

COMMUNICATION: PLANNING COMMISSION

MEMORANDUM TO: Mayor and City Council
FROM: Planning Commission
DATE: October 20, 2016
SUBJECT: Z-7187-2015 – Stevenson Property
5.69 acres of land
Development as a Residential Community
MXD (Mixed Use Development) Zone
SKETCH PLAN

At its regular meeting on October 19, 2016, the Planning Commission made the following motion:

Motion was made by Danny Winborne, seconded by Lloyd Kaufman, to recommend to the City Council APPROVAL of Sketch Plan Z-7187-2015 – Stevenson Property, based on the evidence and testimony submitted into the record and the findings in the final staff analysis, with the following 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;
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 provide 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.

Vote: 5-0

The Commission's consensus was to encourage approval of the plan, as it is a next step forward from the Master Plan, reinforcing its recommendation for this parcel. The Commission acknowledged that approving a sketch plan which presently lacks adequate access is not ideal; it is a tactical measure to remedy the existing conditions. Further, they concurred the proposal provides continuity/connectivity from the adjacent properties.

Mayor and City Council
Z-7187-2015
Ex 30

RESOLUTION No. _____

RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF GAITHERSBURG, GRANTING APPROVAL OF
SKETCH PLAN Z-7187-2015,
KNOWN AS THE STEVENSON PROPERTY, FOR
APPROXIMATELY 5.69 ACRES OF PROPERTY
ZONED MIXED USE DEVELOPMENT (MXD)

Z-7187-2015

OPINION

Sketch Plan application, Z-7187-2015, zoned Mixed Use Development (MXD), has come before the Mayor and City Council for approval. The City Council's authority in this matter is pursuant to § 24-160D.9(a)(2) of the City of Gaithersburg Zoning Ordinance (Chapter 24 of the City Code), which authorizes the Council and Commission to conduct public hearings on a Sketch Plan applications following appropriate notification procedures and to take action on the application within ninety (90) days of the close of the hearing record, following receipt of a recommendation by the City Planning Commission.

The subject case involves approximately 5.69 acres of land and concerns the development of the subject property ("Property") known as Parcels P238 and P241. The Property is located east of Exchange Avenue and west of Metropolitan Grove Road; adjacent to the Watkins Mill Town Center development. The Sketch Plan application was submitted to the City's Planning and Code Administration on November 11, 2015. This application was designated as Z-7187-2015.

OPERATIVE FACTS

A. Background

The Applicant, Chris Malm of Craftmark Homes, has submitted a proposal for Sketch Plan approval. The Property (Parcels P238 and P241) consist of 5.69 acres and is located east of the Watkins Mill Town Center (formerly Casey West) development. The Property was annexed into the City of Gaithersburg in 1974 by resolution R-6-74. In addition to the annexation approval, the Mayor and City Council established R-A (Low Density Residential) zoning for the Property.

On April 1, 1996, the Mayor and City Council adopted Ordinance O-5-96, approving Comprehensive Map Amendment application Z-278, which reclassified and rezoned the Property from R-A (Low Density Residential) to MXD (Mixed Use Development). As was customary in previous City sponsored comprehensive rezoning applications, a Sketch Plan was not submitted.

B. Current Application:

On November 11, 2015, the Applicant, Chris Malm of Craftmark Homes, submitted an application for Sketch Plan, Z-7187-2015. This application requested approval for the development of approximately 5.69 acres of land as a residential community.

The Mayor and City Council and Planning Commission conducted a Joint Public Hearing for Z-7187-2015 on September 6, 2016. During the course of the hearing a number of concerns and questions regarding various aspects of the plan were voiced.

The Planning Commission's record on application Z-7187-2015 closed as of 5:00 PM, October 11, 2016. The Planning Commission reviewed the application at its regular meeting on October 19, 2016. Based upon their review of the evidence, the Planning Commission found that the application, Z-7187-2015, was in conformance with the MXD Zone standards. Consequently, the Planning Commission recommended approval of application, Z-7187-2015, with the following 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;
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 provide 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.

C. Evaluation and Findings

The City Council, upon careful review of the evidence of record, agrees with the findings, conclusions, and the recommendation of approval for Sketch Plan, Z-7187-2015, by the City Planning Commission and City Staff. The City Council finds those recommendations to be well reasoned and adopts and incorporates their findings as part of this action. The City Council further agrees with the Planning Commission in that the procedures governing the application for the MXD Zone and approvals necessary to seek building permits are subject to a multi-step process, and that this is only one of several steps of the process that subsequently includes both Schematic Development and Final Site Plan reviews and approvals.

In reviewing the subject application for the approval of Sketch Plan, Z-7187-2015, the City Council finds the application and development proposal meets and accomplishes the purposes, objectives, and minimum standards and requirements of the MXD Zone that are set forth in Chapter 24 (Zoning) Article III, Division 19 of the City Code.

The City Council finds that the application meets the submission requirements and the standards and requirements for approval of the subject Sketch Plan, as set forth in § 24-160D.9.(a) in that:

- 1) The application filed, together with the prescribed application fee, an application for approval of a Sketch Plan which included plans showing boundaries of the entire tract or parcels;
- 2) Staff determined that the Sketch Plan application, Z-7187-2015, was complete and contains all the information and components required under § 24-160D.9(a) and 24-169(a) of the City Code;
- 3) The Applicant submitted a statement addressing both adequacy of public facilities and phasing guidelines; and
- 4) The Applicant submitted a statement of justification that defines compliance with the Master Plan.

Furthermore, the City Council finds, from the evidence of record, that the application for Sketch Plan approval, Z-7187-2015, as currently amended, fulfills the findings which are required under § 24-160D.10.(a):

(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.
- 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; reducing the reliance upon automobile use with a dense compact design with close proximity to Watkins Mill Town Center and an existing MARC station; encouraging 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 and a future Corridor Cities Transitway (CCT) 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.

In summary, the City Council finds Z-7187-2015 to be in accordance with §§ 24-160D.9.(a) and 160D.10.(a), and is in the public interest and should be approved due to the presence of substantial evidence in the record to indicate that the subject Sketch Plan has accomplished the purposes of the MXD Zone, as well as generally accepted City planning and land use polices with the four (4) conditions as listed below.

SKETCH PLAN Z-7187-2015

RESOLUTION

NOW, THEREFORE BE IT ORDAINED by the City Council of Gaithersburg, that Z-7187-2015, being an application filed by Chris Malm of Craftmark Homes, requesting approval of Sketch Plan is hereby approved with four (4) conditions required of the Applicant:

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;
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 provide 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.

ADOPTED by the City Council this 7th day of November, 2016.

Jud Ashman, MAYOR and
President of the Council

THIS IS TO CERTIFY that the foregoing
Resolution was adopted by the City Council
in a public meeting assembled on the 7th day
of November, 2016.

Tony Tomasello, City Manager

DRAFT