
MEMORANDUM TO: The Planning Commission
FROM: Gregory Mann, Planner
DATE: June 17, 2015
SUBJECT: Preliminary Background Report
ASDP-6950-2015: Kentlands Market Square

APPLICANT/OWNER:

Ken Miller
Beatty Management Company, Inc.
6824 Elm Street
Suite 200
McLean, Virginia 22101

ATTORNEY:

Erin E. Girard
Linowes and Blocher, LLP
7200 Wisconsin Avenue
Suite 800
Bethesda, Maryland

TAX MAP REFERENCE:

FS13 – 09-03203814
FS13 – 09-03203825
FS13 – 09-03699003

REQUEST:

Application ASDP-6950-2015 has been filed requesting an amendment to the schematic development plan for the property known as Kentlands Market Square in Gaithersburg, Maryland¹. The Applicant is requesting a change in use to allow up to ten (10%) percent of the approved commercial tenant space to be used for office and/or educational uses. The Applicant is not proposing any physical changes to any of the buildings; however the conversion of two (2) standard parking spaces along Market Street into a single handicap space is shown. The subject property is zoned MXD (Mixed use Development) and is currently developed as a retail/commercial center.

LOCATION:

The subject property is located within the Kentlands subdivision and is bordered by Kentlands Boulevard to the north.

¹ Exhibit 1



Location Map

PROJECT BACKGROUND

Application ASDP-6950-2015 was filed on March 4, 2015 by Ken Miller of Beatty Management Company, Inc. The application was presented to the Mayor and City Council as a courtesy review during their May 18, 2015 regular meeting, pursuant to § 24-198(C)(2)(C) of the City Code. Following the courtesy review, the Council directed staff to have the amendment be referred to the Planning Commission for further evaluation, public hearing and recommendation. The Council will then, following the Planning Commission recommendation, vote on the application².

REQUIRED ACTIONS

Approval of ASDP-6950-2015, by the City Council is dependent upon the findings required under § 24-160D.10 of the City Code as follows:

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

² Exhibit 9

- (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 affirming that this application for amendment continues to comply with the purpose and intent of the MXD Zone and with the master plan.

ANNEXATION:

In 1967, the Mayor and City Council by resolution R-22-66, annexed into the City the subject property as part of annexation X-088 which contained approximately 928.38 acres of land. At the time of annexation the property was zoned a variety of different zones by resolution R-23-66.

MASTER PLAN AND ZONING HISTORY:

Z-262

In 1989, the Mayor and City Council adopted ordinance O-3-89, approving Map Amendment Application Z-262, which rezoned the subject property to MXD (Mixed Use Development).

1997 Master Plan

The subject property was included in the 1997 Master Plan under neighborhood four, as part of study area four, map designation 23, which states:

“Redesignate approximately 52 acres of property existing as a portion of the former National Geographic Society property (parcel P126), and as a portion of the former Midtown area within Kentlands from commercial-office-residential and industrial-research-office to all commercial-office-residential (map designation 23). Thus the area, currently zoned MXD

and I-3, spans the common boundary between these two adjacent properties and is proposed to contain the “Town Center” for both the Kentlands and future Lakeland communities. The plan emanating from the March 1996 Charrette for Kentlands and Lakelands proposed a mixed use, destination-entertainment area, focused around a town square and developed under the MXD zone. This concept includes the original “Main Street” vision that was part of the plan for Kentlands including “live-work” units. The design of the retail component should not preclude future retrofitting of the site with additional buildings and structured parking in the parking lots. Therefore, utilities will have to be located within drive aisles to allow for this. The residential component of this area should be of the highest density possible while maintaining the high level of urbanism achieved by the plan created at the March 1996 charrette. The dwelling units of this portion of Lakelands can be excluded from the density and mix requirements on the balance of the property. The Shady Grove-Clarksburg Transitway is currently planned to extend from the Shady Grove Metro station to Clarksburg, Maryland, and travel through Gaithersburg along Great Seneca Highway and Maryland Route 124. The alignment currently is shown to be on the northeast side of Great Seneca Highway, then passing through the Quince Orchard Park community where a transit station is planned. During the charrette for Lakelands and Kentlands, the alignment was proposed to shift and move through the Lakelands and Kentlands site with stops at key points around the “town center” area. It is proposed to enter the Lakelands/Kentlands site along Kentlands Boulevard and then return to the adopted alignment. The final alignment will be reflected on the Transportation Element of the Master Plan. Continued coordination of the exact alignment is necessary as the Town Center SDP is reviewed.”

Kentlands Boulevard Commercial District Special Study Area – 2003 Master Plan

The subject property was further included in the 2003 Master Plan under the *Kentlands Boulevard Commercial District Special Study Area*. The Special Study Area (SSA) provides a framework for the future of the Kentlands Commercial District for the following four visions:

A Quality Public Realm

Focus on improving the public realm by creating and maintaining a network of walkable streets; safe street crossings; attractive, accessible public spaces; and buildings whose form and design contribute to an attractive street environment.

Accessible and Connected Places

Balance demands on transportation infrastructure by encouraging a dynamic mix of uses, improving conditions for pedestrians and cyclists, and encouraging the efficient use of transit and parking resources.

A Rich Mix of Uses

Promote a critical mass and broad mix of mutually supportive uses, including a range of housing choices, retail, small offices and restaurant offerings, and public, personal and professional services that support the vitality of the area.

A Plan for Incremental Change

Encourage development that supports the long-term vision for the area while fulfilling short-term needs.

The SSA defined the following plan goals:

Land Use and Intensity

- *Promote the future appropriate growth of Kentlands' downtown with a healthy mix of uses to support the needs of the neighborhood, region and the use of the transit system.*
- *Promote an increase in intensity of Downtown Kentlands as market demand grows and as infrastructure can support it. Downtown Kentlands should serve as a model of succession planning and excellent transit-oriented development.*

Transportation and Streets

- *Promote the improvement of the existing infrastructure network, while preparing for the inclusion of the Corridor Cities Transitway.*
- *Promote the alignment of the Corridor Cities Transitway on the Kentlands side of Great Seneca Highway, continuing to promote the strategy of locating Transit Stations in Town Centers throughout the City of Gaithersburg.*

Public Spaces and Streetscapes

- *Provide appropriately scaled civic space in the northern section of the District.*
- *Replace "drive aisles" in current parking lots with properly detailed streets, as new development warrants.*
- *Improve the Public Realm of Kentlands Boulevard to establish a better pedestrian environment.*
- *Improve pedestrian crossing experience at Kentlands Boulevard at key locations.*

Form and Character

- *Gradually replace the Shopping Centers in the KBCD with a more urban model (Downtown Kentlands), through the conversion of surface parking lots to transit-oriented development sites. Do not permit redevelopment of sites that in any way preclude future Transit-Oriented Development.*
- *Encourage sustainable development strategies at every level – from site work to building technology to energy efficiency.*
- *Buildings should shape the public realm through proper placement close to the sidewalk.*

PUBLIC FACILITIES:

Traffic Impacts

According to the Applicant's traffic statement³, none of the proposed uses will generate an additional thirty (30) weekday peak hour trips. Upon review of this statement, Staff has determined that a traffic impact study is not required⁴. Therefore the proposed application complies with the requirements for the Adequate Public Facilities Ordinance for traffic impacts (§ 24-245).

Adequacy of School Capacity

Since the application proposes commercial uses only, it will have no impact on the school system. Therefore the proposed application is exempt from the school test of the Adequate Public Facilities Ordinance (§ 24-246).

Water and Sewer Services and Public Utilities

The subject property currently has WSSC water and sewer categories of W-1 and S-1 respectively. The application complies with the requirements of the City's Adequate Public Facilities Ordinance for water and sewer (§ 24-247).

Fire and Emergency Services

The following three fire stations provide ten minute response times to the subject property;

- Gaithersburg Fire Station 8;
- Rockville Fire Station 31; and
- Travilah Fire Station 32

Therefore the site complies with the requirements for Adequate Public Facilities for Emergency Services (§ 24-248).

AMENDMENT TO SCHEMATIC DEVELOPMENT PLAN

The Applicant requests approval to allow up to ten (10%) percent of the approved commercial tenant space to be used for office and/or educational uses. It is important to note that while driving and commercial driver license (CDL) schools are typically considered educational uses, in this application both would still be considered non-permitted uses.

³ Exhibit 7

⁴ Exhibit 8

The Applicant is not requesting any physical changes to any of the buildings; however the conversion of two (2) standard parking spaces along Market Street into a single handicap space is proposed. According to the Applicant's statement, this request is to accommodate new tenants in the center and address the need of a specific tenant to have better handicap access⁵.

Market Square Kentlands Permitted Use (254,650 S.F.)

Use	Percent Permitted	S.F. Permitted
*Commercial	Up to 100%	254,650 S.F.
Office	^Up to 10%	25,465 S.F.
**Education	^Up to 10%	25,465 S.F.

* Commercial uses include, but not limited to, retail, theatre, and restaurant.

** Education uses not to include driving and CDL schools.

^ Office and Education uses not to exceed a combined 10%.

In response to concerns that were raised during the May 18, 2015 Mayor and City Council meeting, the Applicant has submitted a statement proffering revisions to the current application⁶. According to the statement, the Applicant is amendable to reducing the office/education use request from 10% to 5%, with a limitation of no more than 2.5% being located along Market Street. However, the Applicant has requested that any second floor leasable space be excluded from any cap.

Market Square Kentlands Permitted Use (254,650 S.F.)

Use	Percent Permitted	S.F. Permitted
*Commercial	Up to 100%	254,650 S.F.
Office/**Education	^Up to 5%	12,732 S.F.

* Commercial uses include, but not limited to, retail, theatre, and restaurant.

** Education uses not to include driving and CDL schools.

^ Office and Education uses not to exceed 2.5% (6,366 S.F) along Market Street. Second floor office space not subject to cap.

⁵ Exhibit 2
⁶ Exhibit 21

Parking

Pursuant to § 24-219 of the City Code, the proposed conversion of ten (10%) percent of the approved commercial uses to office and/or education can be parked with the currently provided on-site parking. The property was originally designed and parked for 100% retail. Of the proposed uses, retail generates the highest parking demand. Therefore the proposed ten (10%) percent conversion can be facilitated with the existing on-site parking.

SUMMARY:

Staff at this time is not providing a formal recommendation. A Staff recommendation will be provided prior to the Planning Commission recommendation discussion. For the purpose of concluding the public hearing, Staff recommends that the Planning Commission make a motion to close the public hearing and hold the record open till 5:00 PM on July 9, 2015.