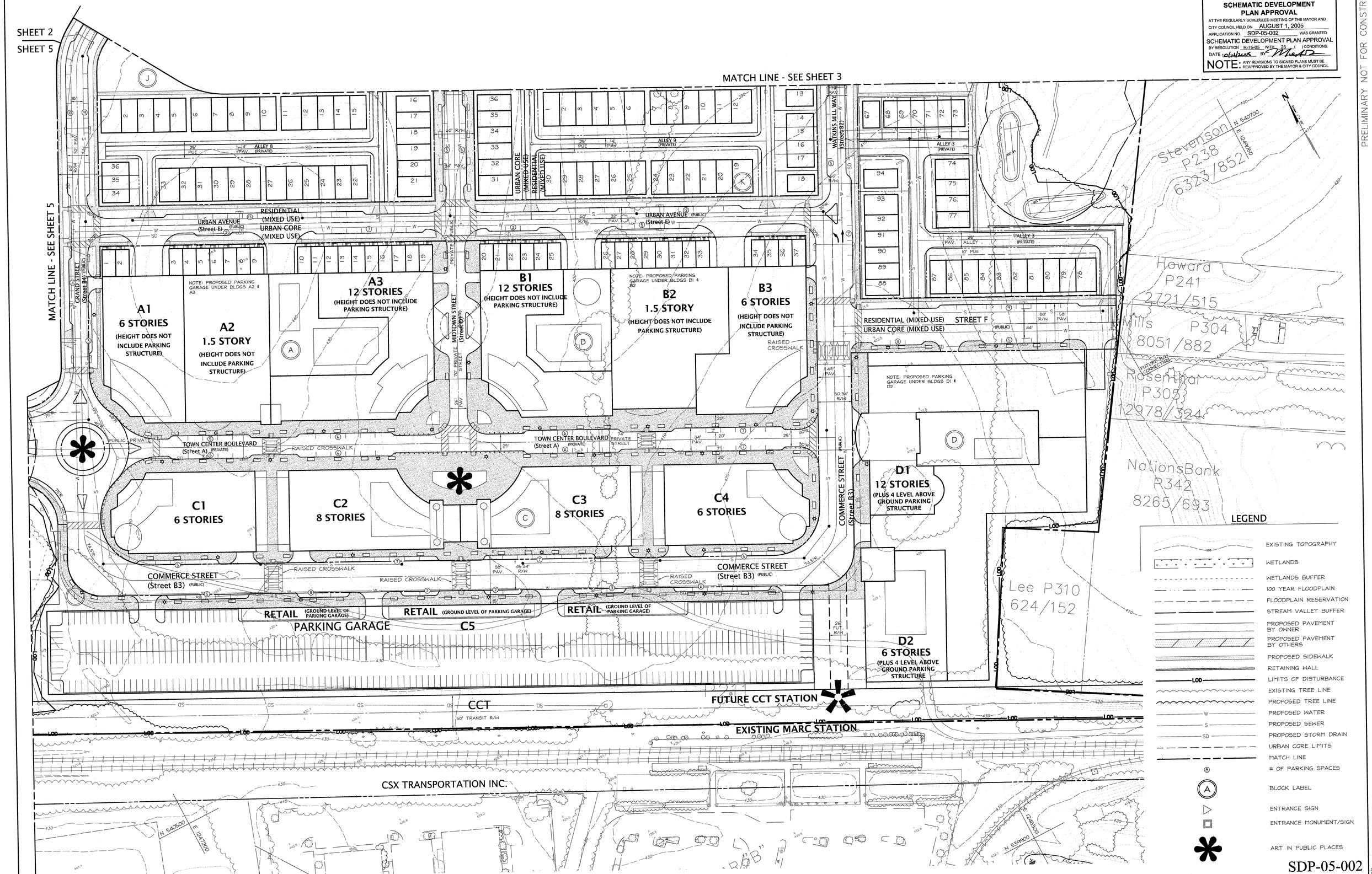
CITY OF GAITHERSBURG MAYOR & COUNCIL
31 SOUTH SUMMIT AVENUE, GAITHERSBURG, MARYLAND 20877
SCHEMATIC DEVELOPMENT PLAN APPROVAL
AT THE REGULARLY SCHEDULED MEETING OF THE MAYOR AND CITY COUNCIL HELD ON AUGUST 1, 2005
APPLICATION NO. SDP-05-002 WAS GRANTED
SCHEMATIC DEVELOPMENT PLAN APPROVAL
BY RESOLUTION R-75-05 WITH 28 ( ) CONDITIONS.
DATE 10/11/2005 BY
NOTE: ANY REVISIONS TO SIGNED PLANS MUST BE REAPPROVED BY THE MAYOR & CITY COUNCIL

PRELIMINARY NOT FOR CONSTRUCTION



SDP-05-002

REVISION	DATE
ADDED FUTURE R/W CONNECTION NOTE	8/23/05
PER CITY'S REQUEST	

REVISION	DATE	REVISION	DATE

Owner/Developer:
BP Realty Investments, LLC

10000 Falls Road, Suite 100
Potomac, Maryland 20854
Ph.: (301) 299-2099
Fax: (301) 299-2033
Contact: Mr. Peter J. Henry

SCHEMATIC DEVELOPMENT PLAN

RODGERS CONSULTING
Enhancing the value of land assets

Rodgers Consulting, Inc.
19847 Century Blvd., Suite 200
Germantown, MD 20874
301.948.4700
301.948.6256 (fax)
301.253.6609
www.rodgers.com

	BY	DATE
BASE DATA		
DESIGNED		
DRAWN		
REVIEWED		

RODGERS CONTACT:
RELEASE FOR
BY_____ DATE_____

CASEY PROPERTY WEST
METROPOLITAN GROVE

City of Gaithersburg
9th election district
Montgomery County, Maryland

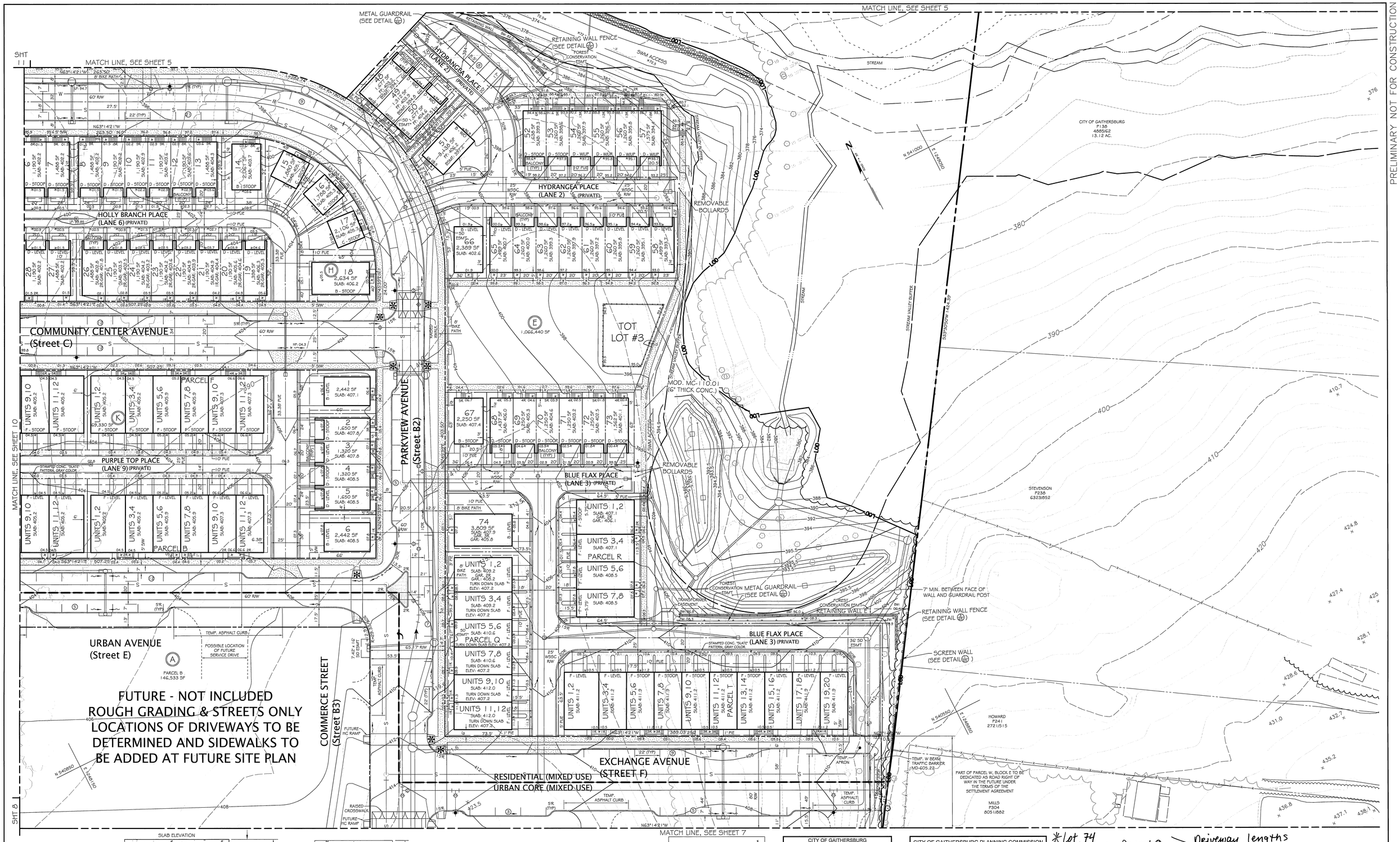
Planning Commission
Z-7187-2015
Ex 26

Mayor and City Council
Z-7187-2015
Ex 26

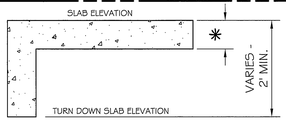
SCALE: 1" = 50'
JOB No. 776A
DATE: APR., 2005
SHEET No. 6 of 36

CASEY PROPERTY WEST SDP

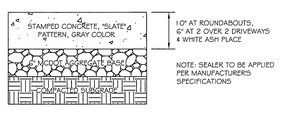
N:\MD-Montgomery\Parklands\DWG\West\SDP\02-06-SDP.dwg Sheet 06 Oct 10, 2005, 5:42pm



*NOTE: SEE BUILDING CONSTRUCTION PLANS FOR SLAB THICKNESS AND DETAILS.

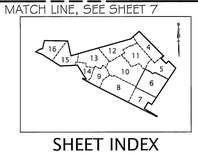


TYPICAL TURN DOWN SLAB DETAIL
N.T.S.



STAMPED CONCRETE SECTION
N.T.S.

*ANCHOR STOOP TO BUILDING WHEN IN STORM DRAIN EASEMENT.



SHEET INDEX

CITY OF GAITHERSBURG
DEPARTMENT OF PUBLIC WORKS,
PARK MAINTENANCE, AND ENGINEERING
FINAL APPROVAL
DATE 4/24/07
BY James D. Arnoldt

CITY OF GAITHERSBURG PLANNING COMMISSION
31 SOUTH SUMMIT AVENUE, GAITHERSBURG, MARYLAND 20877

SITE PLAN APPROVAL

AT THE REGULARLY SCHEDULED MEETING OF THE PLANNING COMMISSION HELD ON May 8 2006
APPLICATION NO. SP-05-0013 WAS GRANTED
FINAL SITE PLAN APPROVAL
WITH thirty six (36) CONDITIONS. SEE SDA LETTER
DATE 5-22-07 BY Jacqueline Mauch
NOTE: ANY REVISIONS TO SIGNED PLANS MUST BE REAPPROVED BY THE PLANNING COMMISSION

*Lot 74
Units 1-12, Parcel Q
Units 1-8 Parcel R
> Driveway lengths subject to Staff approval

CALL "MISS UTILITY" AT 1-800-257-7777
48 Hours Before Start Of Construction

The excavator must notify all public utility companies with underground facilities in the area of proposed excavation and have those facilities located by the utility companies prior to commencing excavation. The excavator is responsible for compliance with requirements of Chapter 36A of the Montgomery County Code.

A MARYLAND REGISTERED PROFESSIONAL ENGINEER OR ARCHITECT SEAL AND SIGNATURE ON PLANS WILL BE ACCEPTED AS PRIMA FACIE EVIDENCE THAT PLANS ARE IN COMPLIANCE WITH APPLICABLE CODES AND REGULATIONS.

STATE OF MARYLAND — WILLIAM C. GERALD — No. 18818 — REGISTERED PROFESSIONAL ENGINEER — 4/24/07

SP-05-0013

REVISION	DATE	REVISION	DATE	REVISION	DATE
		REVISED PER DPW COMMENTS	03-19-07	REVISED PER DPW COMMENTS	10-6-06
		REVISED PER DPW COMMENTS	02-15-07	REVISED PER CITY COMMENTS	8-14-06
		REVISED PER DPW COMMENTS	01-31-07	REVISED PER CITY COMMENTS	8-8-06
		REVISED PER DPW COMMENTS	01-19-07	REVISED PER DPW COMMENTS	8-2-06
		REVISED PER DPW COMMENTS	12-20-06	REVISED PER CITY COMMENTS	6-5-06
		REVISED PER DPW COMMENTS	12-08-06	REVISED PER CITY COMMENTS	4-20-06
REVISED PER DPW COMMENTS	4-20-07	REVISED PER CITY COMMENTS	10-26-06	REVISED PER CITY COMMENTS	4-11-06
REVISED PER DPW COMMENTS	4-9-07	REVISED PER CITY COMMENTS	10-9-06	REVISED PER CITY COMMENTS	4-4-06

Owner/Developer:
BP Realty Investments, LLC
c/o Classic Group, LLC

8120 Woodmont Avenue, Suite 300
Bethesda, Maryland 20814
Ph.:(301) 913-0404
Contact: Wm. P. Gerald, Jr.

FINAL SITE PLAN

RODGERS CONSULTING
Enhancing the value of land assets

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301.948.6256 (fax)
301.253.6609
www.rodgers.com

	BY	DATE
BASE DATA	RCI	11/05
DESIGNED	RCI	11/05
DRAWN	MP	11/05
REVIEWED	GU	11/05

ROGERS CONTACT: G. UNTERBERG
RELEASE FOR
BY_____ DATE____

WEST END AT WATKINS MILL TOWN CENTER

City of Gaithersburg
9th election district
Montgomery County, Maryland

Planning Commission
Z-7187-2015
Ex 27

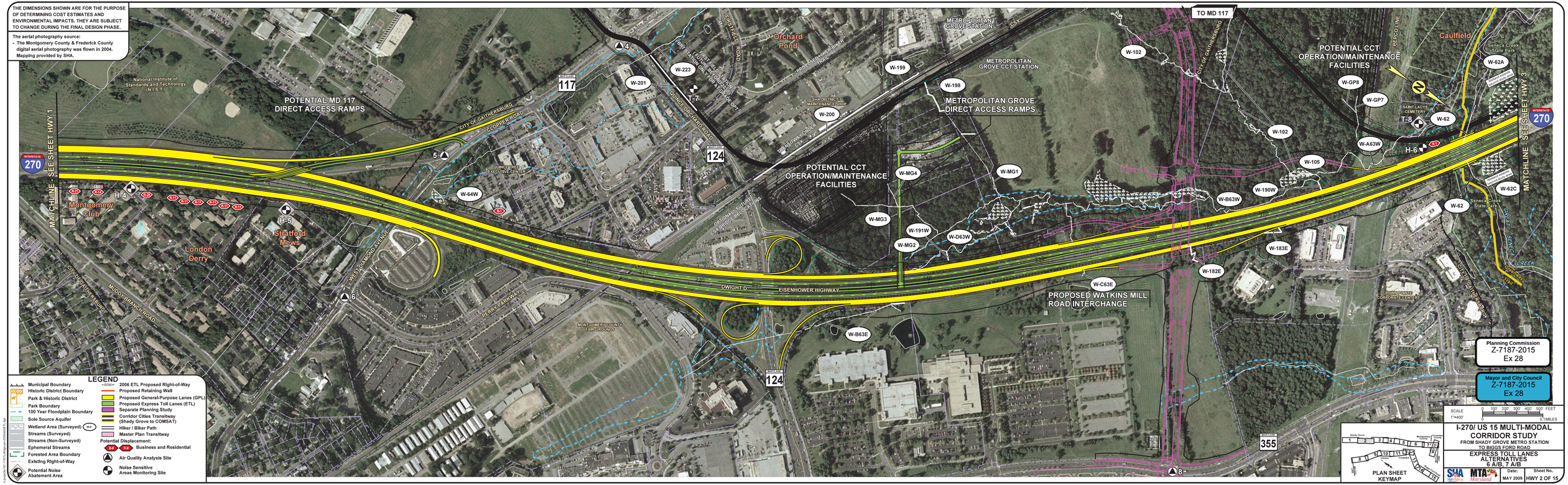
Mayor and City Council
Z-7187-2015
Ex 27

SCALE: 1" = 30'
JOB No. 1002A
DATE: NOV., 2005
SHEET No. 6 of 82

WATKINS MILL TOWN CENTER FINAL SITE PLAN

THE DIMENSIONS SHOWN ARE FOR THE PURPOSE OF DETERMINING COST ESTIMATES AND ENVIRONMENTAL IMPACTS. THEY ARE SUBJECT TO CHANGE DURING THE FINAL DESIGN PHASE.

The aerial photography source:
- The Montgomery County & Frederick County digital aerial photography was flown in 2004. Mapping provided by SHA.



LEGEND

- Municipal Boundary
- Historic District Boundary
- Park & Historic District
- Park Boundary
- 100 Year Floodplain Boundary
- Sole Source Aquifer
- Wetland Area (Surveyed)
- Streams (Surveyed)
- Streams (Non-Surveyed)
- Ephemeral Streams
- Forested Area Boundary
- Exlsting Right-of-Way
- Potential Noise Abatement Area
- 2006 ETL Proposed Right-of-Way
- Proposed Retaining Wall
- Proposed General-Purpose Lanes (GPL)
- Proposed Express Toll Lanes (ETL)
- Separate Planning Study
- Corridor Cities Transitway (Shady Grove to COMSAT)
- Hiker / Biker Path
- Master Plan Transitway
- Potential Displacement:
  - Business and Residential
- Air Quality Analysis Site
- Noise Sensitive Areas Monitoring Site

Planning Commission
Z-7187-2015
Ex 28

Mayor and City Council
Z-7187-2015
Ex 28

I-270/ US 15 MULTI-MODAL CORRIDOR STUDY

FROM SHADY GROVE METRO STATION TO BIGGS FORD ROAD

EXPRESS TOLL LANES ALTERNATIVES 6 A/B, 7 A/B

SHA State Highway Administration | MTA Maryland

Date:	Sheet No.
MAY 2009	HWY 2 OF 15

approval such traffic improvement timed to be in place on or before the beginning of the occupancy of triggering building. The City shall timely approve appropriate plans submitted for such work to be performed to the extent that it is within its jurisdiction.

D. Right of Way to Adjoining properties –Developer shall reserve additional right of way from the end of its roadways shown on Exhibit B to permit access to the adjoining properties under the following requirements:

i. Properties to the north - This additional undeveloped road area shall also be dedicated at no cost to these property owners so long as, to the extent permitted by law, (i) the Developer's project shall have a priority on all public facilities, (ii) the adjoining property owner cannot proceed unless the Developer is also assured by the City that it will be permitted to complete its development program, (iv) if such property is annexed into the City, no proposed uses are incompatible with the residential development (i.e., industrial, service yard, etc.) and (iii) no such property owner or its representative or their designees shall appeal, advocate for, support or participate in an appeal of the City approval of the Project.

ii. Properties to the south - The provision of and ROW to properties to the south shall be withheld due to (a) the incompatible use as parking, tow storage and truck storage lots, and (b) a legal issue outstanding between the property owners. To the extent permitted by law, No access will be provided to these property owners until the incompatible uses are permanently discontinued and Developer is reimbursed for the loss of its developable lots and associated costs.

8. **CCT Additional Requirements** - Developer shall be required to place the right of way for the proposed Corridor City Transitway as shown on Exhibit A in reserve for the future CCT construction as part of the Initial Phase as noted above. In addition, the Developer acknowledges that the CCT shall have the right to, at its cost (1) add up to 800 parking spaces to the parking deck which adjoins the CCT for CCT rider ship, and (2) add up to an 1,800 square foot area adjoining or if necessary within the parking deck paralleling the tracks as a rider waiting area,

9. **Cost Participation in Metropolitan Grove Crossing upgrade** - Developer shall be required to participate up to fifty percent (50%) of the cost of (1) upgrading of the existing crossing at Metropolitan Grove Road at the CSX tracks, or (2) relocating the crossing to the Property as shown south of the parking deck that parallels the CSX tracks as shown on Exhibit A, such participation not to exceed $250,000.00. The Developer participation shall be timed to occur at the commencement of construction of the second 500,000 building square feet of development within the Urban Core.

10. **Town Architect** - Developer agrees to engage Douglas Carter, AIA, of Davis, Carter, Scott, (or other similarly qualified urban architect expert in mixed use projects if Mr. Carter is unavailable) as the Town Architect. The Town Architect shall be responsible for reviewing all building plans for consistency with the Architectural and Building Standards for the project.

11. **LEED** - Developer agrees that it shall, working with the City, a developer retained LEED certified professional and the Town Architect, incorporate architecturally acceptable and commercially reasonable LEED elements into the core systems of the office and condominium towers within the Urban Core.

MEMORANDUM TO: Planning Commission

FROM: Gregory Mann, Planner II

DATE: October 19, 2016

SUBJECT: Staff Analysis: Application Z-7187-2015: Stevenson Property

APPLICANT/DEVELOPER

Chris Malm, Craftmark Homes
1355 Beverly Road, Suite 330
McLean, Virginia 22101

TAX MAP REFERENCE:

Tax Maps: FT22

TAX ACCOUNT NUMBERS:

Parcel P238 - ID #09-00777202
Parcel P241 - ID #09-00771546

REQUEST

Chris Malm (the Applicant), of Craftmark Homes, has submitted Sketch Plan application Z-7187-2015[1]. The submitted sketch plan requests approval for the development of 5.69 acres of land as a residential community. The subject properties are zoned MXD (Mixed Use Development) and are currently undeveloped.

GENERAL INFORMATION

LOCATION

The subject property, known as the Stevenson Property, is located adjcent to the Watkins Mill Town Center subdivision. The property comprises of two parcels consisting of P238 and P241 and is located east of Exchange Avenue, west of Metropolitan Grove Road, and south of interstate 270.

[1] Ex. 1 – Application

Location Map

PROJECT BACKGROUND[2]

The Stevenson Property (Parcel 238 and P241) consists of 5.69 acres and is located east of the Parklands at Watkins Mill Town Center (formerly Casey West) development. The Applicant is proposing the site be developed with townhomes or a combination of townhomes and stacked condominiums (two-over-twos). The proposed sketch plan (Z-7187-2015) limits the density on the property to 83 dwelling units.

A Joint Public Hearing was held on September 6, 2016. During the course of the hearing the following aspects of the proposed plan were discussed:

- What are the current access issues to the property and what is the history of Parcel W, Block E;
- How is access to the City Property, located to the north of the Stevenson Property, currently handled;
- Can the proposed Sketch Plan be reviewed and subsequently acted on without adequate access; and
- How does Sketch Plan approval benefit the Applicant without adequate access?

The Planning Commission announced, by motion, the closing of their record on October 11, 2016 with recommendation on October 19, 2016. Additionally, the Mayor and City Council announced, by motion, the closing of their record on October 20, 2016, with policy discussion tentatively scheduled on November 7, 2016. At the closing of the Planning Commission's record, two (2) additional public comments were received.

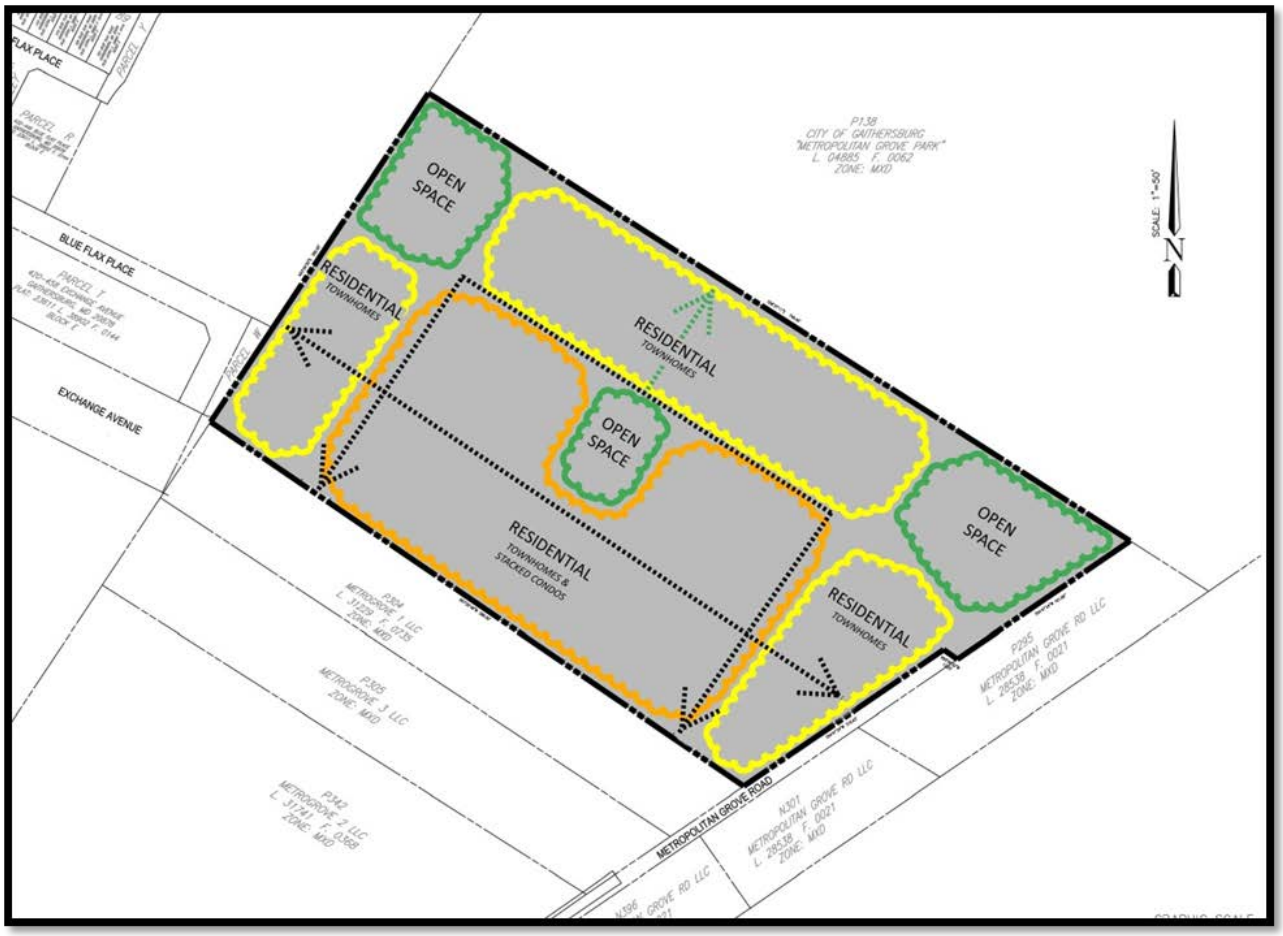
In response to the comments received during the Public Hearing, the Applicant has submitted a letter explaining their rational on why they are requesting Sketch Plan approval at this time absent of adequate public access[3].

STAFF ANALYSIS:

Sketch Plan Proposal

The Applicant is proposing the 5.69 acre site be developed with townhomes or a combination of townhomes and stacked condominiums (two-over-twos). The proposed sketch plan limits the density on the property to 83 dwelling units and allows a maximum building height of five stories. As stated in the Applicants narrative[4], the use of stacked condominiums is not preferred, but is proposed to allow flexibility in the future. The sketch plan does note that if stacked condominiums are included they will be confined to the center of the development (the area designated by the orange bubble on the proposed sketch plan) and the total number of stacked condominiums will not exceed 60% of the units in that area.

[2] Reference Z-7187-2015, Exhibit 18, Preliminary Background Report, for additional background information including Zoning & Site Plan History, Public Facilities, and application reviewed at public hearing.
[3] Ex. 23 – Applicant's Response Letter
[4] Ex. 10 – Applicant's Project Narrative



Proposed Sketch Plan – Ex. 7

Requirements for Sketch Plan Approval

Approval of a Sketch Plan is depended upon the findings required under § 24-160D.10(a) of the City Code. An approvable Sketch Plan must accomplish the purposes, objectives, minimum standards, and requirements of the MXD Zone, as well as be in accord with all applicable master plans, and be harmonious with adjacent planned and existing land uses.

In response to the comments received during the Public Hearing, the Applicant has submitted a response letter outlining why Sketch Plan approval is permitted under the City Code without adequate access[5]. As stated in the Applicant's response letter, §§ 24-160D.9 and 24-169 of the City Code outline the requirements of what must be shown on a proposed Sketch Plan. The City Code specifies that for Sketch Plan approval the Applicant is required to tentatively show the locations of proposed streets and accesses. Staff concurs with the Applicant and is of the opinion that the proposed Sketch Plan has demonstrated the minimum requirements for review pursuant to §§ 24-160D.9 and 24-169.

In addition to the Applicant's response, Staff would further add the following on why a Sketch Plan is permitted to be reviewed under the City Code without adequate access:

[5] Ex. 23 – Applicant's Response Letter

- Public or private roads are not required to be shown on a Sketch Plan pursuant to § 24-160D.7(c) of the City Code. The proposed Sketch Plan is a non-engineered, bubble plan, which shows possible internal road locations and connections to adjacent properties. It should be noted that the Applicant will be required to show all preliminary engineered roads and connections at the time of Schematic Development Plan review.

- Pursuant to § 24-160D.2(f) lots in the MXD zone are not required to have frontage on public streets as long as such condition will promote the creation of affordable housing or will further the purposes and objectives of the zone. The Applicant will be required to provide affordable housing pursuant to § 24-252 of the City Code. Additionally, the proposed sketch plan promotes connectivity with adjacent properties, encourages the efficient use of land by locating residential near employment, retail, and open space, and encourages pedestrian and other non-vehicular circulation systems, which are all stated objectives of the MXD zone.

- An approved Sketch Plan does not provide any development entitlements for the property. Essentially the sketch plan establishes the permitted uses, density, and height restrictions for any future development.

In conclusion, a Sketch Plan is only required to show the tentative locations for proposed roads and/or connections. Staff is of the opinion that the proposed Sketch Plan does demonstrate this requirement by showing the tentative locations of internal streets and connections. As such the Sketch Plan meets the requirements for review in the MXD Zone. Staff would like to reemphasis that the Applicant will not be able to proceed with Schematic Development Plan approval until adequate road access is provided to the property.

Benefit to Applicant

With the uncertainty over access, the Applicant was asked during the Public Hearing why Sketch Plan approval would benefit them at this time. As discussed in the Applicant's response letter[6], the Applicant feels it is important to obtain Sketch Plan approval at this time for the following reasons:

- Current access to the Stevenson Property is depended on the cooperation of the neighboring developer. The Applicant is of the opinion that having an approved Sketch Plan would help with future negotiations over access.

- Obtaining Sketch Plan approval at this time would allow the Applicant the ability to proceed more quickly with subsequent plans once access is obtained. This is important for both the Applicant and the Stevenson Family.

[6] Ex. 23 – Applicant's Response

- The Applicant is of the opinion that obtaining Sketch Plan approval at this time would help to ensure that future road access is provided to the Stevenson Property when the adjacent properties are developed and to have it potentially included in any future Master Plan updates.

Staff supports the Applicant's reasoning for requesting Sketch Plan approval at this time.

Access/Connectivity

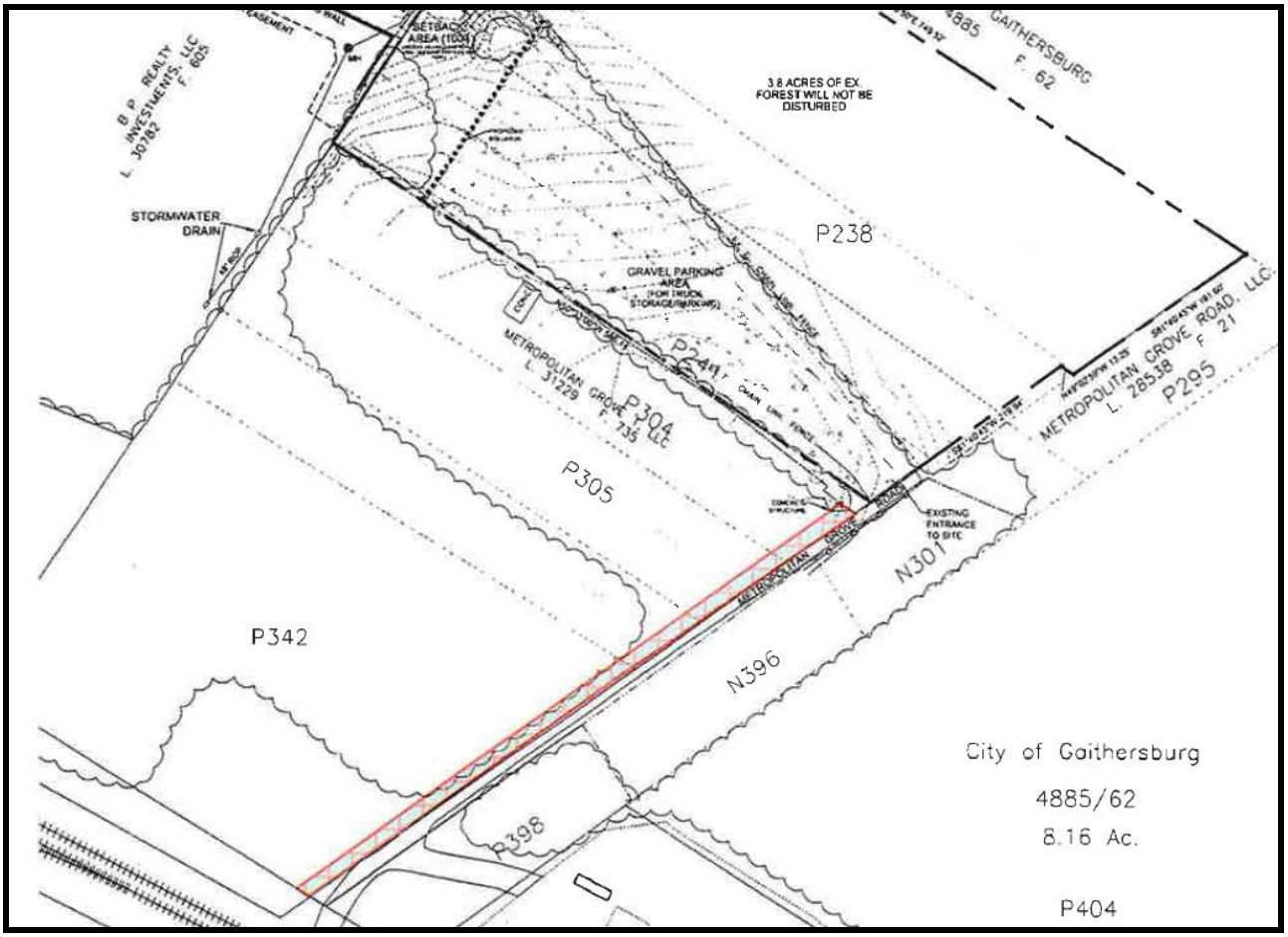
A vital component of the development is connectivity with the adjacent Watkins Mill Town Center (WMTC) development. Currently there is no connection between the two developments, with the only existing access to the property provided along Metropolitan Grove Road. With access to the Stevenson Property being undetermined at this time, the proposed sketch plan includes multiple potential access points. As stated in the Applicant's statement this allows them the flexibility to respond to where ultimately future access is provided and to how the adjacent properties develop. Staff concurs with the Applicant reasoning and supports the proposed Sketch Plan showing multiple access points.

As stated earlier, the only road that currently provides access to the Stevenson Property is Metropolitan Grove Road. Metropolitan Grove Road is located to the east of the subject property and is an unpaved, approximately 15-feet wide, prescriptive right-of-way. It is important to note that access to the subject property from Metropolitan Grove Road would require the use of an existing at-grade railroad crossing. As stated in the preliminary background report, City Staff has determined that Metropolitan Grove Road cannot be used as the sole access to the property[7]. With that being said, if Metropolitan Grove Road was improved to meet current standards, it is Staff's opinion that it could be used as a secondary access point. The use of Metropolitan Grove Road as a secondary access would be in conformance with the 2003 Master Plan recommendation for the road.

In response to the discussions on access to the subject property, the City has received written testimony from Jody Kline of Miller, Miller & Canby, on behalf of his client BP Realty[8]. The letter summarizes his client's willingness to dedicate a portion of their property along Metropolitan Grove Road to facilitate improving the road to meet current City standards. The letter further proffers the construction of an emergency access road that would connect to Metropolitan Grove Road through Watkins Mill Town Center's urban core. In conclusion, Mr. Kline's letter proposes access to the Stevenson Property to be handled solely by improved Metropolitan Grove Road and a future emergency access road. As stated in the Applicant's response letter[9], the Applicant is of the opinion that the use of Metropolitan Grove Road as the sole access to the property would effectively isolate it from the Parklands Community, which would be inconsistent with the goals of the Master Plan. Staff concurs with the Applicant's response but does acknowledge that widening Metropolitan Grove Road would help to facilitate a secondary entrance to the Stevenson Property and potentially for Watkins Mill Town Center. Staff encourages the two property

[7] Ex. 6 – Metropolitan Grove Road Access Correspondence
[8] Ex. 23 – Correspondence. Jody Kline
[9] Ex. 23 – Applicant's Response

owners to continue to work together on a solution to provide adequate access to the Stevenson Property.



Proposed dedication of property along Metropolitan Grove Road – Ex. 23

Metropolitan Grove Road is also proposed to be expanded as part of the future Corridor Cities Transit Way (CCT). The current 30 percent preliminary engineered plans propose enlarging the road to 32 feet to provide access to a future operations and maintenance facility. It should be noted that while the preliminary plans currently propose an enlargement of Metropolitan Grove Road, the funding for the CCT has recently been deferred until 2023 and the preliminary plans may change as they are further refined.

With Metropolitan Grove Road being deemed unacceptable as the sole access to the Property, the Applicant is of the opinion that the best option to provide access to the Stevenson Property is an extension of Exchange Avenue. During the Public Hearing there was lengthy discussion on the use of Exchange Avenue and why it terminates short of the Stevenson Property. In particularly, the majority of the discussion focused on Parcel "W", Block "E" and why it prohibits access to the Stevenson Property.

Parcel "W", Block "E" is located to the west of the Stevenson Property and east of Exchange Avenue. The Parcel is an unbuildable, triangle shaped lot, which measures approximately 21 feet at its widest point. Staff would note, while it is true that Parcel "W",

Block “E” does prohibit an extension of Exchange Avenue closer to the Stevenson Property, it is not the sole parcel prohibiting access. As seen in the map below, access to the property via an extension of Exchange Avenue would require the use of Parcel “W”, Block “E” and part of Parcel P304.

With regards to access to the Stevenson Property, Staff has compiled the following information:

1. The design of Exchange Avenue would assume it was envisioned to be extended to possible provide potential connections to the adjacent properties. Exchange Avenue is an eighty (80) foot public right-of-way that includes four (4) lanes of traffic and parallel parking on both sides. The road is currently stubbed-out and terminates at Parcel “W”, Block “E”. Typically the City only allows public roads to be stubbed if they are anticipated to be extended in the future. A cul-de-sac is characteristically used for terminating roads that are not expected to be extended.

2. The 2003 Master Plan was the guiding document at the time the WMTC development was approved. The Stevenson Property and the future WMTC were included in the 2003 Master Plan under Special Study Area 7, as part of the Northern Properties. The Special Study area proposed three Land Use Options for the Northern Properties:

1. **Option A**: **Office with Commercial Component**
   Designate as office-commercial with a zoning classification to MXD.

   Option "A" recommended for the Stevenson Property that the land use of the area be Park, medium density office, or school.

2. **Option B**: **Private Arts, Entertainment and Education Center**
   Designate as recreational-institutional-commercial with zoning classification of MXD.

   Option "B" recommended for the Stevenson Property that the land use of the area be park, low intensity uses, or school.

3. **Option C**: **Mixed Use Office-Residential with a Commercial Component**
   Retain as mixed use residential-office-commercial with a zoning classification of MXD.

   Option "C" recommended for the Stevenson Property that the land use of the area be medium density residential, park, or school.

In 2005, the approval and development of WMTC, SDP-05-002, utilized Option "C" of the 2003 Master Plan.

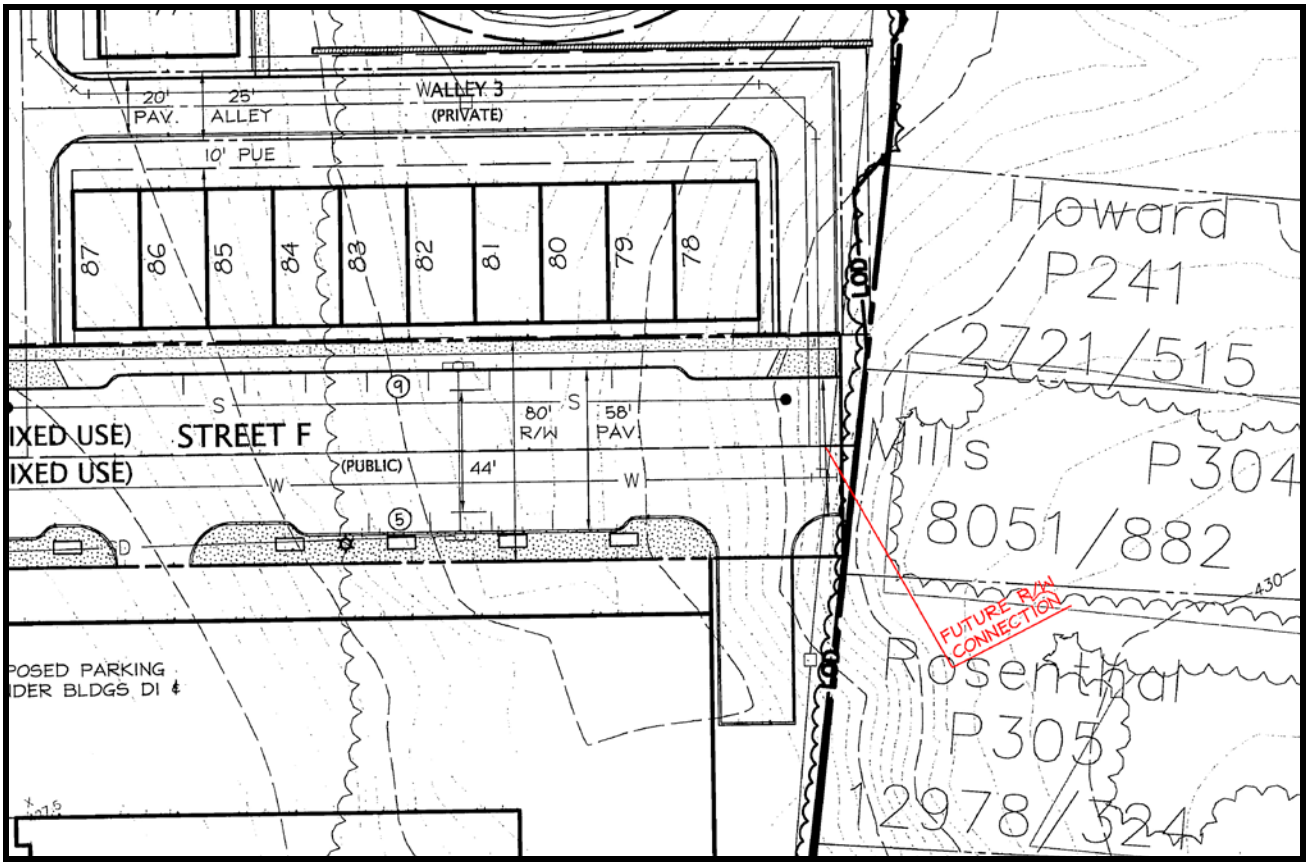
As it relates to Metropolitan Grove Road, the 2003 Master Plan states the following:

1. **Transportation Improvements**: Metropolitan Grove Road is proposed as an improved street with a grade separated crossing over the CSX rail line with an internal access road linking to West Watkins Mill Road. A feasibility study should be conducted to determine the type of crossing over the CSX rail line for Metropolitan Grove Road. Pedestrian/biker paths should be part of any determined design.

2. **Staging Objectives and Project Goals**: Extension of Metropolitan Grove Road to provide a secondary access to the site.

Staff is of the opinion that at the time of site plan approval, stubbing Exchange Avenue was permitted since it provided the ability for the road to facilitate the land uses and connectivity outlined in the 2003 Master Plan.

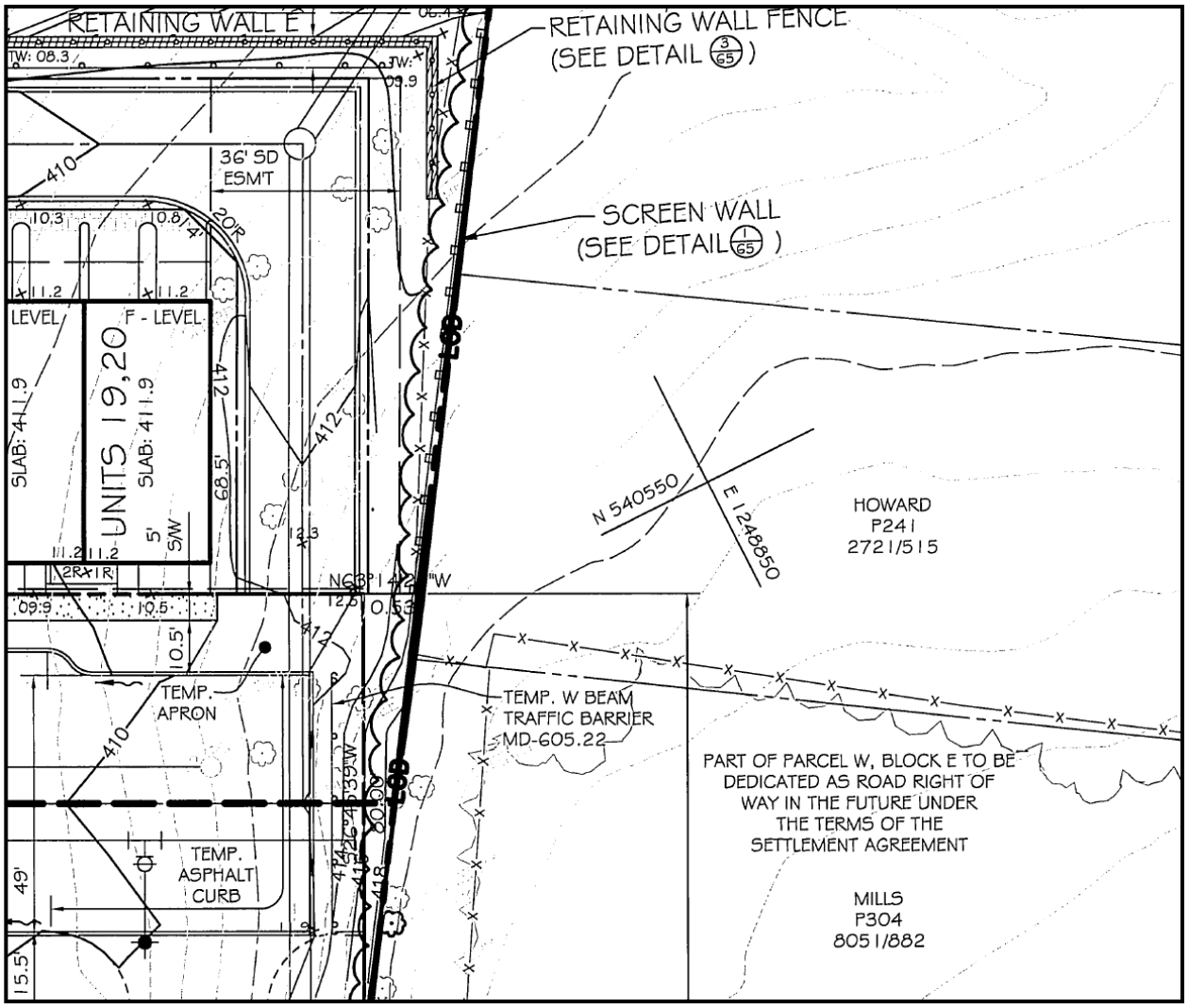
3. Information provided on the approved Schematic Development Plans (SDP) for WMTC and in the included Staff analysis (SDP-05-002) further reinforces the anticipation of extending Exchange Avenue. The SDP for WMTC shows Exchange Avenue terminating at the extents of the development. In relation to Exchange Avenue and other roads that termination at the property edges within the development, the Staff Analysis states (emphasis added) "The plan proposes a grid-type roadway network and **provides roadway easements/connections to properties adjacent to the site**." Further the approved SDP[10] includes a note located at the end of Exchange Avenue (referenced as Street F on the SDP) as a "future right-of-way connection" (highlighted by Staff below).



Approved Schematic Development Plan (SDP-05-002), Sheet 6 – Ex. 26

4. Notes provided on the WMTC Final Site Plan (SP-05-0013)[11], record plat, and references found within a settlement agreement between the City and BP Realty discusses potential future connections to the subject property. The Final Site Plan for WMTC includes a note that states "Part of Parcel "W", Block "E" to be dedicated as road right-of-way in the future under the terms of the settlement agreement". Additional notes on the Final Site Plan further emphasis that the current termination of Exchange Avenue was envisioned to be temporary. The notes include the use of a temporary W beam traffic barrier, temporary alley apron and temporary asphalt curb.

[10] Ex. 26 – Approved Schematic Development Plan (SDP-05-002), Sheet 6
[11] Ex. 27 – Approved Final Site Plan (SP-05-0013), Sheet 6



Approved Final Site Plan (SP-05-0013), Sheet 6 – Ex. 27

In 2004 the City formally denied application SDP-01-001, and as a result of the denial BP Realty (applicant of SDP-01-001) filed lawsuits against the City. As a result of the lawsuits the City and BP Realty came to a settlement agreement. The extension of Exchange Avenue and access to the Stevenson Property are discussed under the terms of the settlement agreement[12] (described as properties to the south), which states (emphasis added):

[12] Ex. 29 – Settlement Agreement, Page 5

Properties to the south – The provision of ROW to properties to the south shall be withheld due to (a) the incompatible use as parking, tow storage and truck storage lots, and (b) a legal issue outstanding between the property owners. ***To the extent permitted by law, No access will be provided to these property owners until the incompatible uses are permanently discontinued and Developer is reimbursed for the loss of its developable lots and associated costs****.*

To the best of Staff's knowledge the legal issues referenced in the settlement agreement have been resolved and potential access to the properties is no longer prohibited.

5. The future Interstate 270 express toll lane (ETL) locations and the recommendation for the property in the 2009 Master Plan emphasis connectivity with the WMTC and adjacent properties. According to the I-270/US 15 Multi-Modal Corridor Study this area has been identified as the potential location for future I-270 express toll lane direct access ramps[13]. As shown in the study, the direct access ramps are intended to connect into the WMTC development. While the locations identified on the I-270 express toll lane plans are conceptual and could change at final site plan, the plans do identify a connection to the WMTC development at approximately the location that Exchange Avenue currently terminates.

In conclusion, it is Staff's opinion that Exchange Avenue was design and anticipated to be extended to Metropolitan Grove Road and could potentially facilitate access to the adjoining properties, including the Stevenson Property. If Exchange Avenue is not extended, then Staff is of the opinion future Site Plans for the adjacent properties should be required to provide access to the Stevenson Property. This would create the connectivity that was envisioned with the approval of the WMTC development and in the applicable Master Plans. Overall Staff supports the proposed Sketch Plan since it promotes the connectivity with the neighboring properties envisioned for the area. Still, with access to the Stevenson Property currently undetermined at this time, Staff is recommending a condition of approval that requires any future site plans for the Stevenson Property to include connectivity with the adjacent WMTC development.

Density

The proposed Sketch Plan recommends the site be developed with townhomes or a combination of townhomes and stacked condominiums. The Sketch Plan limits the site to 83 dwelling units on 5.69 acres of land, which is a maximum density of 14.6± dwelling units per acre. This maximum density is based on if the property was developed with a combination of townhomes and stacked condominiums. It should be noted, the Applicant has indicated that they would prefer to develop the site with only townhomes but is requesting the use of stacked condominiums to provide flexibility.

[13] Ex. 28 – I-270/US15 Multi-Modal Corridor Study Express Toll Lanes Map, Sheet 2

The Municipal Growth Element, of the 2003 Master Plan, provided the following densities of mixed-use developments in the City.

Project Name	Zone	Net Acreage	Total Dwelling Units	DU/Acre
Fairfield at West Deer Park	CD	12.5	393	31±
CD Zone Totals:	**CD**	**12.5**	**393**	**31±**
Casey West	MXD	111.2	1,066	10±
Casey East	MXD	34.2	382	11±
Crown Farm	MXD	139.8	2,250	16±
Vistas	MXD	11.7	83	7±
Hidden Creek	MXD	63.8	567	9±
Kentlands	MXD	199.3	2,209	11±
Lakelands	MXD	258	1,624	6±
Quince Orchard Park	MXD	48.7	587	12±
MXD Zone Totals:		**866.7**	**8,768**	**10±**
Archstone	CBD	6	389	66
Summit Crossing	CBD	2	45	22±
Residences @ Olde Towne	CBD	2.14	191	89±
Park Station	CBD	5.2	385	74±
CBD Zone Totals:		**15.34**	**1,010**	**65±**
Humane Society Sketch Plan	MXD	10.5	300	28±
Summit Center Sketch Plan	MXD	6.6	300	45±
Kentlands Commercial Dristrict Master Plan	MXD	80	2,250 Estimated	28±
Sketch/Master Plan Totals:		**97.1**	**2,850**	**29±**

Source: City of Gaithersburg Planning and Code Administration records

While the chart found in the Municipal Growth Element helps to provide context of other developments in the City, it does not provide a similar size/type of development that is being proposed at the subject property. As such, to provide a more accurate comparison, Staff has compiled the following chart of more compatible developments.

Project Name	Zone	Acreage	Total Dwelling Units	DU/Acre	Notes
700 Quince Orchard	MXD	8± Ac	175	21.9± Du/Ac	Residential portion only
Crown N2	MXD	23.2± Ac	316	13.6± Du/Ac	Does not include SWM, Forest Con., and frontload SFD homes
Summit Crossing	CBD	1.9± Ac	45	23.7± Du/Ac	Townhouse and 2/2 portion only

As stated earlier, the proposed density on the Sketch Plan includes the possible use of stacked condominiums in the development. This is requested by the Applicant as a result of the uncertainty about what will be built adjacent to the subject property. Staff supports the Applicant's proposed density as it affords the Applicant the flexibility to best respond to the adjacent future developments. It is important to note, if approved, the proposed density on the Sketch Plan will regulate the maximum number of dwelling units that would be considered within the development and not necessarily what would be approved on any future SDP or final site plans. As with any site plan application the Mayor and Council as well as the Planning Commission have the ability to further refine the total number of dwelling units as it relates to public health, safety, general welfare, and fundamental planning principles.

Access to City Property

One aspect of the proposed Sketch Plan is the potential connection to the City owned property located to the North (P138). Staff was asked during the Public Hearing how the City currently accesses this property. According to the City's Public Works Operations Division Chief, Mark Scafide, this property is currently land locked and has no access[14]. As such, Staff is of the opinion the potential connection could provide a public good and could be beneficial for the City.

STAFF FINDINGS ANALYSIS AND RECOMMENDATIONS

Z-7187-2015

FINDINGS:

Approval of Z-7187-2015, by the City Council is dependent upon the findings required under § 24-160D.10(a) of the City Code. The following outlines the required findings and justification for a City Council approval of application Z-7187-2015.

(1) The application meets or accomplishes the purposes, objectives, and minimum standards and requirements of the zone:

While the proposed development will only provide residential uses, the Subject Property has always been envisioned to be associated with the Watkins Mill Town Center (WMTC) development. The Sketch Plan provides multiple potential access points to the adjacent properties to accomplish the goals and purpose of the MXD zone and to maintain the overall visions of an integrated mixed-use community, as well as:

a) Application Z-7187-2015 provides both townhomes and stacked condominiums and will also include a mix of moderately priced dwelling units (MPDUs) and workforce housing units (WFHUs) to create an inclusive development that is attractive to a diverse range of ages and incomes.

[14] Ex 25 – Correspondence. Mark Scafide, Public Works Operations Division Chief

b) Application Z-7187-2015 will contribute the greater Watkins Mill Town Center development, which is also zoned MXD and provides a mix of land uses including residential, commercial, recreational, open space, and office.
c) Application Z-7187-2015 incorporates open space areas and a possible direct access for vehicles, bikes, and/or pedestrians to a previously inaccessible City Property.
d) Application Z-7187-2015 encourages the efficient use of land by: locating residential near employment, retail, and open space; reduces the reliance upon automobile use with a dense compact design with close proximity to Watkins Mill Town Center and an existing MARC Station; encourages pedestrian circulation systems by connecting to the adjacent Watkins Mill Town Center.

(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 subject property was included in the 2009 Master Plan as part of specific map designation seven. The 2009 Master Plan recommended that any redevelopment of this area should be compatible with the adjacent Watkins Mill Town Center development. Additionally the 2009 Master Plan has the following two land use and zoning recommendations for the subject property:

Scenario A

- Retain open space land use designation for stream valley buffer along I-270
- Adopt Commercial-Office-Residential land use designation for remainder
- Zoning remains MXD

Scenario B

- Retain open space land use designation for stream valley buffer along I-270
- Adopt Commercial/Industrial-Research-Office land use designation for remainder
- Zoning remains MXD

Application Z-7187-2015 will provide residential units in close proximity to the Watkins Mill Town Center development. The use of townhomes and stacked condominiums are both consistent with housing types used in the adjacent development. The property will remain zoned MXD.

Application Z-7187-2015 furthers the policy objectives and recommendations of the 2009 Master Plan, Transportation Element, by promoting connectivity with the adjacent properties, restoring the incomplete connections associated with the Watkins Mill Town Center development, creates new connections to encourage an interconnected grid system, and promotes a multi-modal community by providing residential in close proximity to an existing MARC station, thus reducing the dependence upon single occupancy vehicles.

Overall, Sketch Plan Z-7187-2015 is compatible and harmonious with the adjacent Watkin Mill Town Center development. The multitude of future road connections allows the property to be integrated into the greater community. Application Z-7187-2015 complies with all the applicable Master Plans for the subject 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 area and adjacent areas:

Application Z-7187-2015 is intended to be integrated into the greater Watkins Mill Town Center development and will continue its sense of place and distinct identity. By restoring incomplete road connections and creating new connections the plan will connect with the existing vehicular circulation. Application Z-7187-2015 will also integrate into the existing pedestrian circulation systems encouraging non-vehicular travel. Overall, the development will provide additional housing density within close proximity to future shopping and employment, as well as transit options.

STAFF RECOMMENDATION

Even with the uncertainty over access, it is Staff's opinion that the proposed Sketch Plan, Z-7187-2015, is in conformance with § 24-160D.10(a) of the City Code. The inclusion of potential access points to both WMTC and Metropolitan Grove Road is in compliance with recommendations found in both the 2003 and 2009 Master Plans. Further, it is Staff's opinion that the proposed density is consisted with similar developments in the City. Overall, the proposed Sketch Plan allows the Applicant the flexibility to incorporate sound planning principles with subsequent plans, while continuing the overall visions and standards of the WMTC development.

Staff recommends THAT THE PLANNING COMMISSION, BASED ON THE EVIDENCE AND TESTIMONY SUBMITTED INTO THE RECORD AND THE FINDINGS IN THE FINAL STAFF ANALYSIS, RECOMMEND APPROVAL OF Z-7187-2015 TO THE MAYOR AND CITY COUNCIL WITH FOUR (4) CONDITIONS.

1. Prior to the submission of any Schematic Development Plan (SDP) applications, the Applicant must provide to the City satisfactory confirmation that rights-of-way connections and utility easements to the subject property have been or will be provided and are in place;
2. Owners of all properties included in the Schematic Development Plan, including all proposed rights-of-ways and utility easements, shall be required to provide letters of agreement for the proposed Schematic Development Plan;
3. All future Schematic Development Plans (SDP) and Final Site Plans must show vehicular and pedestrian connectivity with both the adjacent properties and the Watkins Mill Town Center development; and
4. Applicant to continue to work with Staff to ensure the preliminary stormwater management plans meet the City's requirements, prior to the submission of any Schematic Development Plan (SDP) applications.