
MEMORANDUM TO: Mayor and City Council and the Planning Commission

VIA: Tony Tomasello, City Manager
John Schlichting, Director of Planning and Code

FROM: Gregory Mann, Planner

DATE: July 21, 2014

SUBJECT: Preliminary Background Report
Z-4520-2014/SDP-4560-2014: Devlin Property

APPLICANT:

Gary Unterberg
Rogers Consulting, Inc.
19847 Century Blvd.
Suite 200
Germantown, Maryland 20874

OWNER:

Steve Eckert
Classic Community Corporation
8120 Woodmont Avenue
Suite 300
Bethesda, Maryland 20814

TAX MAP REFERENCE:

P21 – 09-00818644

REQUEST:

Applications Z-4520-2014¹ and SDP-4560-2014² have been filed requesting sketch plan and schematic development plan approval for the development of an approximately 3.23 acre parcel as a residential community consisting of 19 front load townhomes. The Subject Property is zoned MXD (Mixed Use Development) and is currently undeveloped.

LOCATION:

The subject property is located south and west of the Parklands at Watkins Mill Town Center development and north of the CSX Rail Line. The Property is located at 11506 Game Preserve Road, Parcel P21, in the City of Gaithersburg, Maryland, and is planned to be contiguous with the Parklands at Watkins Mill Town Center development.

¹ Z-4520-2014 - Exhibit 1

² SDP-4560-2014 - Exhibit 1



Location Map

REQUIRED ACTIONS

Approval of Z-4520-2014/SDP-4560-2014, by the City Council is dependent upon the findings required under § 24-160D.10 of the City Code as follows:

(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; 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.

(b) *The city council shall approve a schematic development plan only upon the finding that:*

(1) The plan is substantially in accord with the approved sketch plan; and

(2) The plan meets or accomplishes the purposes, objectives and minimum standards and requirements of the zone, and other requirements of the City Code; and

(3) The plan is in accord with the area master plan and any accompanying special condition or requirements contained in said master plan for the area under consideration; and

(4) The plan will be internally and externally compatible and harmonious with existing and planned land uses in the MXD zoned area and adjacent areas; and

(5) That existing or planned public facilities are adequate to service the proposed development contained in the plan; and

(6) That the development staging or phasing program is adequate in relation to the provision of public facilities and private amenities to service the proposed development; and

(7) That the plan, if approved, would be in the public interest.

Therefore, the applicant has the burden of showing that these applications comply with the purpose and intent of the MXD Zone and also complies with the master plan. Additionally, evidence must be shown that the applications will be compatible and harmonious with the surrounding planned and existing land uses and will accomplish the objectives, minimum standards and requirements of the zone.

Chapter 22 - Trees and Forest Conservation – Tree Waiver

The implementation of the plan requires the removal of four trees with a diameter over 30 inches. Due to the size of some of the trees to be removed, the application is requesting a waiver pursuant to the provisions of § 22-12, Variance Provisions for removal of tree³. Pursuant to § 22-12b (c), the requirements for granting a variance are:

- (1) *Describe the special conditions peculiar to the property which would cause the hardship;*
- (2) *Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;*
- (3) *Verify that state water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance; and*
- (4) *Provide any other information appropriate to support the request.*

Chapter 19 - Streets and Sidewalks – Road Code Waiver

As part of this application, the applicant is requesting a waiver from § 19-14, Road Classification and Minimal Requirements⁴. The application is proposing to reduce the minimal pavement width of Caulfield Lane to match existing conditions found within the Parklands at Watkins Mill Town Center community.

ANNEXATION:

In 1968, the Mayor and City council by resolution R-8-68, annexed into the City the subject property as part of annexation X-095 which contained approximately 198 acres of land. At the time of annexation the property was zoned I-3 (Industrial Office Park) by resolution R-9-68.

MASTER PLAN AND ZONING HISTORY:

1997 Master Plan

The 1997 Master Plan recommended the subject property be rezoned from I-3 (Industrial Office Park) to MXD (Mixed Use Development). The 1997 Master Plan also recommended changing the subject properties land use designation from vacant-farm to commercial-industrial-research-office. The Master Plan states the following concerning the subject property (Parcel 21) as well as parts of Parcel 707 and 880:

“Development may occur only after West Watkins Mill Road is constructed over the CSX Rail Line. The maximum housing unit count on this 44 acre parcel for all dwellings will be 300 with 50 percent being single-family detached and 50 percent single-family attached equaling 7 units per acre.”

³ SDP-4560-2014 - Exhibit 43

⁴ SDP-4560-2014 - Exhibit 36 & 44

Z-278

On April 1, 1996, the Mayor and City Council adopted ordinance O-5-96, approving Comprehensive Map Amendment Application Z-278, which reclassified and confirmed zoning for Neighborhood Five. The subject property was part of the aforementioned Map Amendment rezoning the property from I-3 (Industrial Office Park) to MXD (Mixed Use Development), and reclassifying the properties* land use designation to commercial-industrial-research-office. As was customary in previous City sponsored comprehensive rezoning applications, a sketch plan was not submitted.

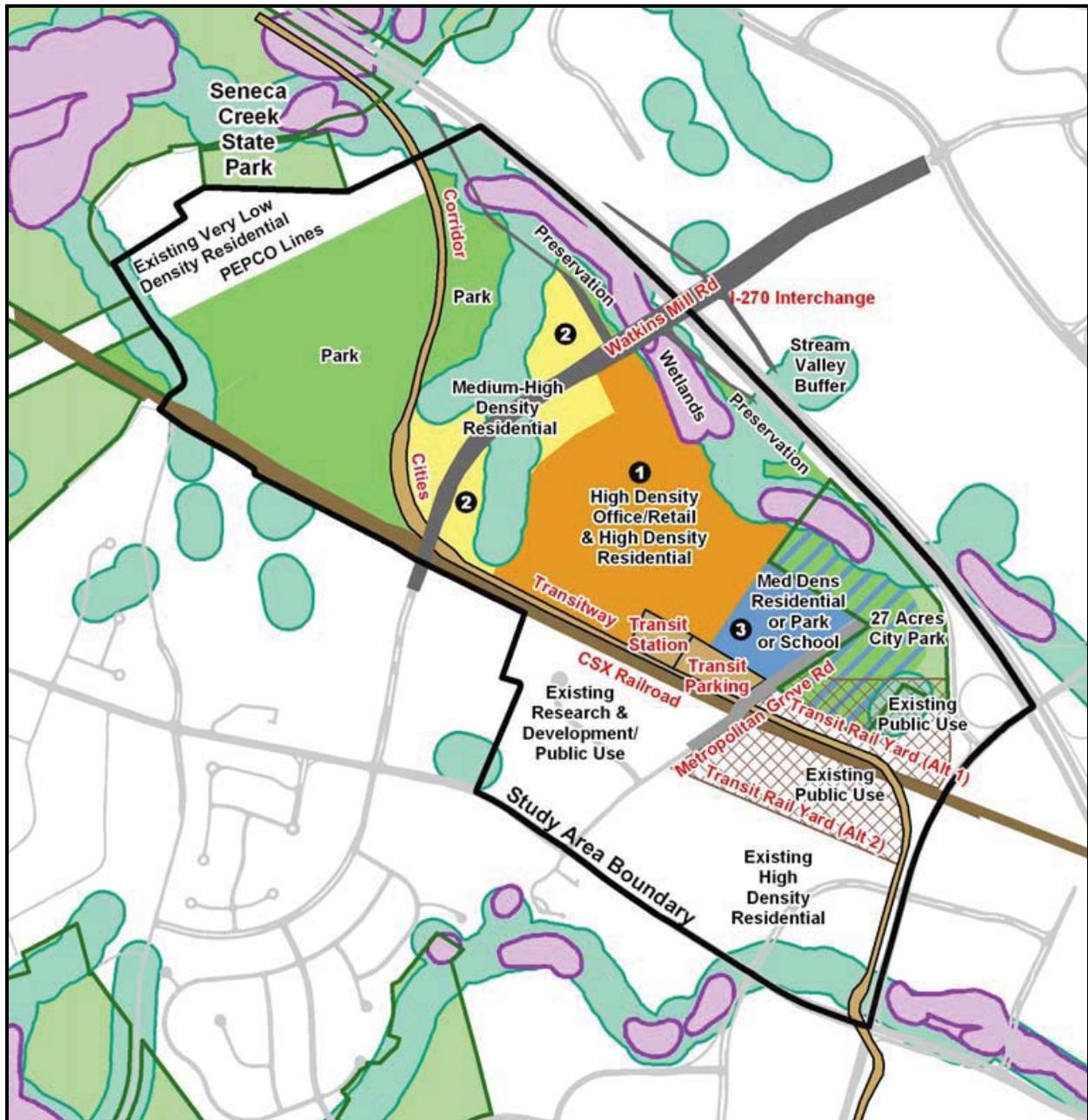
2003 Master Plan⁵

The subject property was included in the 2003 Master Plan under the Special Study Area 7 of the City's Land Use Element of the Master Plan. The property was part of the Northern Properties in the Master Plan. The Special Study area proposed three Land Use Options for the Northern Properties:

1. **Option A: Office with a Commercial Component**
Designate as office-commercial with a zoning classification to MXD.
2. **Option B: Private Arts, Entertainment and Education Center**
Designate as recreational-institutional-commercial with zoning classification of MXD.
3. **Option C: Mixed Use Office-Residential with a Commercial Component**
Retain as mixed use residential-office-commercial with a zoning classification of MXD.

In 2005, the approval and development of SDP-05-002 utilized Option C of the 2003 Master Plan for the Watkins Mill Town Center. In all three options, the subject property is designated as park. However, the proposed development is similar to the approved 2005 Watkins Mill Schematic Development Plan, SDP-05-002. The approval of the aforementioned Schematic Development Plan granted preliminary site plan approval for residential development west of the corridor cities transit way (CCT), in the area recommended as park in the 2003 Master Plan.

⁵ SDP-4560-2014 – Exhibit 49



Option C: Mixed Use Office-Residential with a Commercial Component

The 2003 Master Plan also has the following special conditions that apply to all three development options for the northern properties of Special Study Area7:

1. *The areas designated as “Park” are to be preserved, as much as possible, in their present condition and that any such development that may be permitted to occur shall limit the amount of disturbance and protect the environment.*
2. *The Development Staging and Phasing, Transportation Improvements, Staging Objectives and Project Goals, and Development Assumptions sections as stipulated above on pages 122-126 of the Casey-Metropolitan Grove Road Special Study Area shall be part of the staging and phasing of any development proposed for this study area, regardless of the land use option chosen.*
3. *The staging, phasing and density of development are to be determined by the Mayor and City Council during the Schematic Development Plan process in accordance with the nine adopted Master Plan Themes.*
4. *The implementation of staging elements for this study area will be controlled by the approval process for the Mixed Use Development (MXD) Zone through the schematic development plan (SDP) approval process.*
5. *Phasing of development and the total square footage and number of housing units for each phase will be determined in accordance with the adopted Master Plan Themes and will not be approved until a traffic impact study is submitted and its conclusions acceptable to the City and its traffic engineer. Development which generates 50 or more peak hour trips will not be approved if it is found that unacceptable critical lane volumes of 1,450 exist at nearby critical intersections (taking into account existing and programmed transportation improvements), unless the developer makes transportation improvements and employs any approved traffic mitigation techniques or public improvements are progressed for construction with public funds committed to such construction that would improve the existing Level of Service (LOS). However, simply meeting the critical lane volume standard of 1,450 does not guarantee that additional improvements cannot be required. The traffic impact study should be prepared utilizing: (1) the standard ITE trip generation rates, (2) local trip distribution patterns based on good traffic engineering practices, and (3) the Critical Lane Analysis method to determine acceptable levels of service or any other method readily acceptable. Additional information may be required during the course of review of any proposed plan for the area.*

2009 Master Plan

The subject property was not included as a specific map designation in the 2009 Master Plan. Consequently, the property is regulated by the 2003 Master Plan.

SURROUNDING LAND USE/PHYSICAL CHARACTERISTICS:

The subject property is an obtuse isosceles triangle site, which is bounded on the west by an undeveloped park, owned by the City of Gaithersburg, to the north and east by the Parklands at Watkins Mill Town Center development, and to the south by the CSX Rail Line. The properties to the north, east, and west are zoned Mixed Use Development (MXD). The subject site also contains a remnant of an old road, which crosses the property running east to west and terminating at the low point of the site in the western corner.

The development of the Parklands development west of the dedicated corridor cities transit way (CCT) was approved as part of Final Site Plan SP-05-002. This section of the Parklands development is approved for 23 single family detached dwellings. Currently, the developer is submitted building permits for the aforementioned section of the Parklands development.

As part of this application the applicant has submitted a previously approved Natural Resources Inventory (NRI) and Forest Stand Delineation (FSD) report⁶, which was approved by the City of Gaithersburg on October 18, 2013. Currently the 3.23± acre property is undeveloped forest and consists of predominately upland hardwood species. The submitted NRI specified nine specimen trees on the property with a diameter of 30 inches or greater. The applicant has submitted a tree variance request to remove four of the aforementioned trees. Of the four trees requesting to be removed, three are in poor condition and one is in fair condition.

There are no rare, threatened, or endangered species observed, identified or known to occur on the property. Additionally, there is no floodplain, wetlands, cultural or historic features on the subject site.

The Natural Resources Inventory (NRI) and Forest Stand Delineation (FSD) report submitted as part of Z-4520-2014⁷ and SDP-4560-2014⁸ goes into further detail regarding the site.

⁶ Z-4520-2014 – Exhibit 3; SDP-4560-2014 – Exhibit 8

⁷ Z-4520-2014 - Exhibit 3

⁸ SDP-4560-2014 – Exhibit 8

Z-4520-2014 SKETCH PLAN

The proposed sketch plan, Z-4520-2014, requests approval for 17 to 20 single family attached units on 2.4± acres of land to be completed in one phase. The property is currently zoned Mixed Use Development (MXD). The intended use of the site is single family attached residential, with a proposed maximum building height of 50 feet (4 stories). The total breakdown of the subject property is as follows:

2.4 Acres Residential (Single Family Attached)
.78 Acres Open Spaces Right of Way
Proposed Sketch Plan – Z-4520-2014



Proposed Sketch Plan – Z-4520-2014

SDP-4560-2014 SCHEMATIC DEVELOPMENT PLAN⁹

The proposed schematic development plan, SDP-4560-2014, requests preliminary site plan approval for 19 townhouse units on an approximately 3.12 acre site. The property is located south and west of the Parklands at Watkins Mill Town Center development, and will be contiguous with the Parklands community. The proposal will connect to the existing Parklands at Watkins Mill Town Center development by continuing Caulfield Lane through the proposed residential development and intersecting it into Forest Preserve Lane.

⁹ SDP-4560-2014 – Exhibit 1

A vital component of the development is the connectivity of the subject development with the existing Parklands development. This connection requires approximately .13 acres of City Land, P 880, to be sold as surplus land to the applicant. The aforementioned land was designated as a passive park as part of approval of Final Site Plan, SP-05-0013. The applicant will be required to obtain the required .13± acres of land through the surplus land process prior to Final Site Plan approval.



Proposed Schematic Development Plan – SDP-4560-2014

PUBLIC FACILITIES:

Traffic Impacts

On March 14, 2014, the applicant submitted a Traffic Impact Analysis (TIA)¹⁰, TRF-4631-2014, in conjunction with SDP-4560-2014. The application is proposed to connect to the adjacent Parklands at Watkins Mill Town Center development by continuing Caulfield Lane, from Parklands, through the Devlin Property and intersecting it into Forest Preserve Lane. Based upon the amount of traffic generated by the proposed plan, a finding of adequacy was made for the proposed development. Therefore, the site complies with the requirements for the Adequate Public Facilities requirements for Traffic Impacts (§ 24-245)¹¹.

¹⁰ SDP-4560-2014 - Exhibit 14A and 14B

¹¹ SDP-4560-2014 – Exhibit 50

Adequacy of School Capacity

The proposed development is located within the Quince Orchard cluster of the Montgomery County Public School (MCPS) system. Within this cluster, the schools that currently serve the proposed development are Quince Orchard High School, Lakelands Middle School, and Brown Station Elementary School.

The Adequate Public Facilities Ordinance, § 24-246, 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 five (5) years in the future...”

None of the schools within this cluster that serve the proposed development currently exceed 110% of capacity five years in the future. As referenced in the applicants statement¹², the proposed development complies with the school test of the Adequate Public Facilities Ordinance (§ 24-246).

Water and Sewer Services and Public Utilities

The subject property will be served by water and sewer with the extension of existing utilities found at the Parklands at Watkins Mill Town Center development. As such, the property has W-1 and S-1 category designations. As referenced in the applicants statement¹³, the application complies with the requirements of the City’s Adequate Public Facility Ordinance (APFO) for water and sewer (§ 24-247).

Fire and Emergency Services

The subject property is located within a ten-minute response time of three fire stations: the Gaithersburg/Washington Grove Fire Station 8 (Montgomery Village Avenue), Rockville (Darnestown) Station 31, and the Germantown (Kingsview) Station 22. Therefore, as referenced in the applicants statement¹⁴, the site complies with the requirements for the Adequate Public Facilities requirements for Emergency Services (§ 24-248).

¹² SDP-4560-2014 – Exhibit 10

¹³ SDP-4560-2014 – Exhibit 10

¹⁴ SDP-4560-2014 – Exhibit 10

Road Code Waiver Request¹⁵

As part of this application, the applicant has submitted a road code waiver request¹⁶ to reduce the minimal pavement width for Caulfield Lane. The applicant requests a waiver from the road code in order to match existing conditions found within the previously approved Parklands at Watkins Mill Town Center Development. The requested width for Caulfield Lane is proposed to be consistent with Forest Preserve Road. The road code waiver was reviewed by both the City of Gaithersburg Engineering Services Division Chief and the Fire Marshal¹⁷.

Caulfield Lane without parking

ROAD SECTION DESIGN REQUIREMENTS	PROPOSED	REQUIRED (RESIDENTIAL TERTIARY)
MIN. R.O.W. WIDTH	40'	27.4'
MIN. PAVEMENT WIDTH	23'	26'
MIN. SIDE WIDTH	7'	N/A
MIN. MEDIAN WIDTH	N/A	N/A
MIN. C/L RADIUS	51.5'	100'
CURB AND GUTTER	YES	YES
SIDEWALK	YES (5')	YES
PARKING	No	N/A

Caulfield Lane with parking

ROAD SECTION DESIGN REQUIREMENTS	PROPOSED	REQUIRED (RESIDENTIAL TERTIARY)
MIN. R.O.W. WIDTH	40'	27.4'
MIN. PAVEMENT WIDTH	27.5'	26'
MIN. SIDE WIDTH	7'	N/A
MIN. MEDIAN WIDTH	N/A	N/A
MIN. C/L RADIUS	51.5'	100'
CURB AND GUTTER	YES	YES
SIDEWALK	YES (5')	YES
PARKING	YES	N/A

¹⁵ SDP-4560-2014 - Exhibit 15

¹⁶ SDP-4560-2014 - Exhibit 36 & 44

¹⁷ SDP-4560-2014 - Exhibit 45 & 46

Parking

The applicant is proposing to facilitate parking with on street parking, driveways and integral garages. Each townhouse will contain a two car garage and two driveway spaces. The City of Gaithersburg Parking Ordinance requires 2.5 spaces per townhouse, for a total of 48 spaces required on site. The applicant is proposing a total of 71 parking spaces; 23 spaces over the required 48 spaces. The applicant is counting garage spaces as one-half of a parking spaces, pursuant to § 24-219 of the City of Gaithersburg Parking Ordinance.

Tree Waiver Request

As stated earlier, the applicant has submitted a tree waiver request to remove four specimen trees to facilitate the development of the site. Of the four specimen trees proposed to be removed, three are in poor condition and one is in fair condition. The applicant has submitted a tree waiver request and justification letter¹⁸.

Sound Analysis

As part of this application, the applicant has submitted a noise and vibration study. The study determined the future day-night average noise level and evaluated the effect of a proposed noise wall.

As referenced in the noise study, with a noise barrier 6 of the 19 proposed residences are have a decidable level above 65 compared to 14 without. As recommended by Staff, the applicant has provided a noise wall located at the closest locations to the CSX railway. The applicant will be required to maintain noise levels in residencies lower than 45 decidable.

Green Space

The applicant has submitted a green space plan pursuant to the requirements of § 24-160D.9.(b)¹⁹. Section 24-160D.6.(a) states,

“The amount of green area, including designated parks, public and private open space, active and passive recreational areas, required for the residential portion of a mixed use development shall be not less than forty (40) percent of the total area shown for residential use.”

The applicant is providing 61% green space on the subject property.

¹⁸ SDP-4560-2014 – Exhibit 43

¹⁹ SDP-4560-2014 – Exhibit 37

Utility Plan

As a requirement of this application, the applicant has submitted a preliminary utility plan²⁰. The preliminary utility plan has been submitted and reviewed by the utility companies. Staff has requested that the applicant provide letters of preliminary approval prior to the closing of the Planning Commission record. WSSC provided comments²¹ and the applicant is currently working on a response.

Affordable Housing

The application is proposing less than 20 new units on the subject property. Pursuant to § 24-251, *“the requirements of this chapter shall apply to any new residential development or redevelopment that includes twenty (20) or more dwelling units.”* Since the applicant is proposing 19 units, the development is exempt from affordable housing requirements.

Architecture

In accordance with the requirement for the submission of a Schematic Development Plan,

§ 24-160D.9.(b), the applicant has submitted preliminary architecture elevations for a standard stick of Townhouses²². The project is proposing to be annexed into the Parklands Homeowners Association and be governed by the same Design Guidelines document approved for the Parklands development as part of SDP-05-0013. The architecture of the townhouses is proposed to be comparable in design to existing townhouses in the Parklands development.



Preliminary Architecture

²⁰ SDP-4560-2014 – Exhibit 42

²¹ SDP-4560-2014 - Exhibit 47

²² SDP-4560-2014 – Exhibit 39

Stormwater Management

In accordance with the requirement for the submission of a Schematic Development Plan, Section 24-160D.9.(b), the applicant has submitted a concept and preliminary stormwater management plan (SWM-4614-2014, SWM-4615-2014, SEC-4618-2014). The City of Gaithersburg, Department of Public Works, has approved both the concept and preliminary stormwater management plans²³.

SUMMARY:

The applicant has submitted for consideration sketch plan application Z-4520-2014 and subsequent schematic development plan application SDP-4560-2014. This is a complete application as defined by § 24-160D.9.(b) Application for Schematic Development Plan Approval of the City Code. A joint public hearing with the Mayor & City Council and the Planning Commission has been scheduled for July 21, 2014.

Because this is the initial public hearing and staff continues to complete their analysis of the proposed project, no formal recommendation is provided at this time. A recommendation will be provided by staff prior to the Planning Commission recommendation discussion. That being said, staff has identified the following points of interest for the Council's consideration which should be considered in more depth:

1. Staff supports the development of approximately .13 acres of city land, P 880, to create a connection to adjoining properties within the Parklands development. This improvement will help to create an integrated development that is contiguous with the Parklands development. The applicant will be coming back to the Mayor and City Council to obtain the required .13± acres through the surplus land process prior to Final Site Plan approval.
2. Preliminary letters of approval from the utility companies should be provided to the City prior to Planning Commission recommendation.
3. A final noise study should be provided to Staff prior to Planning Commission recommendation.

²³ Z-4520-2014 – Exhibit 17; SDP-4560-2014 – Exhibit 48