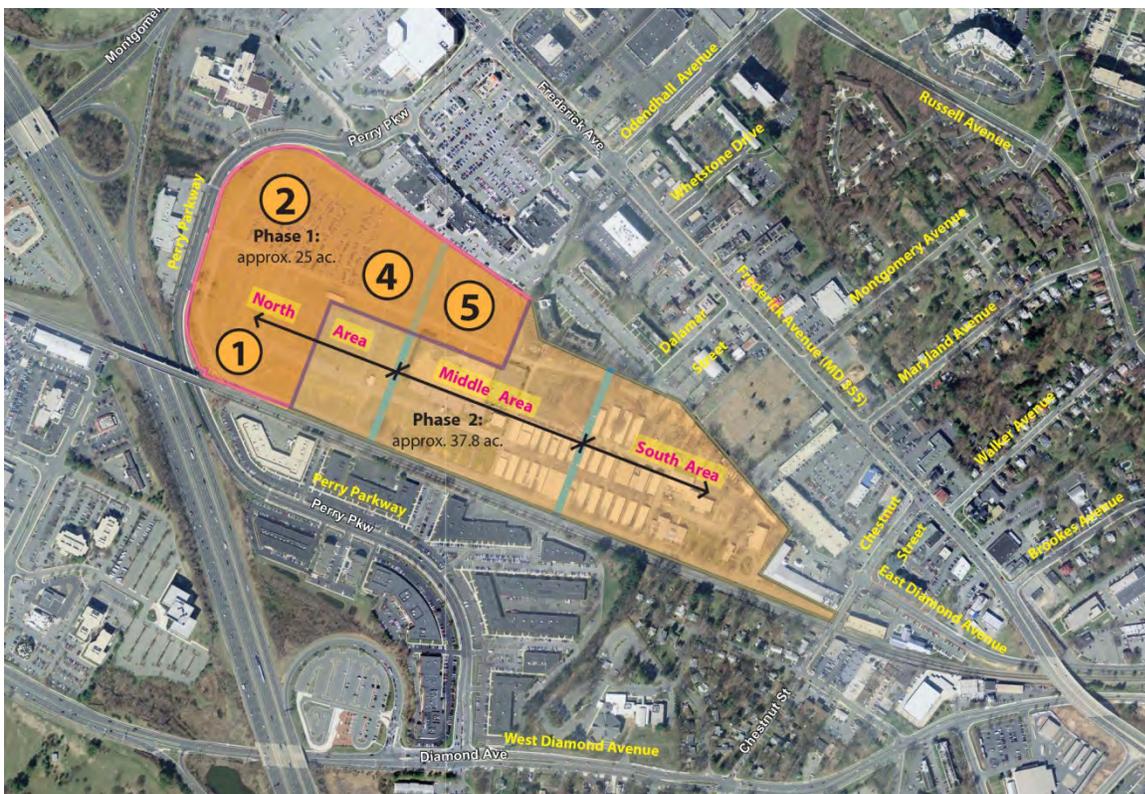


Figure 2: Phase 1 Landbays reflected in traffic report.

### **Staging of Community Amenities**

Development of the Property will be staged in such a manner that would provide concurrent implementation of community amenities proportional to the scale of the phased development. As an example, proportional amounts of forest will be provided with each stage of development.

Additionally, open space/green area, recreation facilities and public amenities will also be provided in a proportional and staged manner consistent with the scale of the phased development. Infrastructure, such as stormwater management, roads and water and sewer, will be provided as needed to meet the obligations of the development.

### **Public Facilities**

Section 24-160D.9.(a)(1)c. states that "the applicant shall file a **sketch plan** reflecting at a minimum, the following: proposed phasing or staging plan of development, public facilities and information regarding such plan's consistency with provision of master planned or otherwise necessary public facilities."

Additionally, Section 24-160D.7(d) specifies that "an application for approval under the MXD Zone shall demonstrate at the time of filing a **schematic development plan**, and at the time of site plan approval that all public facilities are either presently adequate to service the development requested for approval or will be provided or in place by the completion of construction of the development reflected in the schematic development plan. It is the intent of this provision that development shall be staged in such a manner as to coordinate development with the provision of public facilities, and that such facilities shall be operational at acceptable service levels and capacities."

The addition of the Adequate Public Facilities Ordinance (APFO) in 2007, organized these requirements of phasing and staging and requires adequacy of facilities at the time of schematic development plan approval. The APFO ordinance identifies four types of public facilities that need to be adequate at the time of development: transportation, schools, water and sewer, and emergency services.

Any development of the property would be phased in such a manner as to ensure adequacy of the provision of public facilities consistent with the Adequate Public Facilities Ordinance and in such a manner that would provide concurrent implementation of community amenities proportional to the scale of the phased development.

The recently adopted 2008 Community Facilities Element, the 2009 Municipal Growth Element and the 2010 Water Resources and Transportation Elements have identified the general planned growth of the City and the sufficiency of services for that growth. The Property is a planned Growth Area in these documents.

### Transportation

With regard to transportation, section 24-245 requires applications follow the Gaithersburg Traffic Impact Study Standards, unless the applicant has obtained a determination from staff that the standards are not applicable to the applicant's proposed development.

With respect to transportation facilities, the applicant's traffic engineer has prepared a Preliminary Analysis of the existing road network in the vicinity of the Property that has identified certain intersections that would be impacted by any redevelopment on the Property. This report was prepared in consultation with City of Gaithersburg representatives and has been submitted as a part of this application. The intersections identified in the report include:

- MD 355 (N. Frederick Avenue) and Lake Forest Boulevard
- Perry Parkway Roundabout
- MD 117 (W. Diamond Avenue) and Perry Parkway
- MD 117 (W. Diamond Avenue) and Exit 10 from northbound I-270
- MD 117 (W. Diamond Avenue) and Muddy Branch Road/Chestnut Street
- MD 355 (N. Frederick Avenue) and MD 124 (Montgomery Village Avenue), and
- MD 355 (N. Frederick Avenue) and Chestnut Street



All of these intersections operate at a Level of Service C or better with the exception of the MD 355 / MD 124 intersection which operates at a Level of Service E in the morning peak and F in the evening peak. The applicant's traffic engineer has also prepared a Traffic Impact Study for the project which has been submitted as a part of this application.

At the time of schematic development approval, detailed building and development plans

will be provided and traffic impacts will be identified so that the impact of this development would be mitigated.

### Transportation Improvements and Traffic Management

Some of the tools available to mitigate impacts consistent with the Adequate Public Facilities Ordinance ("APFO") may include some combination of the following:

- Identified transportation network improvements such as intersection improvements, traffic signal system coordination and phasing, etc.,
- Specific project design strategies that reduce traffic, such as:
  - The development of on-site roads and connections parallel to MD 355 to alleviate congestion and disperse traffic, thus reducing the overall traffic impact.
  - The mixing of uses on-site that minimize trips off the Property and reduce overall trips through walkability of the design.
  - The mixing of uses that allows shared and/or reduced parking and less off-site trips.
- Increased traffic capacity from the ability to add critical links to the vehicular, transit, bicycle and pedestrian networks through the development of the Property, including:
  - The extension of East Diamond Avenue (McBain Avenue), including its shared bikeway.
  - The extension of the shared path (bike/pedestrian) along the CSX Rail right-of-way.
  - The ability to create a parallel road to MD 355, adding capacity to the system and increasing connectivity to Olde Towne.
- Inclusion of alternate modes of transportation and/or improvements to pedestrian and bike networks, such as:
  - Sidewalk and bike connections.
  - Pedestrian network improvements.

- Pedestrian safety improvements.
- Traffic and trip mitigation strategies that may include:
  - Multimodal alternatives such as bus, rail, and bike.
  - Maximizing ridership of nearby transit infrastructure including MARC, Ride-On, Metro Bus, etc.
  - Shared travel through the use of shuttle busses, carpools and vanpools, car share programs, better access to Shady Grove Metro, etc.
- Transportation Demand Management (TDM) strategies, including:
  - Cash-out parking subsidies to be used for transit subsidies.
  - Staggered work hours and/or flex-time policies.
  - Telecommuting programs, at least on a part-time basis.
  - Transportation management associations to coordinate opportunities or incentives for shared travel.
- Trip Mitigation Fees that fund:
  - Regional cost share projects.
  - Local improvements larger than needed by the development phase.
  - Transit amenities that make transit use more enjoyable and thereby increases use.
- Proportionate share development impact fee program to include street improvements and foster multi-model infrastructure use.
- Increased transportation capacity from public sector improvements and/or policy changes occurring prior to, or simultaneously with development of the Property, such as:
  - Adjustments to the congestion standards in the APFO, allowing infill and redevelopment,
  - Implementation of a Bus Rapid Transit (BRT) Network.
  - Implementation of the CCT light rail line.
  - The opening of the ICC,
  - Additional and/or more efficient Ride-On and Metro Bus routes,
  - The development of a City circulator bus system.
  - The study and implementation of an off ramp split from the north-to-east bound exit ramp of exit 11 off Interstate 270 to connect directly to Perry Parkway and/or East Diamond Avenue (McBain Avenue) extended.
  - The opening of the Watkins Mill Interchange.

### Schools

In addition to transportation, water/sewer and emergency services, residential development must also meet the adequacy of school capacity test which stipulates that at the time of schematic development plan approval the capacity for each school (elementary, middle and high school) serving the property is at or below 110% of the programmed capacity two (2) years in the future. The City Council may approve a schematic development plan that does not exceed 120% of the programming capacity two (2) years into the future, subject to conditions.

The Property is currently located in the Gaithersburg elementary school service area of the Gaithersburg middle school area of the Gaithersburg high school cluster. The expected programmed enrollment and space availability forecasted in the Community Facilities Master Plan and FY 2011-2016 CIP indicates that all three schools will be well below the 110% threshold within the forecasted years identified in the CIP. The specific pages from the CIP are attached herewith.

A summary of the capacity is as follows<sup>1</sup>:

Table 2-1		Actual 09-10	10-11	11-12	12-13	13-14	14-15	15-16	2019	2024
<b>HS</b>	P Cap.	2009	1992	1992	1992	2284	2284	2284	2284	2284
	Enroll.	2013	2014	2017	2060	2005	1951	1948	2000	2050
	Avail.	-4	-22	-25	-68	279	333	336	284	234
	% / PC	100.2	101.1	101.2	103.1	87.8	85.4	85.3	87.6	89.3
<b>MS</b>	P Cap.	881	881	865	865	865	865	865	865	865
	Enroll.	671	657	647	681	700	748	789	800	825
	Avail.	210	224	218	184	165	117	76	65	40
	% / PC	76.0	74.6	74.8	78.7	80.1	86.5	91.2	92.5	95.4
<b>ES</b>	P Cap.	740	740	740	740	740	740	740		
	Enroll.	531	581	619	636	647	655	644		
	Avail.	209	159	121	104	93	85	96		
	% / PC	71.8	78.5	83.7	86.0	87.4	88.5	87.0		

P Cap.: Planned Capacity; Enroll.: Forecasted Enrollment; Avail.: Available Seats; %/PC: Percent of Planned Capacity

The MCPS data indicates sufficient capacity at all three affected schools in the cluster.

The Sketch Plan indicates an estimate range of residential dwelling units of about 1,100 to 1,350. It does not indicate whether any of those units are age-restricted, and thus exempt from school testing or the final mix of unit types. It is anticipated that the unit mix will have predominance of multifamily, which has a lower generation of students.

The Student Generation Factors utilized in the Municipal Growth Element will be used here and are as follows:

Housing Type	ES	MS	HS
SFD	0.320	0.144	0.131
SFA	0.211	0.122	0.107
MF-garden	0.153	0.056	0.033
MF-midrise	0.042	0.039	0.033

For purposes of analysis, a mix of 65% multifamily, 25% single family attached and 10% single family detached is utilized. Based on that mix and the generation rates listed above, the following students generation rates are developed:

Elementary School: 197-242 total students, or about 20-24 per year with an 10 year phasing,  
 Middle School: 89-109 total students, or about 9-11 per year with an 10 year phasing,  
 High School: 94-115 total students, or about 10-12 per year with an 10 year phasing.

<sup>1</sup> [http://www.montgomeryschoolsmd.org/departments/planning/CIPMaster\\_Current2.shtml](http://www.montgomeryschoolsmd.org/departments/planning/CIPMaster_Current2.shtml)

When comparing these estimates to the extensive capacity in the system described in Table 2-1, it is reasonable to expect that the development of the Property will not overburden the affected schools and that the level of residential development proposed is consistent with the programmed public school facilities. As stated earlier, the requirements of the APFO regulations will provide adequate phasing of residential development at the time of schematic development plan approval.

#### Water and Sewer

The subject site is a Growth Area, as identified in the Municipal Growth Element, adopted April 6, 2009. That same document identifies future water and sewer usage and compares that to the estimated capacity in the system. The Municipal Growth Element states that build-out of the City could be facilitated within the planned capacity. This conclusion is also specified in the Water Resources Element, adopted in February 2010.

#### Emergency Services

Section 24-248. Fire and Emergency Services of the City's APFO states that a 10 minute full response availability shall be provided for all proposed development. A full response time is defined as the time required for receiving, processing and traveling to the site of an emergency call from at least 2 stations. The subject site meets this criteria which is documented by the City in the 2008 Community Facilities Plan, page 31, adopted March 17, 2008.

### **3.0 Master Plan Guidance**

The following is a summary of the Master Plan elements that have recommendations and/or guidance regarding the Property as well as a summary of strategies and solutions found in the various master plan documents.

#### **1999 Smart Growth Policy**

This Policy is an adopted element of the City's master plan and is designated to act as an umbrella policy over all elements of the Plan, and serves to coalesce several existing programs into a unified policy statement. It provides guidance as to the quality of development that the City both encourages and anticipates for its future.

It includes a series of Smart Growth Principles to guide development and redevelopment:

1. Planning and development must be connected.
  - a. All planning should be done in an effort to provide complete and integrated communities containing housing, shops, work places, schools, parks and civic facilities essential to the daily life and quality of life of residents of all ages.
2. Planning and development must address transportation needs.
  - a. Community size should encourage walking and bicycling and should be structured so that housing, schools, jobs, daily needs, and other activities can be within easy walking distance of each other.
  - b. The location and character of the community should be consistent within a larger transit network pursuant to the City's Transportation Element of the Master Plan.
  - c. The network of streets, pedestrian paths and bike paths should contribute to a system of fully connected, safe, and interesting routes to all destinations. Their design should encourage pedestrian and bicycle use by being small and manageable in size, and spatially defined by buildings, trees and lighting, and by discouraging high speed traffic.
3. Planning and development must encourage economic growth.
  - a. Existing businesses should be encouraged to expand, and new business should be encouraged to locate within the City. The City's business community should seek to provide a range of job types as well as participate in the overall stewardship of Gaithersburg.
4. Planning and development must strengthen community diversity.
  - a. The City should contain a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within its boundaries.
5. Planning and development must provide for the environment with public green spaces and environmental stewardship.
  - a. All future development should foster the protection and enhancement of the City's natural environment through adherence to the Environmental Standards.
  - b. The street orientation, placement of buildings, and use of shading should contribute to energy efficiency within the City.
  - c. Wherever possible, the natural resources such as terrain, drainage, and vegetation should be preserved via superior examples retained within parks or green belts. The community design should help conserve resources and minimize waste.
  - d. The City as a whole should have a well defined edge, where possible, as well as a continuous system of greenways or wildlife corridors permanently protected from development.

- e. The City should contain an ample supply of specialized open space in the form of squares, greens and parks, whose frequent use and accessibility to non-drivers is encouraged through placement and design.
- 6. Planning must enhance the City's identity and unique character.
  - a. New construction within the City should be specific to the region, exhibiting continuity of history and culture and compatibility with the climate to encourage the development of local character and reinforce City identity.
  - b. The City should retain and reinforce Olde Towne as its spiritual heart or downtown, while combining commercial, civic, cultural, residential, and recreational uses.

**2003 Master Plan**

**Land Use Element**, adopted April 6, 2003, describes general land use and zoning categories for properties located within the City.

The Property was recommended for Open Space as a land use designation and was also recommended for I-1, Light Industrial zoning for the entire property in order to reflect the current uses on the property. Although a portion of the property was recommended to be rezoned from R-A, Low Density Residential to I-1, it was never implemented. The City of Gaithersburg remained silent within this plan with regard to intended use of the Property as an accommodation while the MCAC determined its long range plan for the Property.

**2001 to 2005, Adjoining Special Study Master Plans**

Frederick Avenue Corridor Land Use Plan, adopted 2001 and the Olde Towne Master Plan, adopted 2005 where detailed studies of the areas immediately adjoining the Property. They promoted the linking and coordination with future development on the Property.

**2003 Master Plan**

**Historic Preservation Element** , adopted October 1, 2007, notes that there are no historic sites located on the property. The Chestnut/Meem Historic District is located to the south-west across the CSX Rail right-of-way. Historic and undesignated resources occur along East Diamond Avenue and Frederick Avenue south of the site, including the Thomas Cannery.

The Forest Oak Cemetery, of the Forest Oak Methodist Episcopal Church (1867) is adjacent to the site just south of Dalamar Street. It does not have a historic designation but is identified as a historic resource of note.<sup>2</sup>

**Community Facilities Element**, adopted March 7, 2008

The Property is described on page 48. Objective 14 recommends support by the City to coordinate with the County to provide bus service to new large-scale developments. Objective 19 states: "Continue to support and utilize the Montgomery County Agricultural Center (Fairgrounds), which hosts many regional events, draws visitors from the entire Washington metropolitan area, and significantly improves the City's economy, recognition, and business climate." Objective 19 recommends continued negotiations with developers to encourage areas for private community facilities and services in new developments, such as private parks, private community centers, private recreation centers and facilities, child day care centers, elderly day care and housing, and medical centers.

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<sup>2</sup> City of Gaithersburg Master Plan - Historic Preservation Element, adopted October 1, 2007, p. 19.

**Municipal Growth Element**, adopted April 6, 2009, provides guiding framework for future development, including future Land Use Element to describe the 'micro-scale' recommendations for specific sites.<sup>3</sup> The assumptions are based on baseline, pipeline and growth area opportunities using baseline data from January 2008.

Growth Areas include "those parcels that have been identified as having the potential for additional housing units and jobs by 2030".<sup>4</sup> "The overall vision for future City growth will retain the goal of providing for diversity in demographics, economics and housing types, while addressing the need to increase employment opportunities. It also states that long-term developments within the City will be high density, mixed use projects with large multiple-family housing components that comply with the City's Adequate Public Facilities Ordinance, Environmental Standards, Green Building Design Criteria, and Storm Water Management Regulations."<sup>5</sup> The Property is identified as a key Growth Area.<sup>6</sup> it encompasses more than 10% of the City's Growth Area resource (63 of 600 acres).

The Municipal Growth Element has two growth scenarios: one at 20 units per acre and one at 32 units per acre. The Property proposes 1,100 to 1,350 dwelling units, which is approximately 17.5 to 21.4 dwelling units per gross acre.

### **2009 Master Plan**

#### **Process and Overview Element**, adopted January 2010

This element of the master plan for the City establishes the framework, basic strategy and visions that guide the other elements of the master plan. It also provides that bridge to the twelve visions of the 2009 Maryland Smart, Green & Growing planning legislation.<sup>7</sup>

The State's 12 Visions embodied in the 'Smart, Green and Growing Legislation', include:

- Vision 1: Quality of Life and Sustainability
- Vision 2: Public Participation
- Vision 3: Growth Areas
- Vision 4: Community Design
- Vision 5: Infrastructure
- Vision 6: Transportation
- Vision 7: Housing
- Vision 8: Economic Development
- Vision 9: Environmental Protection
- Vision 10: Resource Conservation
- Vision 11: Stewardship and Sustainability
- Vision 12: Implementation

The Process and Overview Element defines a series of stated City strategies that provide guidance for implementation of the 12 visions within the City. Several of these strategies are targeted at redevelopment site such as the Property and are highlighted here.

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<sup>3</sup> City of Gaithersburg Master Plan - Municipal Growth Element, adopted April 6, 2009, p. 13.

<sup>4</sup> Ibid, p. 15.

<sup>5</sup> City of Gaithersburg Master Plan - Municipal Growth Element, adopted April 6, 2009, p. 3.

<sup>6</sup> City of Gaithersburg Master Plan - Municipal Growth Element, adopted April 6, 2009, pgs. 23 and 53.

<sup>7</sup> State of Maryland Department of Planning; <http://www.mdp.state.md.us/green.htm>

**Vision 1: Quality of Life and Sustainability**, provides guidance on including sustainable infrastructure in the development of new sites. As stated in the Project Description, several sustainable infrastructure elements would be added to the City through development of the Property.

**Vision 2: Public Participation.** The review and approval process established by the City ensures public participation.

**Vision 3: Growth Areas**, is particularly pertinent to the Property, which is identified as a Growth Area in the 2009 Municipal Growth Element. The City has a stated goal to "ensure an efficient use of land, provide for livable communities and manage growth, encouraging economic development with important jobs, businesses and residences located only where infrastructure or capacity exists or can be improved."<sup>8</sup> Specifically, the City wants to focus redevelopment on underutilized sites, focused on City activity centers, that include a mix of uses to create 'seven days a week activity' with a balanced mix of commercial and residential uses.

**Vision 4: Community Design**, has several strategies that have been incorporated into the Property's Sketch Plan. It states that "the City shall continue to practice innovative and smart community design by encouraging traditional neighborhood designs, mixed use developments, and transit-oriented developments, incorporating sustainable 'green' techniques. New developments and redevelopments of existing areas should achieve the City's desire for walkable neighborhoods, inviting streetscapes, usable public open spaces, sensitivity to historic resources, and a unique sense of place."<sup>9</sup> Specifically, there are stated strategies to:

- Encourage the use of green buildings and infrastructure,
- Provide compatibility to existing development,
- Include links and connectivity,
- Promote transit-supportive designs, and
- Apply new land uses, development and design standards, encouraging rezoning of certain properties that can integrate multiple uses, and include a balanced mix of uses.

**Vision 5: Infrastructure** recommends that growth and economic development occur in an orderly, efficient and environmentally sustainable manner. The Property is planned in such a manner and the APFO will ensure orderly and staged development.

As expressed in **Vision 6: Transportation**, the City is committed to an efficient and well maintained, multimodal transportation system. Strategies include:

- Eliminating gaps in the bike and pedestrian system,
- Integrating bicycle and pedestrian design elements into the road network,
- Optimizing the location and utilization of parking and allowing parking on streets where appropriate,
- Promoting alternatives to single-occupancy vehicle trips, such as shared ride programs, transit, bicycling, and walking, and
- Providing safe walking routes and connectivity to schools, transit, recreation facilities, commercial areas and other communities.

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<sup>8</sup> City of Gaithersburg, 2009 Master Plan: Process and Overview, p. 5.

<sup>9</sup> City of Gaithersburg, 2010 Master Plan: Process and Overview, p. 5

**Vision 7: Housing** states that the City will pursue redevelopment opportunities that provide an appropriate mix of housing types in inclusive communities. Strategies include:

- Offering a wide range of housing in mixed use settings,
- Adhering to the tenets of New Urbanism, specifically the City's Smart Growth Policy for redevelopment,
- Consider the approval of higher density in or near the existing or proposed City activity centers, and
- Consider the approval of multi-family dwellings to encourage redevelopment and infill on underutilized sites.

Within **Vision 8: Economic Development**, the City has a stated strategy to "develop City incentives to facilitate implementation of the Frederick Avenue Corridor and Olde Towne Master Plans and to encourage redevelopment opportunities for sites such as Lakeforest Mall and the Montgomery County Agricultural Center."<sup>10</sup>

**Vision 9: Environmental Protection** recommends that land and water resources be carefully managed to maintain healthy natural systems. Efficient redevelopment of this infill site will provide growth close to transit, services and the City's CBD. This will reduce pollution, vehicle miles traveled and dependence on the automobile. The redevelopment will also add forest, open space features and ESD strategies that will add to and enhance the natural systems.

**Vision 10: Resource Conservation** recommends strategies for waterway, forest, agricultural, open space and scenic area conservation. The redevelopment of this infill site will add an interconnected system of open space, natural areas and forests to the City.

**Vision 11: Stewardship and Sustainability** states the City's continued commitment "to encourage orderly and managed development by implementing smart growth planning techniques that will ensure the City's neighborhoods and communities maintain a high quality of life and sustainability."<sup>11</sup> Additionally the City advocates adherence to the tenets of New Urbanism, with aesthetic considerations in accordance with the adopted urban design policies in the Master Plan - Smart Growth Policy Document. By incorporating the City's Smart Growth Principles, new development and redevelopment should protect natural resources, utilize existing infrastructure, and promote traditional neighborhood design. This strategy also includes the support for compact building design and a mix of land uses that promote sustainable development.

**Vision 12: Implementation** includes strategies that will provide economic growth for the City in concert with its Smart Growth Policies. As stated earlier, this proposal is consistent with those policies.

**Water Resources Element**, adopted February 17, 2010

This portion of the Master Plan identifies the impacts on water resources in the City and proposes strategies and solutions to reduce pollution loading. Strategies include:

- The adoption of a new stormwater management ordinance which complies with the Stormwater Management Act of 2007 and the integration of Environmental Site Design (ESD) into the development process.

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<sup>10</sup> City of Gaithersburg, 2010 Master Plan: Process and Overview, p. 9.

<sup>11</sup> Ibid, p. 11.

- ESD strategies include conservation of natural resources to address stormwater, disconnected drainage patterns, increased vegetation, minimizing impervious surfaces, slowing down runoff such as increasing infiltration through the use of green roofs, pervious pavements, rain gardens, submerged gravel wetlands, rain water harvesting, infiltration berms, dry wells, landscape and tree planters, linear tree pits, sidewalk planters, grass swales, bio-swales, tree swales, grass filter strips, and vegetated buffers.
- The Middle Potomac Tributary Strategy
  - Require ESD in all new development.
  - Inspect and retrofit stormwater management development built from 1985-2002.
  - Retrofit 40% of undeveloped land.
  - Educate residents regarding home fertilizer inputs.
  - Implement sediment and erosion control for all disturbed land.
- Stormwater Retrofits
- Water Quality Protection Charge (WQPC)
- Rainscapes Reward Program
  - Education
  - Implementing rain barrels with residents
  - Turf to conservation landscaping
- Green Building Initiatives
- Green Streets
- Stream Restoration Projects
  - Utilizing cross veins
  - Utilizing/introducing bends and meanders
  - Reestablishing natural stream patterns
- Green Infrastructure
  - Interconnected open spaces and natural areas (green corridors).
  - ESD practices integrated with infrastructure such as roads.
  - Minimization of impervious areas.
  - Protection, restoration, creation and maintenance of streams, buffers, wetlands, open spaces and forests.
- Stormwater Marking Program
- Education and Outreach for Pollution Protection
- 'Team Up to Green Up' Program

The conclusion in the Water Resources Element is that planned growth can be accommodated, including:

- Drinking water supply,
- Wastewater discharges, assuming planned expansion and upgrades, and
- The application of Tributary Strategies will effectively manage stormwater.

**Transportation Element**, adopted September 8, 2010

The Transportation Element identifies and plans the transportation network including multi-modal transportation solutions for the City.

The Property generally is included in the Commercial District Study Area of the Frederick Avenue Corridor. The plan recognizes the congestion at the Route 124/Route 355 intersection. It recommends that the current APFO congestion standard be studied, to possibly raise it consistent with policies in

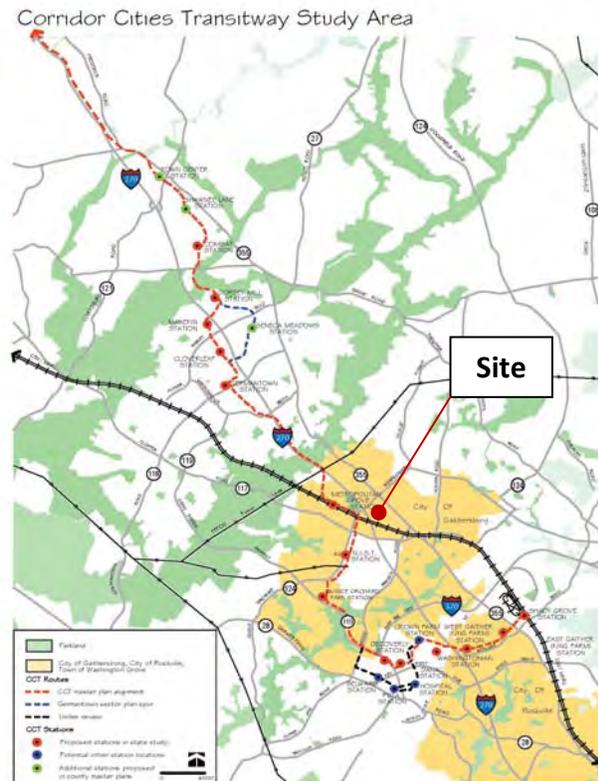
other nearby jurisdictions, in order to allow for redevelopment of either the Lakeforest Mall or the Fairgrounds.<sup>12</sup>

Specific recommendations regarding the Property include:

- "Study raising the AFPF 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."<sup>13</sup>

In addition to the vehicular network, there are several transportation opportunities in the area of the Property identified in the plan that include:

- Proximity and access to the MARC station in Olde Towne.
- Proximity to Commuter buses and the Park-and-Ride lots along Interstate 270.
- Existing Ride-On and Metro Bus systems on Perry Parkway and Frederick Avenue (MD 355) and the close proximity to the transit center at Lakeforest Mall.
- The Future Corridor Cities Transitway (CCT).
- The relative proximity to the future Inter County Connector (ICC) and the Shady Grove Metro station.
- The ability to add critical links to the vehicular, transit, bicycle and pedestrian networks through the development of the Property, including:
  - the extension of East Diamond Avenue (McBain Avenue), including its shared bikeway.
  - the extension of the shared path (bike/pedestrian) along the CSX Rail right-of-way.
  - the ability to create a parallel road to MD 355, adding capacity to the system and increasing connectivity to Olde Towne.



The Bicycle/Pedestrian network portion of the plan recommends priority infrastructure projects including the expansion of the City's pedestrian path, sidewalk and bike path systems, with focus on connections over and under Interstate 270.

<sup>12</sup> City of Gaithersburg Master Plan - Transportation Element, 2009, p. 22.

<sup>13</sup> Ibid, p. 22.

The plan also identifies several traffic mitigation strategies and creative solutions for implementation and/or study to reduce development impacts on the transportation system. These strategies/solutions include:

- Studying the feasibility of a bus rapid transit (BRT) line on MD 355, thus widening the multi-modal network.
- Study the use of a Trip Mitigation Fee, similar to Montgomery County that could fund or partially fund:
  - State and County road and transit projects that benefit the City.
  - A City commuter circulator bus that would supplement Ride-On and link various points of interest in the City.
  - Construction projects that provide links in the bicycle/pedestrian network.
  - Public sector participation in private sector Transportation Demand Management Districts, such as parking cash out subsidies/incentives.
- Allowing a combination of transportation construction projects, transportation demand management solutions and fee payments to offset impacts.

The plan summarized its recommendations into four policy objectives:

- Promote connectivity for new, infill and redevelopment projects.
  - Avoid dead ends in redevelopment projects.
  - Preserve adequate right-of-way.
  - Encourage and promote shared access points between adjacent properties, and plan for connections to adjacent properties.
- Maintain or improve the functioning of the City's road network.
  - Review the 1450 CLV standard and its impact on future redevelopment opportunities.
  - Match roadway design with adjacent land uses (context sensitive design).
  - Encourage the construction of parallel roads and rear parking to separate local traffic from through traffic.
  - Study and implement transportation system management (TSM) strategies that increase vehicular capacity, such as:
    - Converting two-way streets to one-way streets.
    - Coordinate the traffic signal system for increased capacity.
- Encourage multi-modal solutions and reduce dependence upon single occupancy vehicles.
  - Support the CCT and the Light Rail Transit (LRT) Option.
  - Support and develop a regional bus rapid transit system (BRT).
  - Continue to coordinate with MTA, WMATA, and CSX on potential expansion, additional right-of-way and/or increased service for rail uses such as MARC and Metrorail.
  - Continue to work with Montgomery County to maximize Ride-On bus use.
  - Work with the county and developers to provide transit passenger amenities.
  - Encourage carpool/vanpool and park-and-ride use.
  - Review the use of incentive zoning to advance the City's multi-modal goals, encouraging adoption of transportation demand management (TDM) strategies, including:
    - Employer/developer funded ride-share programs or shuttle service to major transit facilities.
    - Cash-out parking subsidies to be used for transit subsidies.
    - Staggered work hours and/or flex-time policies.
    - Telecommuting programs, at least on a part-time basis.

- Organize transportation management associations to coordinate opportunities or incentives for shared travel.
  - Incorporate dedicated bicycle parking into public parking garages and on parking lots.
  - Study the feasibility of a proportionate share development impact fee program to include street improvements and foster multi-modal infrastructure use.
  - Encourage mixed-use transit oriented development projects that promote automobile alternatives and allow for shared and/or reduced parking.
- Ensure land use and transportation decisions are consistent with the health, safety and welfare goals of the City, including:
  - Provide for full accommodation and compliance with ADA.
  - Introduce green streets technologies.
  - Promote alternatives to the automobile including public amenity projects conducive to bicycling and walking.
  - Enhance pedestrian safety.

The 1997 Transportation Plan, identified the potential of a ramp split from the north-to-east bound exit ramp of exit 11 off Interstate 270 to connect to Perry Parkway and/or East Diamond Avenue (McBain Avenue) extended.

### **Summary**

As can be seen from comparing the Project Description, the Master Plan recommendations and guidance listed here, the overall design of this Property is consistent with the themes, policies and guidance established in the City's Smart Growth Policy, Community Design Strategies and Visions (Process and Overview Element), Municipal Growth Element, and the Traditional Neighborhood Design options within the zoning ordinance.

Use of the MXD zone will provide a higher standard of development than could be done under conventional zoning categories by using enhanced site design, a compatible mix of uses and well landscaped green areas and amenity spaces and allow for a more successful implementation of the Master Plan recommendations.

## **4.0 MXD Zone**

The MXD zone is a floating zone and section 24-10A(2) of the code provides that floating zones are approved upon a finding that the application:

1. Complies with the purposes and intent of the zone as stated in the zoning ordinance; and
2. As applied will be compatible and harmonious with existing and planned land uses in the surrounding area.

In approving the MXD zone, section 24-160D.10(a) further states that 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 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.

### **1. Application meets or accomplishes the purposes, objectives, and minimum standards and requirements of the zone.**

#### Objective of the MXD Zone

Section 24-160D.1 states "[I]t is the objective of the zone to establish procedures and standards for the implementation of master plan land use recommendations for comprehensively planned, multi-use projects. It is also intended that this zone provide a more flexible approach to the comprehensive design and development of multi-use projects than the procedures and regulations applicable under the various conventional zoning categories."<sup>14</sup>

The Property is a strategically located, large-scale and multi-use project. Use of the MXD zone will establish procedures and standards for this property that are inherent in the MXD zone, and thereby provide a higher standard of development than could be provided under conventional zoning categories. The flexibility of the zone will allow integrated and mixed uses, enhanced site design, well landscaped green areas and amenity spaces and allow for a more successful implementation of Master Plan recommendations and guidance.

#### Purposes of the MXD Zone

The following is a list of the stated purposes of the MXD zone from section 24-160D.1 and a summary of how the application satisfies these purposes.

- a) *To establish standards and procedures through which the land use objectives and guidelines of approved and adopted master plans can serve as the basis for evaluating an individual development proposal, as well as ensuring that development proposed will implement the adopted master plan and other relevant planning and development policies and guidelines for the area considered for MXD zoning.*

The 1997 and 2003 Master Plans did not recommend a new zone for the Property, because "The Montgomery County Fair Board has embarked on a long-range planning

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<sup>14</sup> City of Gaithersburg Municipal Code, Zoning, Section 24-160D.1.

schedule for future improvements to the fairgrounds”. Therefore, in lieu of recommending a new zone, both Master Plans referenced Open Space as a placeholder until the MCAC’s long range strategic plan had been completed. The MCAC feels that the use of the MXD zone gives the City of Gaithersburg the highest level of review and the policies and procedures that are relevant to the zone thereby assuring the project would meet the objectives and guidelines referenced within City planning documents, including but not limited to, the stated objectives of the Smart Growth Policy, the visions and strategies of the 2010 Overview and Process Element, the 2009 Municipal Growth Element, and the Frederick Avenue Corridor Master Plan.

- b) *To encourage orderly, staged development of large scale comprehensively planned multi-use developments by providing procedures for various zoning and plan approvals, including development phasing.*

This proposal is a large scale, comprehensively planned, multi-use development that will be staged and phased in accordance with City requirements and the APFO. By adoption of the MXD zone, the owner will be subject to the orderly staged development requirements and filing procedures of a sketch plan, schematic development plan and final site plan.

- c) *To encourage design flexibility and coordination of architectural style of buildings and signage.*

The MXD zone provides the flexibility necessary to implement a mixed-use project as describe in the sketch plan. As stated earlier, the MXD process requires detailed architectural and signage coordination and submission of plans at the time of schematic development plan approval.

- d) *To ensure the integration and internal and external compatibility of applicable residential and nonresidential uses by providing a suitable residential environment that is enhanced and complemented by uses such as commercial, recreation, open space, employment and institutional uses and amenities within a multi-use development. A multi-use development is defined as a single parcel or a group of contiguous parcels of land zoned MXD which, among the various parcels comprising that contiguous area, include residential, commercial, recreational, open space, employment and institutional uses and amenities.*

This 62.83 acre site consists of two adjoining parcels. A rezoning to transform this area from low-density residential (RA) and light industrial (I-1) to Mixed Use Development (MXD), will allow for a mixed use development to incorporate the continuity of the retail and commercial uses along Route 355 (Frederick Road). The property has easy access to I-270 and is near the Gaithersburg MARC train stop and several local and commuter bus stops. The size of the Property allows the creation of a walk-able, bike-able, live/work community..

The design proposal is well integrated, with internal and external compatibility of applicable residential and nonresidential uses. 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.

- e) *To assure compatibility of the proposed land uses with internal and surrounding uses by incorporating higher standards of land planning and site design than could be accomplished*

*under conventional zoning categories and to provide a superior quality of development exceeding that which could be achieved under conventional zoning regulations and procedures.*

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. For example, the southernmost area is planned as mixed use with a predominant residential focus, which complements the existing single family homes on Chestnut Street and includes a forest buffer between the Forest Oak cemetery and the planned residential units. The middle portion of the plan is a transitional area comprising a mix of residential and nonresidential uses. This transitional area complements both the existing apartment complex on the adjoining eastern boundary and the light industrial office uses on the adjoining western boundary of the transitional area. The northern most portion of the property is planned to comprise a predominance of nonresidential uses. It adjoins the existing light industrial and C2 zone on its western border on the other side of the CSX tracks and the existing shopping center on the east and commercial uses to the north on the opposite side of Perry Parkway.

The use of the MXD zone provides the opportunity of incorporating higher standards of land planning and site design than could be accomplished under conventional zoning categories and provides a superior quality of development exceeding that which could be achieved under conventional zoning regulations and procedures.

- f) To encourage the efficient use of land by locating employment and retail uses convenient to residential areas, reducing reliance upon automobile use and encouraging pedestrian and other nonvehicular circulation networks, separated from vehicular roadways, which constitute a system of linkages among residential areas, open spaces, recreational areas, commercial and employment areas, and public facilities.*

The sketch plan demonstrates how the location of the planned uses will coexist with the existing surrounding uses. In addition, access to Route 355 and close proximity to I-270, the MARC train station in Olde Towne, and public bus transportation all enhance both the residential and nonresidential aspects of the community.

The plan efficiently uses the land by locating employment and retail uses convenient to residential areas, reducing reliance upon automobile use and encouraging pedestrian and other nonvehicular circulation networks, with a system of linkages among residential areas, open spaces, recreational areas, commercial and employment areas, and public facilities. This combination, combined with wide sidewalks, green ways, and surrounding connectivity, allows for a walkable, bikeable, live/work/play environment.

- g) To provide a superior natural environment by the preservation of trees, natural topographic and geologic features, wetlands, watercourses and open spaces.*

The sketch plan incorporates open space and green areas not only as recreational areas but also as natural buffers to the existing uses of the adjoining properties, as an enhancement of the planned stormwater management strategy and for the protection of on-site natural areas.

- h) To allow development only in phased or staged fashion to ensure the adequacy of the provision of public facilities and the concurrent implementation of community amenities.*

It is anticipated that any development would take place over a period of 10 to 12 years once development has begun. A specific start date for redevelopment of the property is not established. Once started, both residential and non-residential development would occur annually, and infrastructure and amenities would be developed proportionately with the residential and non-residential uses. The project will be phased or staged to ensure the adequacy of the provision of public facilities and the concurrent implementation of community amenities.

#### Minimum Standards and Requirements of the Zone

As stated in the application, the project meets the minimum standards of the zone including minimum size, location, requirements for public water and sewer, the uses permitted within the zone, density and intensity of development, compatibility standards, minimum green areas, public facilities and parking.

#### **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.**

The Master Plan, as expressed in numerous master plan elements, has indicated that the Property is an appropriate site for the systematic and comprehensive development of the City. It 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. The density proposed is consistent with planned growth established in the Municipal Growth Element. The project design is consistent with the vision and guidance of the Master Plan Vision expressed in the Process and Overview Element, the City's Smart Growth Policy and the Traditional Neighborhood Design option within the zoning ordinance. There were no special conditions or requirements contained in the master plan applicable to the Property.

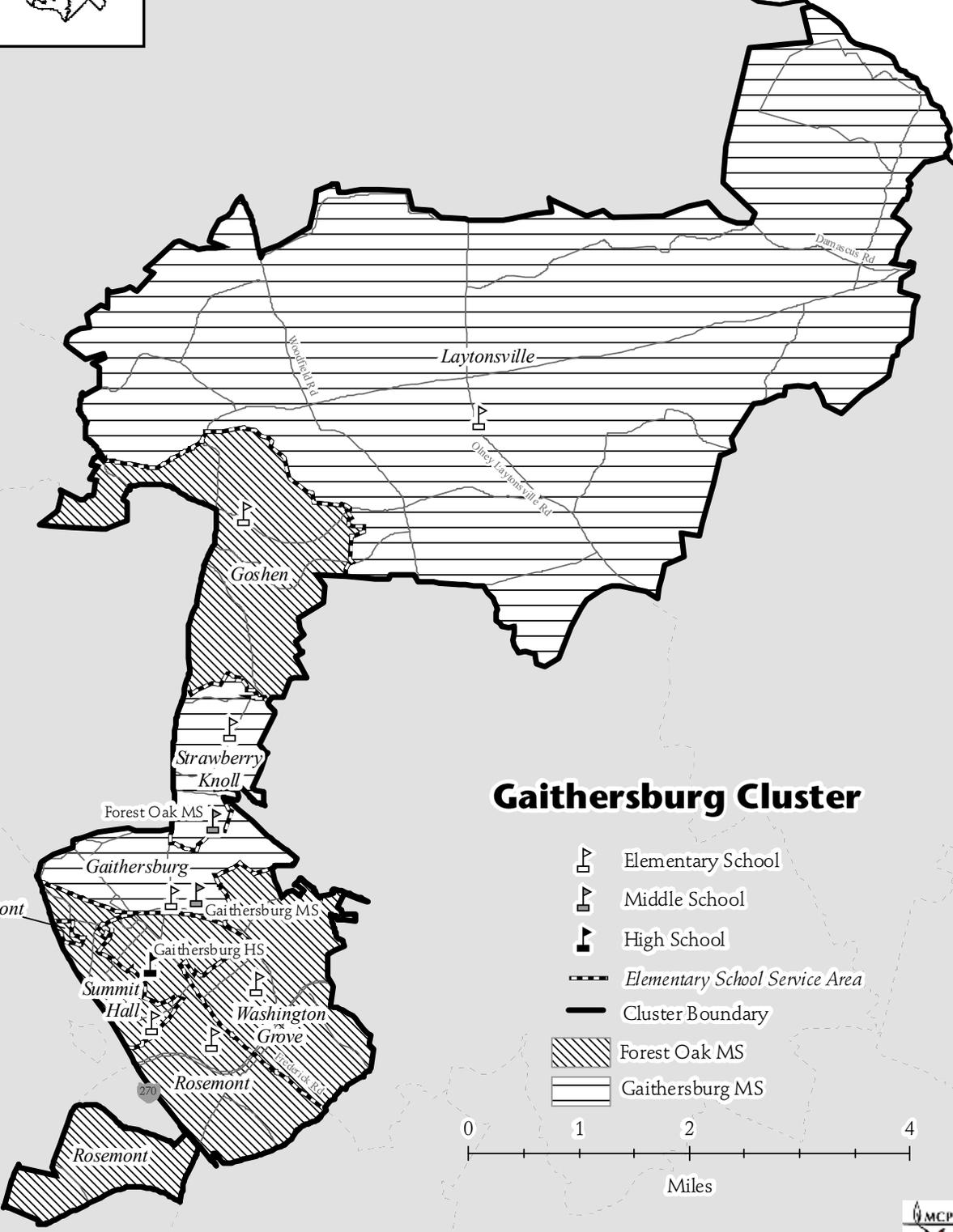
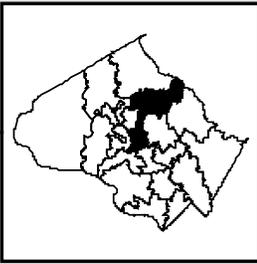
#### **3. The application and sketch plan will be internally and externally compatible and harmonious with existing and planned land uses in the MXD zoned areas and adjacent areas.**

As explained in the project description and the plans, 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.

#### **Summary**

When comparing the Project Description, the Master Plan recommendations and guidance, and the specific requirements of the MXD zone listed in this section, it is demonstrated that the overall design for this Property is consistent with the themes, policies and guidance established in the City's Master Plan, specifically the Smart Growth Policy, Community Design Strategies and Visions of the Process and Overview Element, the Municipal Growth Element, and the Traditional Neighborhood Design options within the zoning ordinance. 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.

## **5.0 Appendix**



### Gaithersburg Cluster

- Elementary School
- Middle School
- High School
- Elementary School Service Area
- Cluster Boundary
- Forest Oak MS
- Gaithersburg MS



## CLUSTER PLANNING ISSUES

**Planning Issue:** The Shady Grove Sector Plan will increase housing around the Shady Grove METRO station. Most of the new development is located within the Gaithersburg Cluster.

## SCHOOLS

### Gaithersburg High School

**Capital Project:** A modernization project is scheduled for this school. An FY 2010 appropriation was approved for planning funds to begin the architectural design of the modernization. The scheduled completion date for the modernization of the facility is August 2013 with site work scheduled for completion in August 2014. In order for this modernization to be completed on schedule, county and state funding must be provided at the levels approved in this CIP.

**Capital Project:** The Department of Health and Human Services (DHHS) Capital Budget includes planning funds for the architectural design of a School-based Wellness Center at this school. The design and construction of the Wellness Center will be included as part of the modernization of the school.

### Gaithersburg Middle School

**Capital Project:** Restroom renovations are approved for this school for completion in the 2010–2011 school year.

### Laytonsville Elementary School

**Capital Project:** Restroom renovations are approved for this school for completion in the 2015–2016 school year.

### Strawberry Knoll Elementary School

**Utilization:** Projections indicate enrollment at Strawberry Knoll Elementary School will exceed capacity by four classrooms or more by the end of the six-year planning period. Enrollment will be monitored to determine the need for a future project. Relocatable classrooms will be utilized until additional capacity can be added.

### Summit Hall Elementary School

**Utilization:** Projections indicate enrollment at Summit Hall Elementary School will exceed capacity by four classrooms or more by the end of the six-year planning period. Enrollment will be monitored to determine the need for a future project. Relocatable classrooms will be utilized until additional capacity can be added.

### Washington Grove Elementary School

**Capital Project:** Projections indicate enrollment at Washington Grove Elementary School will exceed current capacity by four classrooms or more throughout the six-year period. An FY 2008 appropriation for construction was

approved to construct a 12-classroom addition. The addition project opened in January 2010.

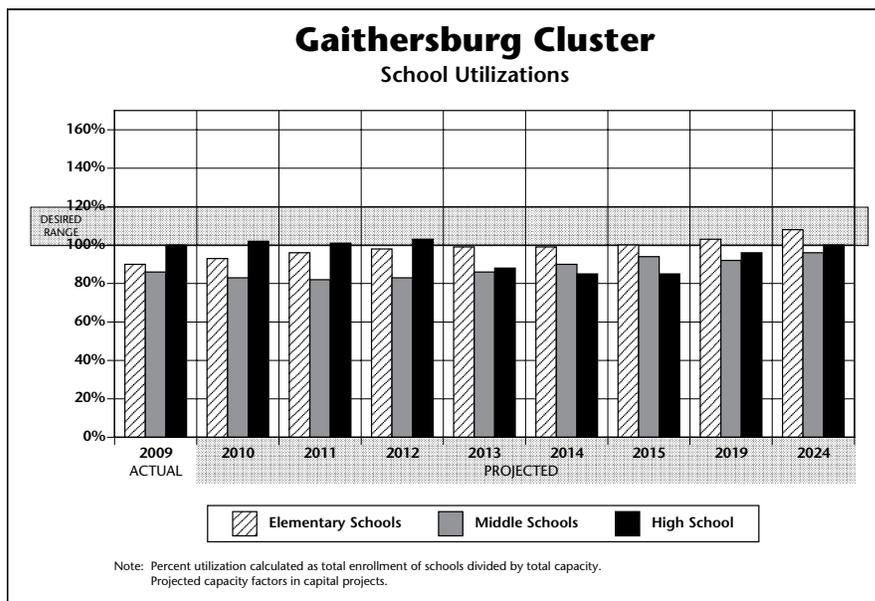
## CAPITAL PROJECTS

School	Project	Project Status*	Date of Completion
Gaithersburg HS	Modernization	Approved	Aug. 2013
	Site work	Approved	Aug. 2014
	Wellness Center	Approved	Aug. 2013
Gaithersburg MS	Restroom renovations	Approved	SY 2010–2011
Laytonsville ES	Restroom renovations	Approved	SY 2015–2016
Washington Grove ES	Classroom addition	Approved	Jan. 2010

\*Approved—Project has an FY 2011 appropriation approved in the FY 2011–2016 CIP.

Programmed—Project has expenditures programmed in a future year of the CIP for planning and/or construction funds.

Proposed—Project has facility planning funds approved for the FY 2010 Capital in the FY 2011–2016 CIP for a feasibility study.



GAITHERSBURG CLUSTER

**Projected Enrollment and Space Availability**  
Effects of the Adopted FY 2011–2016 CIP and Non–CIP Actions on Space Available

Schools		Actual	Projections								
			09–10	10–11	11–12	12–13	13–14	14–15	15–16	2019	2024
Gaithersburg HS	Program Capacity	2009	1992	1992	1992	2284	2284	2284	2284	2284	2284
	Enrollment	2013	2014	2017	2060	2005	1951	1948	2000	2050	
	Available Space	(4)	(22)	(25)	(68)	279	333	336	284	234	
	Comments		+1 SCB	Replacement of School in Progress		Replace. Complete Aug. 2013	Site Work Complete Aug. 2014				
Forest Oak MS	Program Capacity	886	886	886	886	886	886	886	886	886	
	Enrollment	847	854	786	764	811	821	849	900	925	
	Available Space	39	32	100	122	75	65	37	(14)	(39)	
	Comments										
Gaithersburg MS	Program Capacity	881	881	865	865	865	865	865	865	865	
	Enrollment	671	657	647	681	700	748	789	800	825	
	Available Space	210	224	218	184	165	117	76	65	40	
	Comments			+1 AUT							
Gaithersburg ES	Program Capacity	740	740	740	740	740	740	740			
	Enrollment	531	581	619	636	647	655	644			
	Available Space	209	159	121	104	93	85	96			
	Comments										
Goshen ES	Program Capacity	632	632	632	632	632	632	632			
	Enrollment	594	599	599	588	582	574	581			
	Available Space	38	33	33	44	50	58	51			
	Comments										
Laytonsville ES	Program Capacity	487	487	487	487	487	487	487			
	Enrollment	472	478	464	490	503	487	490			
	Available Space	15	9	23	(3)	(16)	0	(3)			
	Comments										
Rosemont ES	Program Capacity	608	608	608	608	608	608	608			
	Enrollment	501	509	537	556	574	581	575			
	Available Space	107	99	71	52	34	27	33			
	Comments										
Strawberry Knoll ES	Program Capacity	467	467	467	467	467	467	467			
	Enrollment	549	561	581	574	575	573	569			
	Available Space	(82)	(94)	(114)	(107)	(108)	(106)	(102)			
	Comments										
Summit Hall ES	Program Capacity	449	439	439	439	439	439	439			
	Enrollment	498	527	525	540	541	558	547			
	Available Space	(49)	(88)	(86)	(101)	(102)	(119)	(108)			
	Comments		+ HSM								
Washington Grove ES	Program Capacity	515	505	505	505	505	505	505			
	Enrollment	360	373	401	420	432	447	473			
	Available Space	155	132	104	85	73	58	32			
	Comments	Addition Complete Jan 2010	+ HSM								
Cluster Information	HS Utilization	100%	101%	101%	103%	88%	85%	85%	88%	90%	
	HS Enrollment	2013	2014	2017	2060	2005	1951	1948	2000	2050	
	MS Utilization	86%	86%	82%	83%	86%	90%	94%	97%	100%	
	MS Enrollment	1518	1511	1433	1445	1511	1569	1638	1700	1750	
	ES Enrollment	3505	3628	3726	3804	3854	3875	3879	4000	4100	



GAITHERSBURG CLUSTER

**Facility Characteristics of Schools 2009–2010**

Schools	Year Facility Opened	Year Reopened Mod.*	Total Square Footage	Site Size Acres	Adjacent Park	FACT Assess. Score	Child Care**	Reloc-atable Class.	LTL/SBHC***
Gaithersburg HS	1951		323,476	40.8	Yes	1214		3	
Forest Oak MS	1999		132,259	41.2					Yes
Gaithersburg MS	1960	1988	157,694	22.82					Yes
Gaithersburg ES	1947		94,468	8.39		TBD	Yes		Yes
Goshen ES	1988		76,740	10.5				1	
Laytonsville ES	1951	1989	64,160	10.4				1	
Rosemont ES	1965	1995	88,764	8.9			Yes	1	Yes
Strawberry Knoll ES	1988		78,723	10.8	Yes			4	
Summit Hall ES	1971		68,059	10.2	Yes	TBD		6	Yes
Washington Grove ES	1956	1984	86,266	10.7		TBD		9	Yes

\*Schools with a date before 1986 underwent a renovation, not a full modernization of the facility. Schools that were reopened but not fully modernized or completely rebuilt, will be included in the assessments for future modernization based on the year the school was originally opened. See Appendix K for additional information.

\*\*Private child care is provided at the school during the school day.

\*\*\*LTL=Linkages to Learning. SBHC=School-based Health Center that includes Linkages to Learning.